

ASSEMBLY BILL NO. 238—ASSEMBLYMEN KIRNER, HARDY;
ELLISON, FIORE, GRADY, OSCARSON, STEWART AND
WHEELER

MARCH 12, 2013

Referred to Committee on Education

SUMMARY—Revises provisions governing graduation from high school. (BDR 34-415)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to education; requiring the State Board of Education, in consultation with the Board of Regents of the University of Nevada, to select a college entrance examination to determine the achievement and proficiency of pupils enrolled in grade 11 in public high schools; requiring the board of trustees of each school district to use the results of the examination to identify any subject areas in which a pupil may be deficient; revising the requirements to receive a standard high school diploma; eliminating the high school proficiency examination; repealing provisions relating to the high school proficiency examination; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires the State Board of Education to prescribe the high school
2 proficiency examination, which must include the subjects of reading, mathematics
3 and science. Existing law also requires the State Board, in consultation with the
4 Council to Establish Academic Standards for Public Schools, to prescribe a writing
5 examination for the high school proficiency examination. Existing law further
6 requires the board of trustees of each school district and the governing body of a
7 charter school that enrolls pupils at the high school grade levels to administer the
8 high school proficiency examination in all public high schools. (NRS 389.015,
9 389.550) **Section 44** of this bill eliminates the high school proficiency examination,
10 and **section 20** of this bill instead requires the State Board, in consultation with the
11 Board of Regents of the University of Nevada, to select a college entrance
12 examination to determine the achievement and proficiency of pupils enrolled in



* A B 2 3 8 *

grade 11 in public high schools. **Section 20** also requires the board of trustees of each school district to use the results of the examination to identify any subject areas in which a pupil may be deficient and requires the board of trustees to ensure the curriculum of the pupil in the next school year provides instruction to improve the pupil's achievement and proficiency in those subject areas. **Section 20** further requires the board of trustees of each school district and the governing body of each charter school that enrolls pupils in high school grade levels to administer the examination at the same time, as prescribed by the State Board.

Existing law prescribes a standard high school diploma and an adjusted diploma and provides that to receive a standard high school diploma, a pupil must satisfy the requirements for graduation from high school and either pass the high school proficiency examination in its entirety or satisfy certain alternative criteria if the student fails to pass certain subject areas of the examination. (NRS 389.805) **Section 34** of this bill eliminates these existing provisions and instead requires the State Board, in consultation with the Board of Regents, to prescribe the criteria for receipt of a standard high school diploma, which must include the requirement that a pupil successfully pass an examination upon completion of a course of study. **Section 34** also requires the State Board to prescribe the courses of study in which a pupil must successfully pass such an examination.

The remaining sections of this bill make conforming changes relating to the elimination of the high school proficiency examination.

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

Section 1. NRS 385.3469 is hereby amended to read as follows:

385.3469 1. The State Board shall prepare an annual report of accountability that includes, without limitation:

(a) Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS ~~389.015~~ ~~and~~ 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Except as otherwise provided in subsection 2, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the State Board.

(c) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.



(d) The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(e) Except as otherwise provided in subsection 2, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in paragraph (b).

(f) The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS ~~389.015 and~~ 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(g) Information on whether each school district has made adequate yearly progress, including, without limitation, the name of each school district, if any, designated as demonstrating need for improvement pursuant to NRS 385.377 and the number of consecutive years that the school district has carried that designation.

(h) Information on whether each public school, including, without limitation, each charter school, has made:

(1) Adequate yearly progress, including, without limitation, the name of each public school, if any, designated as demonstrating need for improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(2) Progress based upon the model adopted by the Department pursuant to NRS 385.3595, if applicable for the grade level of pupils enrolled at the school.

(i) Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 389.012.

(j) The ratio of pupils to teachers in kindergarten and at each grade level for all elementary schools, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school, reported for each school district and for this State as a whole.

(k) The total number of persons employed by each school district in this State, including without limitation, each charter school in the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by each school district in each category, the report must include the number of employees in each of the three categories



expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph:

(1) "Administrator" means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both, and who is not classified by the board of trustees of a school district as a professional-technical employee.

(2) "Other staff" means all persons who are not reported as administrators or teachers, including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of a school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) "Teacher" means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of a school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

(I) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, information on the professional qualifications of teachers employed by the school districts and charter schools, including, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers;



(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(m) The total expenditure per pupil for each school district in this State, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(n) The total statewide expenditure per pupil. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.



(o) For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(p) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(q) The attendance of teachers who provide instruction, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(r) Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(s) Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(t) The suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(u) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(v) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(w) The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. For the purposes of this paragraph, a pupil is not a transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.



* A B 2 3 8 *

(x) Each source of funding for this State to be used for the system of public education.

(y) A compilation of the programs of remedial study purchased in whole or in part with money received from this State that are used in each school district, including, without limitation, each charter school in the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study.

(2) An identification of each program of remedial study, listed by subject area.

(z) *The number and percentage of pupils who are identified as deficient in a particular subject area based upon the results of the examination administered pursuant to section 20 of this act, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.*

(aa) The percentage of pupils who graduated from a high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

~~((aa))~~ (bb) The technological facilities and equipment available for educational purposes, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

~~((bb))~~ (cc) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who received:

(1) A standard high school diploma . ~~reported separately for pupils who received the diploma pursuant to:~~

~~(I) Paragraph (a) of subsection 1 of NRS 389.805; and~~

~~(H) Paragraph (b) of subsection 1 of NRS 389.805.~~

(2) An adult diploma.

(3) An adjusted diploma.

(4) A certificate of attendance.

~~((cc)) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who failed to pass the high school proficiency examination.~~

(dd) The number of habitual truants who are reported to a school police officer or local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of



1 NRS 392.144, reported for each school district, including, without
2 limitation, each charter school in the district, and for this State as a
3 whole.

4 (ee) Information on the paraprofessionals employed at public
5 schools in this State, including, without limitation, the charter
6 schools in this State. The information must include:

7 (1) The number of paraprofessionals employed, reported for
8 each school district, including, without limitation, each charter
9 school in the district, and for this State as a whole; and

10 (2) For each school district, including, without limitation,
11 each charter school in the district, and for this State as a whole, the
12 number and percentage of all paraprofessionals who do not satisfy
13 the qualifications set forth in 20 U.S.C. § 6319(c). The reporting
14 requirements of this subparagraph apply to paraprofessionals who
15 are employed in programs supported with Title I money and to
16 paraprofessionals who are not employed in programs supported with
17 Title I money.

18 (ff) An identification of appropriations made by the Legislature
19 to improve the academic achievement of pupils and programs
20 approved by the Legislature to improve the academic achievement
21 of pupils.

22 (gg) A compilation of the special programs available for pupils
23 at individual schools, listed by school and by school district,
24 including, without limitation, each charter school in the district.

25 (hh) For each school district, including, without limitation, each
26 charter school in the district and for this State as a whole,
27 information on pupils enrolled in career and technical education,
28 including, without limitation:

29 (1) The number of pupils enrolled in a course of career and
30 technical education;

31 (2) The number of pupils who completed a course of career
32 and technical education;

33 (3) The average daily attendance of pupils who are enrolled
34 in a program of career and technical education;

35 (4) The annual rate of pupils who dropped out of school and
36 were enrolled in a program of career and technical education before
37 dropping out;

38 (5) The number and percentage of pupils who completed a
39 program of career and technical education and who received a
40 standard high school diploma, an adjusted diploma or a certificate of
41 attendance; and

42 (6) The number and percentage of pupils who completed a
43 program of career and technical education and who did not receive a
44 high school diploma because the pupils failed to ~~pass the high~~



~~school proficiency examination.~~ *satisfy the criteria prescribed pursuant to NRS 389.805.*

(ii) The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation, reported for each school district, including, without limitation, each charter school in the district, and for the State as a whole.

2. A separate reporting for a group of pupils must not be made pursuant to this section if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe a mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The annual report of accountability 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 can understand.

4. On or before October 15 of each year, the State Board shall:

(a) Provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department; and

(b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:

(1) Governor;

(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.

5. Upon the request of the Governor, an entity described in paragraph (b) of subsection 4 or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

6. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Harassment" has the meaning ascribed to it in NRS 388.125.

(d) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).



(e) "Intimidation" has the meaning ascribed to it in NRS 388.129.

(f) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 2. NRS 385.34691 is hereby amended to read as follows:

385.34691 1. The State Board shall prepare a plan to improve the achievement of pupils enrolled in the public schools in this State. The plan:

(a) Must be prepared in consultation with:

(1) Employees of the Department;

(2) At least one employee of a school district in a county whose population is 100,000 or more, appointed by the Nevada Association of School Boards;

(3) At least one employee of a school district in a county whose population is less than 100,000, appointed by the Nevada Association of School Boards; and

(4) At least one representative of the Statewide Council for the Coordination of the Regional Training Programs created by NRS 391.516, appointed by the Council; and

(b) May be prepared in consultation with:

(1) Representatives of institutions of higher education;

(2) Representatives of regional educational laboratories;

(3) Representatives of outside consultant groups;

(4) Representatives of the regional training programs for the professional development of teachers and administrators created by NRS 391.512;

(5) The Bureau; and

(6) Other persons who the State Board determines are appropriate.

2. A plan to improve the achievement of pupils enrolled in public schools in this State must include:

(a) A review and analysis of the data upon which the report required pursuant to NRS 385.3469 is based and a review and analysis of any data that is more recent than the data upon which the report is based.

(b) The identification of any problems or factors common among the school districts or charter schools in this State, as revealed by the review and analysis.

(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as set forth in NRS 389.018.

(d) Strategies to improve the academic achievement of pupils enrolled in public schools in this State, including, without limitation, strategies to:



(1) Instruct pupils who are not achieving to their fullest potential, including, without limitation:

(I) The curriculum appropriate to improve achievement;

(II) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS ~~389.015 and~~ 389.550; and

(III) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361;

(2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;

(3) Integrate technology into the instructional and administrative programs of the school districts;

(4) Manage effectively the discipline of pupils; and

(5) Enhance the professional development offered for the teachers and administrators employed at public schools in this State to include the activities set forth in 20 U.S.C. § 7801(34) and to address the specific needs of the pupils enrolled in public schools in this State, as deemed appropriate by the State Board.

(e) Strategies designed to provide to the pupils enrolled in middle school, junior high school and high school, the teachers and counselors who provide instruction to those pupils, and the parents and guardians of those pupils information concerning:

(1) The requirements for admission to an institution of higher education and the opportunities for financial aid;

(2) The availability of Governor Guinn Millennium Scholarships pursuant to NRS 396.911 to 396.945, inclusive; and

(3) The need for a pupil to make informed decisions about his or her curriculum in middle school, junior high school and high school in preparation for success after graduation.

(f) An identification, by category, of the employees of the Department who are responsible for ensuring that each provision of the plan is carried out effectively.

(g) A timeline for carrying out the plan, including, without limitation:

(1) The rate of improvement and progress which must be attained annually in meeting the goals and benchmarks established by the State Board pursuant to subsection 3; and

(2) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

(h) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate



1 of attendance of pupils and reducing the number of pupils who drop
2 out of school.

3 (i) Strategies to improve the allocation of resources from this
4 State, by program and by school district, in a manner that will
5 improve the academic achievement of pupils. If this State has a
6 financial analysis program that is designed to track educational
7 expenditures and revenues to individual schools, the State Board
8 shall use that statewide program in complying with this paragraph.
9 If a statewide program is not available, the State Board shall use the
10 Department's own financial analysis program in complying with
11 this paragraph.

12 (j) Based upon the reallocation of resources set forth in
13 paragraph (i), the resources available to the State Board and the
14 Department to carry out the plan, including, without limitation, a
15 budget for the overall cost of carrying out the plan.

16 (k) A summary of the effectiveness of appropriations made by
17 the Legislature to improve the academic achievement of pupils and
18 programs approved by the Legislature to improve the academic
19 achievement of pupils.

20 (l) A 5-year strategic plan which identifies the recurring issues
21 in improving the achievement and proficiency of pupils in this State
22 and which establishes strategic goals to address those issues. The
23 5-year strategic plan must be:

24 (1) Based upon the data from previous years which is
25 collected by the Department for the plan developed pursuant to this
26 section; and

27 (2) Designed to track the progress made in achieving the
28 strategic goals established by the Department.

29 (m) Any additional plans addressing the achievement and
30 proficiency of pupils adopted by the Department.

31 3. The State Board shall:

32 (a) In developing the plan to improve the achievement of pupils
33 enrolled in public schools, establish clearly defined goals and
34 benchmarks for improving the achievement of pupils, including,
35 without limitation, goals for:

36 (1) Improving proficiency results in core academic subjects;

37 (2) Increasing the number of pupils enrolled in public middle
38 schools and junior high schools, including, without limitation,
39 charter schools, who enter public high schools with the skills
40 necessary to succeed in high school;

41 (3) Improving the percentage of pupils who enroll in grade 9
42 and who graduate from a public high school, including, without
43 limitation, a charter school, with a standard or higher diploma upon
44 completion;



(4) Improving the performance of pupils on standardized college entrance examinations;

(5) Increasing the percentage of pupils enrolled in high schools who enter postsecondary educational institutions or who are career and workforce ready; and

(6) Reengaging disengaged youth who have dropped out of high school or who are at risk of dropping out of high school, including, without limitation, a mechanism for tracking and maintaining communication with those youth who have dropped out of school or who are at risk of doing so;

(b) Review the plan annually to evaluate the effectiveness of the plan;

(c) Examine the timeline for implementing the plan and each provision of the plan to determine whether the annual goals and benchmarks have been attained; and

(d) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that:

(1) The goals and benchmarks set forth in the plan are being attained in a timely manner; and

(2) The plan is designed to improve the academic achievement of pupils enrolled in public schools in this State.

4. On or before January 31 of each year, the State Board shall submit the plan or the revised plan, as applicable, to the:

(a) Governor;

(b) Committee;

(c) Bureau;

(d) Board of Regents of the University of Nevada;

(e) Council to Establish Academic Standards for Public Schools created by NRS 389.510;

(f) Board of trustees of each school district; and

(g) Governing body of each charter school.

Sec. 3. 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 information for each school district, each charter school and the State as a whole:

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

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

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

(3) With disabilities;

(4) Who are limited English proficient; and



- 1 (5) Who are migratory children, as defined by the State
2 Board;
- 3 (b) The average daily attendance of pupils, reported separately
4 for the groups identified in paragraph (a);
- 5 (c) The transiency rate of pupils;
- 6 (d) The percentage of pupils who are habitual truants;
- 7 (e) The percentage of pupils who are deemed habitual
8 disciplinary problems pursuant to NRS 392.4655;
- 9 (f) The number of incidents resulting in suspension or expulsion
10 for:
- 11 (1) Violence to other pupils or to school personnel;
- 12 (2) Possession of a weapon;
- 13 (3) Distribution of a controlled substance;
- 14 (4) Possession or use of a controlled substance;
- 15 (5) Possession or use of alcohol; and
- 16 (6) Bullying, cyber-bullying, harassment or intimidation;
- 17 (g) For kindergarten through grade 8, the number and
18 percentage of pupils who are retained in the same grade;
- 19 (h) For grades 9 to 12, inclusive, the number and percentage of
20 pupils who are deficient in the number of credits required for
21 promotion to the next grade or graduation from high school;
- 22 (i) The pupil-teacher ratio for kindergarten and grades 1 to 8,
23 inclusive;
- 24 (j) The average class size for the subject area of mathematics,
25 English, science and social studies in schools where pupils rotate to
26 different teachers for different subjects;
- 27 (k) The number and percentage of pupils who graduated from
28 high school;
- 29 (l) The number and percentage of pupils who received a:
- 30 (1) Standard diploma;
- 31 (2) Adult diploma;
- 32 (3) Adjusted diploma; and
- 33 (4) Certificate of attendance;
- 34 (m) *The number and percentage of pupils who are identified*
35 *as deficient in a particular subject area based upon the results of*
36 *the examination administered pursuant to section 20 of this act;*
- 37 (n) The number and percentage of pupils who graduated from
38 high school and enrolled in remedial courses at the Nevada System
39 of Higher Education;
- 40 ~~(+)~~ (o) Per pupil expenditures;
- 41 ~~(+)~~ (p) Information on the professional qualifications of
42 teachers;
- 43 ~~(+)~~ (q) The average daily attendance of teachers and licensure
44 information;



~~1~~ ~~(e)~~ (r) Information on the adequate yearly progress of the
2 schools and school districts;

~~3~~ ~~(e)~~ (s) Pupil achievement based upon the ~~f~~
4 ~~(1) Examinations~~ **examinations** administered pursuant to
5 NRS 389.550, including, without limitation, whether public schools
6 have made progress based upon the model adopted by the
7 Department pursuant to NRS 385.3595; and

~~8~~ ~~(2) High school proficiency examination administered~~
9 ~~pursuant to NRS 389.015; and~~

~~10~~ ~~(s)~~ (t) Other information required by the Superintendent of
11 Public Instruction in consultation with the Bureau.

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

13 (a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations
14 adopted pursuant thereto;

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

16 (c) Be presented in an understandable and uniform format and,
17 to the extent practicable, provided in a language that parents will
18 likely understand.

19 3. On or before October 20 of each year, the State Board shall:

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

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

24 (1) Governor;

25 (2) Committee;

26 (3) Bureau;

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

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

29 (6) Governing body of each charter school.

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

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

43 6. As used in this section:

44 (a) "Bullying" has the meaning ascribed to it in NRS 388.122.



* A B 2 3 8 *

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Harassment" has the meaning ascribed to it in NRS 388.125.

(d) "Intimidation" has the meaning ascribed to it in NRS 388.129.

Sec. 4. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools sponsored by the school district. The board of trustees of each school district shall report the information required by subsection 2 for each charter school sponsored by the school district. The information for charter schools must be reported separately.

2. The board of trustees of each school district shall, on or before September 30 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS ~~389.015 and~~ 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school sponsored by the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations.

(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school.

(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

(II) Pupils from major racial and ethnic groups, as defined by the State Board;



- 1 (III) Pupils with disabilities;
- 2 (IV) Pupils who are limited English proficient; and
- 3 (V) Pupils who are migratory children, as defined by the
- 4 State Board.

5 (4) A comparison of the achievement of pupils in each group
6 identified in paragraph (b) of subsection 1 of NRS 385.361 with the
7 annual measurable objectives of the State Board.

8 (5) The percentage of pupils who were not tested.

9 (6) Except as otherwise provided in this paragraph, the
10 percentage of pupils who were not tested, reported separately by
11 gender and reported separately for the groups identified in
12 subparagraph (3).

13 (7) The most recent 3-year trend in pupil achievement in
14 each subject area tested and each grade level tested pursuant to NRS
15 ~~389.015 and~~ 389.550, which may include information regarding
16 the trend in the achievement of pupils for more than 3 years, if such
17 information is available.

18 (8) Information that compares the results of pupils in the
19 school district, including, without limitation, pupils enrolled in
20 charter schools sponsored by the district, with the results of pupils
21 throughout this State. The information required by this subparagraph
22 must be provided in consultation with the Department to ensure the
23 accuracy of the comparison.

24 (9) For each school in the district, including, without
25 limitation, each charter school sponsored by the district, information
26 that compares the results of pupils in the school with the results of
27 pupils throughout the school district and throughout this State. The
28 information required by this subparagraph must be provided in
29 consultation with the Department to ensure the accuracy of the
30 comparison.

31 (10) Information on whether each school in the district,
32 including, without limitation, each charter school sponsored by the
33 district, has made progress based upon the model adopted by the
34 Department pursuant to NRS 385.3595.

35 ➤ A separate reporting for a group of pupils must not be made
36 pursuant to this paragraph if the number of pupils in that group is
37 insufficient to yield statistically reliable information or the results
38 would reveal personally identifiable information about an individual
39 pupil. The State Board shall prescribe the mechanism for
40 determining the minimum number of pupils that must be in a group
41 for that group to yield statistically reliable information.

42 (c) The ratio of pupils to teachers in kindergarten and at each
43 grade level for each elementary school in the district and the district
44 as a whole, including, without limitation, each charter school
45 sponsored by the district, and the average class size for each core



1 academic subject, as set forth in NRS 389.018, for each secondary
2 school in the district and the district as a whole, including, without
3 limitation, each charter school sponsored by the district.

4 (d) The total number of persons employed for each elementary
5 school, middle school or junior high school, and high school in the
6 district, including, without limitation, each charter school sponsored
7 by the district. Each such person must be reported as either an
8 administrator, a teacher or other staff and must not be reported in
9 more than one category. In addition to the total number of persons
10 employed by each school in each category, the report must include
11 the number of employees in each of the three categories for each
12 school expressed as a percentage of the total number of persons
13 employed by the school. As used in this paragraph:

14 (1) "Administrator" means a person who spends at least 50
15 percent of his or her work year supervising other staff or licensed
16 personnel, or both, and who is not classified by the board of trustees
17 of the school district as a professional-technical employee.

18 (2) "Other staff" means all persons who are not reported as
19 administrators or teachers, including, without limitation:

20 (I) School counselors, school nurses and other employees
21 who spend at least 50 percent of their work year providing
22 emotional support, noninstructional guidance or medical support to
23 pupils;

24 (II) Noninstructional support staff, including, without
25 limitation, janitors, school police officers and maintenance staff; and

26 (III) Persons classified by the board of trustees of the
27 school district as professional-technical employees, including,
28 without limitation, technical employees and employees on the
29 professional-technical pay scale.

30 (3) "Teacher" means a person licensed pursuant to chapter
31 391 of NRS who is classified by the board of trustees of the school
32 district:

33 (I) As a teacher and who spends at least 50 percent of his
34 or her work year providing instruction or discipline to pupils; or

35 (II) As instructional support staff, who does not hold a
36 supervisory position and who spends not more than 50 percent of
37 his or her work year providing instruction to pupils. Such
38 instructional support staff includes, without limitation, librarians
39 and persons who provide instructional support.

40 (e) The total number of persons employed by the school district,
41 including without limitation, each charter school sponsored by the
42 district. Each such person must be reported as either an
43 administrator, a teacher or other staff and must not be reported in
44 more than one category. In addition to the total number of persons
45 employed by the school district in each category, the report must



1 include the number of employees in each of the three categories
2 expressed as a percentage of the total number of persons employed
3 by the school district. As used in this paragraph, "administrator,"
4 "other staff" and "teacher" have the meanings ascribed to them in
5 paragraph (d).

6 (f) Information on the professional qualifications of teachers
7 employed by each school in the district and the district as a whole,
8 including, without limitation, each charter school sponsored by the
9 district. The information must include, without limitation:

10 (1) The percentage of teachers who are:

11 (I) Providing instruction pursuant to NRS 391.125;

12 (II) Providing instruction pursuant to a waiver of the
13 requirements for licensure for the grade level or subject area in
14 which the teachers are employed; or

15 (III) Otherwise providing instruction without an
16 endorsement for the subject area in which the teachers are
17 employed;

18 (2) The percentage of classes in the core academic subjects,
19 as set forth in NRS 389.018, that are not taught by highly qualified
20 teachers;

21 (3) The percentage of classes in the core academic subjects,
22 as set forth in NRS 389.018, that are not taught by highly qualified
23 teachers, in the aggregate and disaggregated by high-poverty
24 compared to low-poverty schools, which for the purposes of this
25 subparagraph means schools in the top quartile of poverty and the
26 bottom quartile of poverty in this State;

27 (4) For each middle school, junior high school and high
28 school:

29 (I) The number of persons employed as substitute
30 teachers for 20 consecutive days or more in the same classroom or
31 assignment, designated as long-term substitute teachers, including
32 the total number of days long-term substitute teachers were
33 employed at each school, identified by grade level and subject area;
34 and

35 (II) The number of persons employed as substitute
36 teachers for less than 20 consecutive days, designated as short-term
37 substitute teachers, including the total number of days short-term
38 substitute teachers were employed at each school, identified by
39 grade level and subject area; and

40 (5) For each elementary school:

41 (I) The number of persons employed as substitute
42 teachers for 20 consecutive days or more in the same classroom or
43 assignment, designated as long-term substitute teachers, including
44 the total number of days long-term substitute teachers were
45 employed at each school, identified by grade level; and



(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(g) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(h) The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school sponsored by the district.

(i) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school sponsored by the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(j) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.



* A B 2 3 8 *

(k) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(l) Efforts made by the school district and by each school in the district, including, without limitation, each charter school sponsored by the district, to increase:

(1) Communication with the parents of pupils enrolled in the district;

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees; and

(3) The involvement of parents and the engagement of families of pupils enrolled in the district in the education of their children.

(m) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school sponsored by the district.

(n) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school sponsored by the district.

(o) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(p) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(q) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(r) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. For the purposes of this paragraph, a pupil is not transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(s) Each source of funding for the school district.

(t) A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:



* A B 2 3 8 *

(1) The amount and sources of money received for programs of remedial study for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) An identification of each program of remedial study, listed by subject area.

(u) *For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, the number and percentage of pupils who are identified as deficient in a particular subject area based upon the results of the examination administered pursuant to section 20 of this act.*

(v) For each high school in the district, including, without limitation, each charter school sponsored by the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.

~~{(v)}~~ (w) The technological facilities and equipment available at each school, including, without limitation, each charter school sponsored by the district, and the district's plan to incorporate educational technology at each school.

~~{(w)}~~ (x) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, the number and percentage of pupils who received:

(1) A standard high school diploma . ~~{, reported separately for pupils who received the diploma pursuant to:~~

~~—— (I) Paragraph (a) of subsection 1 of NRS 389.805; and~~

~~—— (II) Paragraph (b) of subsection 1 of NRS 389.805.}~~

(2) An adult diploma.

(3) An adjusted diploma.

(4) A certificate of attendance.

~~{(x) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, the number and percentage of pupils who failed to pass the high school proficiency examination.}~~

(y) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

(z) The amount and sources of money received for the training and professional development of teachers and other educational



1 personnel for each school in the district and for the district as a
2 whole, including, without limitation, each charter school sponsored
3 by the district.

4 (aa) Whether the school district has made adequate yearly
5 progress. If the school district has been designated as demonstrating
6 need for improvement pursuant to NRS 385.377, the report must
7 include a statement indicating the number of consecutive years the
8 school district has carried that designation.

9 (bb) Information on whether each public school in the district,
10 including, without limitation, each charter school sponsored by the
11 district, has made adequate yearly progress, including, without
12 limitation:

13 (1) The number and percentage of schools in the district, if
14 any, that have been designated as needing improvement pursuant to
15 NRS 385.3623; and

16 (2) The name of each school, if any, in the district that has
17 been designated as needing improvement pursuant to NRS 385.3623
18 and the number of consecutive years that the school has carried that
19 designation.

20 (cc) Information on the paraprofessionals employed by each
21 public school in the district, including, without limitation, each
22 charter school sponsored by the district. The information must
23 include:

24 (1) The number of paraprofessionals employed at the school;
25 and

26 (2) The number and percentage of all paraprofessionals who
27 do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The
28 reporting requirements of this subparagraph apply to
29 paraprofessionals who are employed in positions supported with
30 Title I money and to paraprofessionals who are not employed in
31 positions supported with Title I money.

32 (dd) For each high school in the district, including, without
33 limitation, each charter school sponsored by the district that operates
34 as a high school, information that provides a comparison of the rate
35 of graduation of pupils enrolled in the high school with the rate of
36 graduation of pupils throughout the district and throughout this
37 State. The information required by this paragraph must be provided
38 in consultation with the Department to ensure the accuracy of the
39 comparison.

40 (ee) An identification of the appropriations made by the
41 Legislature that are available to the school district or the schools
42 within the district and programs approved by the Legislature to
43 improve the academic achievement of pupils.

44 (ff) For each school in the district and the district as a whole,
45 including, without limitation, each charter school sponsored by the



1 district, information on pupils enrolled in career and technical
2 education, including, without limitation:

3 (1) The number of pupils enrolled in a course of career and
4 technical education;

5 (2) The number of pupils who completed a course of career
6 and technical education;

7 (3) The average daily attendance of pupils who are enrolled
8 in a program of career and technical education;

9 (4) The annual rate of pupils who dropped out of school and
10 were enrolled in a program of career and technical education before
11 dropping out;

12 (5) The number and percentage of pupils who completed a
13 program of career and technical education and who received a
14 standard high school diploma, an adjusted diploma or a certificate of
15 attendance; and

16 (6) The number and percentage of pupils who completed a
17 program of career and technical education and who did not receive a
18 high school diploma because the pupils failed to ~~pass the high~~
19 ~~school proficiency examination.~~ *satisfy the criteria prescribed*
20 *pursuant to NRS 389.805.*

21 (gg) The number of incidents resulting in suspension or
22 expulsion for bullying, cyber-bullying, harassment or intimidation,
23 for each school in the district and the district as a whole, including,
24 without limitation, each charter school sponsored by the district.

25 (hh) Such other information as is directed by the Superintendent
26 of Public Instruction.

27 3. The State Public Charter School Authority and each college
28 or university within the Nevada System of Higher Education that
29 sponsors a charter school shall, on or before September 30 of each
30 year, prepare an annual report of accountability of the charter
31 schools sponsored by the State Public Charter School Authority or
32 institution, as applicable, concerning the accountability information
33 prescribed by the Department pursuant to this section. The
34 Department, in consultation with the State Public Charter School
35 Authority and each college or university within the Nevada System
36 of Higher Education that sponsors a charter school, shall prescribe
37 by regulation the information that must be prepared by the State
38 Public Charter School Authority and institution, as applicable,
39 which must include, without limitation, the information contained in
40 paragraphs (a) to (hh), inclusive, of subsection 2, as applicable to
41 charter schools. The Department shall provide for public
42 dissemination of the annual report of accountability prepared
43 pursuant to this section in the manner set forth in 20 U.S.C. §
44 6311(h)(2)(E) by posting a copy of the report on the Internet website
45 maintained by the Department.



4. The records of attendance maintained by a school for purposes of paragraph (k) of subsection 2 or maintained by a charter school for purposes of the reporting required pursuant to subsection 3 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which the teacher is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

5. The annual report of accountability prepared pursuant to subsection 2 or 3, as applicable, must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

6. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsections 2 and 3 and provide the forms to the respective school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school.

(b) Provide statistical information and technical assistance to the school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school to ensure that the reports provide comparable information with respect to each school in each district, each charter school and among the districts and charter schools throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Department of Administration;

(6) Legislative Counsel Bureau; and

(7) Charter School Association of Nevada,

→ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent



1 Teacher Association concerning the program and consider any
2 advice or recommendations submitted by the representatives with
3 respect to the program.

4 8. On or before September 30 of each year:

5 (a) The board of trustees of each school district shall submit to
6 each advisory board to review school attendance created in the
7 county pursuant to NRS 392.126 the information required in
8 paragraph (i) of subsection 2.

9 (b) The State Public Charter School Authority and each college
10 or university within the Nevada System of Higher Education that
11 sponsors a charter school shall submit to each advisory board to
12 review school attendance created in a county pursuant to NRS
13 392.126 the information regarding the records of the attendance and
14 truancy of pupils enrolled in the charter school located in that
15 county, if any, in accordance with the regulations prescribed by the
16 Department pursuant to subsection 3.

17 9. On or before September 30 of each year:

18 (a) The board of trustees of each school district, the State Public
19 Charter School Authority and each college or university within the
20 Nevada System of Higher Education that sponsors a charter school
21 shall provide written notice that the report required pursuant to
22 subsection 2 or 3, as applicable, is available on the Internet website
23 maintained by the school district, State Public Charter School
24 Authority or institution, if any, or otherwise provide written notice
25 of the availability of the report. The written notice must be provided
26 to the:

- 27 (1) Governor;
28 (2) State Board;
29 (3) Department;
30 (4) Committee; and
31 (5) Bureau.

32 (b) The board of trustees of each school district, the State Public
33 Charter School Authority and each college or university within the
34 Nevada System of Higher Education that sponsors a charter school
35 shall provide for public dissemination of the annual report of
36 accountability prepared pursuant to subsection 2 or 3, as applicable,
37 in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a
38 copy of the report on the Internet website maintained by the school
39 district, the State Public Charter School Authority or the institution,
40 if any. If a school district does not maintain a website, the district
41 shall otherwise provide for public dissemination of the annual report
42 by providing a copy of the report to the schools in the school
43 district, including, without limitation, each charter school sponsored
44 by the district, the residents of the district, and the parents and
45 guardians of pupils enrolled in schools in the district, including,



1 without limitation, each charter school sponsored by the district. If
2 the State Public Charter School Authority or the institution does not
3 maintain a website, the State Public Charter School Authority or the
4 institution, as applicable, shall otherwise provide for public
5 dissemination of the annual report by providing a copy of the report
6 to each charter school it sponsors and the parents and guardians of
7 pupils enrolled in each charter school it sponsors.

8 10. Upon the request of the Governor, an entity described in
9 paragraph (a) of subsection 9 or a member of the general public, the
10 board of trustees of a school district, the State Public Charter School
11 Authority or a college or university within the Nevada System of
12 Higher Education that sponsors a charter school, as applicable, shall
13 provide a portion or portions of the report required pursuant to
14 subsection 2 or 3, as applicable.

15 11. As used in this section:

16 (a) "Bullying" has the meaning ascribed to it in NRS 388.122.

17 (b) "Cyber-bullying" has the meaning ascribed to it in
18 NRS 388.123.

19 (c) "Harassment" has the meaning ascribed to it in
20 NRS 388.125.

21 (d) "Highly qualified" has the meaning ascribed to it in 20
22 U.S.C. § 7801(23).

23 (e) "Intimidation" has the meaning ascribed to it in
24 NRS 388.129.

25 (f) "Paraprofessional" has the meaning ascribed to it in
26 NRS 391.008.

27 **Sec. 5.** NRS 385.357 is hereby amended to read as follows:

28 385.357 1. Except as otherwise provided in NRS 385.37603
29 and 385.37607, the principal of each school, including, without
30 limitation, each charter school, shall, in consultation with the
31 employees of the school, prepare a plan to improve the achievement
32 of the pupils enrolled in the school.

33 2. The plan developed pursuant to subsection 1 must include:

34 (a) A review and analysis of the data pertaining to the school
35 upon which the report required pursuant to subsection 2 or 3 of NRS
36 385.347, as applicable, is based and a review and analysis of any
37 data that is more recent than the data upon which the report is based.

38 (b) The identification of any problems or factors at the school
39 that are revealed by the review and analysis.

40 (c) Strategies based upon scientifically based research, as
41 defined in 20 U.S.C. § 7801(37), that will strengthen the core
42 academic subjects, as defined in NRS 389.018.

43 (d) Policies and practices concerning the core academic subjects
44 which have the greatest likelihood of ensuring that each group of
45 pupils identified in paragraph (b) of subsection 1 of NRS 385.361



1 who are enrolled in the school will make adequate yearly progress
2 and meet the minimum level of proficiency prescribed by the State
3 Board.

4 (e) Annual measurable objectives, consistent with the annual
5 measurable objectives established by the State Board pursuant to
6 NRS 385.361, for the continuous and substantial progress by each
7 group of pupils identified in paragraph (b) of subsection 1 of that
8 section who are enrolled in the school to ensure that each group will
9 make adequate yearly progress and meet the level of proficiency
10 prescribed by the State Board.

11 (f) Strategies and practices which:

12 (1) Are consistent with the policy adopted pursuant to NRS
13 392.457 by the board of trustees of the school district in which the
14 school is located, to promote effective involvement by parents and
15 families of pupils enrolled in the school in the education of their
16 children; and

17 (2) Are designed to improve and promote effective
18 involvement and engagement by parents and families of pupils
19 enrolled in the school which are consistent with the policies and
20 recommendations of the Office of Parental Involvement and Family
21 Engagement made pursuant to NRS 385.635.

22 (g) As appropriate, programs of remedial education or tutoring
23 to be offered before and after school, during the summer, or between
24 sessions if the school operates on a year-round calendar for pupils
25 enrolled in the school who need additional instructional time to pass
26 or to reach a level considered proficient.

27 (h) Strategies to improve the academic achievement of pupils
28 enrolled in the school, including, without limitation, strategies to:

29 (1) Instruct pupils who are not achieving to their fullest
30 potential, including, without limitation:

31 (I) The curriculum appropriate to improve achievement;

32 (II) The manner by which the instruction will improve the
33 achievement and proficiency of pupils on the examinations
34 administered pursuant to NRS ~~389.015 and~~ 389.550; and

35 (III) An identification of the instruction and curriculum
36 that is specifically designed to improve the achievement and
37 proficiency of pupils in each group identified in paragraph (b) of
38 subsection 1 of NRS 385.361;

39 (2) Increase the rate of attendance of pupils and reduce the
40 number of pupils who drop out of school;

41 (3) Integrate technology into the instructional and
42 administrative programs of the school;

43 (4) Manage effectively the discipline of pupils; and

44 (5) Enhance the professional development offered for
45 the teachers and administrators employed at the school to include



1 the activities set forth in 20 U.S.C. § 7801(34) and to address the
2 specific needs of pupils enrolled in the school, as deemed
3 appropriate by the principal.

4 (i) An identification, by category, of the employees of the school
5 who are responsible for ensuring that the plan is carried out
6 effectively.

7 (j) In consultation with the school district or governing body, as
8 applicable, an identification, by category, of the employees of the
9 school district or governing body, if any, who are responsible for
10 ensuring that the plan is carried out effectively or for overseeing and
11 monitoring whether the plan is carried out effectively.

12 (k) In consultation with the Department, an identification, by
13 category, of the employees of the Department, if any, who are
14 responsible for overseeing and monitoring whether the plan is
15 carried out effectively.

16 (l) For each provision of the plan, a timeline for carrying out
17 that provision, including, without limitation, a timeline for
18 monitoring whether the provision is carried out effectively.

19 (m) For each provision of the plan, measurable criteria for
20 determining whether the provision has contributed toward
21 improving the academic achievement of pupils, increasing the rate
22 of attendance of pupils and reducing the number of pupils who drop
23 out of school.

24 (n) The resources available to the school to carry out the plan. If
25 this State has a financial analysis program that is designed to track
26 educational expenditures and revenues to individual schools, each
27 school shall use that statewide program in complying with this
28 paragraph. If a statewide program is not available, each school shall
29 use the financial analysis program used by the school district in
30 which the school is located in complying with this paragraph.

31 (o) A summary of the effectiveness of appropriations made by
32 the Legislature that are available to the school to improve the
33 academic achievement of pupils and programs approved by the
34 Legislature to improve the academic achievement of pupils.

35 (p) A budget of the overall cost for carrying out the plan.

36 3. In addition to the requirements of subsection 2, if a school
37 has been designated as demonstrating need for improvement
38 pursuant to NRS 385.3623, the plan must comply with 20 U.S.C. §
39 6316(b)(3) and the regulations adopted pursuant thereto.

40 4. Except as otherwise provided in subsection 5, the principal
41 of each school shall, in consultation with the employees of the
42 school:

43 (a) Review the plan prepared pursuant to this section annually to
44 evaluate the effectiveness of the plan; and



(b) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that the plan is designed to improve the academic achievement of pupils enrolled in the school.

5. If a school has been designated as demonstrating need for improvement pursuant to NRS 385.3623 and a support team has been established for the school, the support team shall review the plan and make revisions to the most recent plan for improvement of the school pursuant to NRS 385.36127. If the school is a Title I school that has been designated as demonstrating need for improvement, the support team established for the school shall, in making revisions to the plan, work in consultation with parents and guardians of pupils enrolled in the school and, to the extent deemed appropriate by the entity responsible for creating the support team, outside experts.

6. On or before December 15 of each year, the principal of each school or the support team established for the school, as applicable, shall submit the plan or the revised plan, as applicable, to:

(a) If the school is a public school of the school district, the superintendent of schools of the school district.

(b) If the school is a charter school, the governing body of the charter school.

7. If a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623, the superintendent of schools of the school district or the governing body, as applicable, shall carry out a process for peer review of the plan or the revised plan, as applicable, in accordance with 20 U.S.C. § 6316(b)(3)(E) and the regulations adopted pursuant thereto. Not later than 45 days after receipt of the plan, the superintendent of schools of the school district or the governing body, as applicable, shall approve the plan or the revised plan, as applicable, if it meets the requirements of 20 U.S.C. § 6316(b)(3) and the regulations adopted pursuant thereto and the requirements of this section. The superintendent of schools of the school district or the governing body, as applicable, may condition approval of the plan or the revised plan, as applicable, in the manner set forth in 20 U.S.C. § 6316(b)(3)(B) and the regulations adopted pursuant thereto. The State Board shall prescribe the requirements for the process of peer review, including, without limitation, the qualifications of persons who may serve as peer reviewers.

8. If a school is designated as demonstrating exemplary achievement, high achievement or adequate achievement, or if a school that is not a Title I school is designated as demonstrating need for improvement, not later than 45 days after receipt of the plan or the revised plan, as applicable, the superintendent of schools



* A B 2 3 8 *

1 of the school district or the governing body, as applicable, shall
2 approve the plan or the revised plan if it meets the requirements of
3 this section.

4 9. On or before January 31 of each year, the principal of each
5 school or the support team established for the school, as applicable,
6 shall submit the final plan or the final revised plan, as applicable, to
7 the:

8 (a) Superintendent of Public Instruction;

9 (b) Governor;

10 (c) State Board;

11 (d) Department;

12 (e) Committee;

13 (f) Bureau; and

14 (g) Board of trustees of the school district in which the school is
15 located or, if the school is a charter school, the sponsor of the
16 charter school and the governing body of the charter school.

17 10. A plan for the improvement of a school must be carried out
18 expeditiously, but not later than February 15 after approval of the
19 plan pursuant to subsection 7 or 8, as applicable.

20 **Sec. 6.** NRS 385.361 is hereby amended to read as follows:

21 385.361 1. The State Board shall define the measurement for
22 determining whether each public school, each school district and
23 this State are making adequate yearly progress. The definition of
24 adequate yearly progress must:

25 (a) Comply with 20 U.S.C. § 6311(b)(2) and the regulations
26 adopted pursuant thereto;

27 (b) Be designed to ensure that all pupils will meet or exceed the
28 minimum level of proficiency set by the State Board, including,
29 without limitation:

30 (1) Pupils who are economically disadvantaged, as defined
31 by the State Board;

32 (2) Pupils from major racial and ethnic groups, as defined by
33 the State Board;

34 (3) Pupils with disabilities; and

35 (4) Pupils who are limited English proficient;

36 (c) Be based primarily upon the measurement of progress of
37 pupils on the examinations administered pursuant to NRS 389.550 ;
38 ~~for the high school proficiency examination, as applicable;~~

39 (d) Include annual measurable objectives established pursuant to
40 20 U.S.C. § 6311(b)(2)(G) and the regulations adopted pursuant
41 thereto;

42 (e) For high schools, include the rate of graduation; and

43 (f) For elementary schools, junior high schools and middle
44 schools, include the rate of attendance.



2. The examination in science must not be included in the definition of adequate yearly progress.

3. The State Board shall prescribe, by regulation, the differentiated corrective actions, the consequences or the sanctions, or any combination thereof, based upon the identified needs of a public school, including, without limitation, the educational needs of English language learners, pupils with disabilities or other groups of pupils identified in paragraph (b) of subsection 1, that apply to the public school that has been designated as demonstrating need for improvement for 4 consecutive years or more, including, without limitation, the establishment of a support team for a school if deemed necessary by the Department in accordance with the regulations of the State Board. In no event may the consequences or sanctions be more strict than the restructuring that applies to Title I schools.

Sec. 7. NRS 385.3612 is hereby amended to read as follows:

385.3612 1. The State Board shall adopt regulations that prescribe, consistent with 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, the manner in which pupils enrolled in:

(a) A program of distance education pursuant to NRS 388.820 to 388.874, inclusive;

(b) An alternative program for the education of pupils at risk of dropping out of school pursuant to NRS 388.537; or

(c) A program of education that:

(1) Primarily serves pupils with disabilities; or

(2) Is operated within a:

(I) Local, regional or state facility for the detention of children;

(II) Juvenile forestry camp;

(III) Child welfare agency; or

(IV) Correctional institution,

↪ will be included within the statewide system of accountability set forth in NRS 385.3455 to 385.391, inclusive.

2. The regulations adopted pursuant to subsection 1 must also set forth the manner in which:

(a) The progress of pupils enrolled in a program of distance education, an alternative program or a program of education described in subsection 1 will be accounted for within the statewide system of accountability; and

(b) The results of pupils enrolled in a program of distance education, an alternative program or a program of education described in subsection 1 on the examinations administered pursuant to NRS ~~389.015 and~~ 389.550 will be reported.



Sec. 8. NRS 385.36129 is hereby amended to read as follows:

385.36129 1. In addition to the duties prescribed in NRS 385.36127, a support team established for a school shall prepare an annual written report that includes:

(a) Information concerning the most recent plan to improve the achievement of the school's pupils, the turnaround plan for the school or the plan for restructuring the school, whichever is applicable for the school, including, without limitation, an evaluation of:

(1) The appropriateness of the plan for the school; and

(2) Whether the school has achieved the goals and objectives set forth in the plan;

(b) The written revisions to the plan to improve the achievement of the school's pupils or written recommendations for revisions to the turnaround plan for the school or the plan for restructuring the school, whichever is applicable for the school, submitted by the support team pursuant to NRS 385.36127;

(c) A summary of each program for remediation, if any, purchased for the school with money that is available from the Federal Government, this state and the school district in which the school is located, including, without limitation:

(1) The name of the program;

(2) The date on which the program was purchased and the date on which the program was carried out by the school;

(3) The percentage of personnel at the school who were trained regarding the use of the program;

(4) The satisfaction of the personnel at the school with the program; and

(5) An evaluation of whether the program has improved the academic achievement of the pupils enrolled in the school who participated in the program;

(d) An analysis of the problems and factors at the school which contributed to the designation of the school as demonstrating need for improvement, including, without limitation, issues relating to:

(1) The financial resources of the school;

(2) The administrative and educational personnel of the school;

(3) The curriculum of the school;

(4) The facilities available at the school, including the availability and accessibility of educational technology; and

(5) Any other factors that the support team believes contributed to the designation of the school as demonstrating need for improvement; and

(e) Other information concerning the school, including, without limitation:



(1) The results of the pupils who are enrolled in the school on the examinations that are administered pursuant to NRS 389.550 ; ~~for the high school proficiency examination, as applicable;~~

(2) Records of the attendance and truancy of pupils who are enrolled in the school;

(3) The transiency rate of pupils who are enrolled in the school;

(4) A description of the number of years that each teacher has provided instruction at the school and the rate of turnover of teachers and other educational personnel employed at the school;

(5) A description of the participation of parents and legal guardians in the educational process and other activities relating to the school;

(6) A description of each source of money for the remediation of pupils who are enrolled in the school;

(7) Except as otherwise provided in subparagraph (8), a description of the disciplinary problems of the pupils who are enrolled in the school, including, without limitation, the information contained in paragraphs (m) to (p), inclusive, of subsection 2 of NRS 385.347; and

(8) For a charter school, a description of the disciplinary problems of the pupils enrolled in the charter school as reported in the annual report of accountability prepared by the State Public Charter School Authority or the college or university within the Nevada System of Higher Education that sponsors the charter school, as applicable, pursuant to subsection 3 of NRS 385.347.

2. On or before December 15, the support team of a school other than a charter school shall submit a copy of the final written report to the:

(a) Principal of the school;

(b) Board of trustees of the school district in which the school is located;

(c) Superintendent of schools of the school district in which the school is located;

(d) Department; and

(e) Bureau.

➤ The support team shall make the written report available, upon request, to each parent or legal guardian of a pupil who is enrolled in the school.

3. On or before December 15, the support team for a charter school shall submit a copy of the final written report to the:

(a) Principal of the charter school;

(b) Sponsor of the charter school;

(c) Governing body of the charter school;

(d) Department; and



(e) Bureau.

➔ The support team shall make the written report available, upon request, to each parent or legal guardian of a pupil who is enrolled in the charter school.

Sec. 9. NRS 385.3613 is hereby amended to read as follows:

385.3613 1. Except as otherwise provided in subsection 2, on or before July 31 of each year, the Department shall determine whether each public school is making adequate yearly progress, as defined by the State Board pursuant to NRS 385.361.

2. On or before July 31 of each year, the Department shall determine whether each public school that operates on a schedule other than a traditional 9-month schedule is making adequate yearly progress, as defined by the State Board pursuant to NRS 385.361.

3. The determination pursuant to subsection 1 or 2, as applicable, for a public school, including, without limitation, a charter school sponsored by the board of trustees of the school district, must be made in consultation with the board of trustees of the school district in which the public school is located. If a charter school is sponsored by the State Public Charter School Authority or by a college or university within the Nevada System of Higher Education, the Department shall make a determination for the charter school in consultation with the State Public Charter School Authority or the institution within the Nevada System of Higher Education that sponsors the charter school, as applicable. The determination made for each school must be based only upon the information and data for those pupils who are enrolled in the school for a full academic year. On or before July 31 of each year, the Department shall transmit:

(a) Except as otherwise provided in paragraph (b) or (c), the determination made for each public school to the board of trustees of the school district in which the public school is located.

(b) To the State Public Charter School Authority the determination made for each charter school that is sponsored by the State Public Charter School Authority.

(c) The determination made for the charter school to the institution that sponsors the charter school if a charter school is sponsored by a college or university within the Nevada System of Higher Education.

4. Except as otherwise provided in this subsection, the Department shall determine that a public school has failed to make adequate yearly progress if any group identified in paragraph (b) of subsection 1 of NRS 385.361 does not satisfy the annual measurable objectives established by the State Board pursuant to that section. To comply with 20 U.S.C. § 6311(b)(2)(I) and the regulations adopted pursuant thereto, the State Board shall prescribe by



* A B 2 3 8 *

1 regulation the conditions under which a school shall be deemed to
2 have made adequate yearly progress even though a group identified
3 in paragraph (b) of subsection 1 of NRS 385.361 did not satisfy the
4 annual measurable objectives of the State Board.

5 5. In addition to the provisions of subsection 4, the Department
6 shall determine that a public school has failed to make adequate
7 yearly progress if:

8 (a) The number of pupils enrolled in the school who took the
9 examinations administered pursuant to NRS 389.550 ~~for the high~~
10 ~~school proficiency examination, as applicable, is less than 95~~
11 percent of all pupils enrolled in the school who were required to
12 take the examinations; or

13 (b) Except as otherwise provided in subsection 6, for each group
14 of pupils identified in paragraph (b) of subsection 1 of NRS
15 385.361, the number of pupils in the group enrolled in the school
16 who took the examinations administered pursuant to NRS 389.550
17 ~~for the high school proficiency examination, as applicable, is less~~
18 than 95 percent of all pupils in that group enrolled in the school who
19 were required to take the examinations.

20 6. If the number of pupils in a particular group who are
21 enrolled in a public school is insufficient to yield statistically
22 reliable information:

23 (a) The Department shall not determine that the school has
24 failed to make adequate yearly progress pursuant to paragraph (b) of
25 subsection 5 based solely upon that particular group.

26 (b) The pupils in such a group must be included in the overall
27 count of pupils enrolled in the school who took the examinations.

28 ➔ The State Board shall prescribe the mechanism for determining
29 the number of pupils that must be in a group for that group to yield
30 statistically reliable information.

31 7. If an irregularity in testing administration or an irregularity
32 in testing security occurs at a school and the irregularity invalidates
33 the test scores of pupils, those test scores must be included in the
34 scores of pupils reported for the school, the attendance of those
35 pupils must be counted towards the total number of pupils who took
36 the examinations and the pupils must be included in the total
37 number of pupils who were required to take the examinations.

38 8. As used in this section:

39 (a) "Irregularity in testing administration" has the meaning
40 ascribed to it in NRS 389.604.

41 (b) "Irregularity in testing security" has the meaning ascribed to
42 it in NRS 389.608.

43 **Sec. 10.** NRS 385.3762 is hereby amended to read as follows:

44 385.3762 1. On or before August 15 of each year, the
45 Department shall determine whether each school district is making



1 adequate yearly progress, as defined by the State Board pursuant to
2 NRS 385.361. The pupils who are enrolled in a charter school, if
3 any, located within a school district must not be included in the
4 determination made for that school district. The determination made
5 for each school district must be based only upon the information and
6 data for those pupils who were enrolled in the school district for a
7 full academic year, regardless of whether those pupils attended more
8 than one school within the school district for that academic year.

9 2. Except as otherwise provided in this subsection, the
10 Department shall determine that a school district has failed to make
11 adequate yearly progress if any group of pupils identified in
12 paragraph (b) of subsection 1 of NRS 385.361 who are enrolled in
13 the school district does not satisfy the annual measurable objectives
14 established by the State Board pursuant to that section. To comply
15 with 20 U.S.C. § 6311(b)(2)(I) and the regulations adopted pursuant
16 thereto, the State Board shall prescribe by regulation the conditions
17 under which a school district shall be deemed to have made
18 adequate yearly progress even though a group of pupils identified in
19 paragraph (b) of subsection 1 of NRS 385.361 who are enrolled in
20 the school district did not satisfy the annual measurable objectives
21 of the State Board.

22 3. In addition to the provisions of subsection 2, the Department
23 shall determine that a school district has failed to make adequate
24 yearly progress if:

25 (a) The number of pupils enrolled in the school district who took
26 the examinations administered pursuant to NRS 389.550 ~~for the~~
27 ~~high school proficiency examination, as applicable,~~ is less than 95
28 percent of all pupils enrolled in the school district who were
29 required to take the examinations; or

30 (b) Except as otherwise provided in subsection 4, for each group
31 of pupils identified in paragraph (b) of subsection 1 of NRS
32 385.361, the number of pupils enrolled in the school district who
33 took the examinations administered pursuant to NRS 389.550 ~~for~~
34 ~~the high school proficiency examination, as applicable,~~ is less than
35 95 percent of all pupils in the group who were required to take the
36 examinations.

37 4. If the number of pupils in a particular group who are
38 enrolled in a school district is insufficient to yield statistically
39 reliable information:

40 (a) The Department shall not determine that the school district
41 has failed to make adequate yearly progress pursuant to paragraph
42 (b) of subsection 3 based solely upon that particular group.

43 (b) The pupils in such a group must be included in the overall
44 count of pupils enrolled in the school district who took the
45 examinations.



1 ➤ The State Board shall prescribe the mechanism for determining
2 the minimum number of pupils that must be in a group for that
3 group to yield statistically reliable information.

4 **Sec. 11.** NRS 385.389 is hereby amended to read as follows:

5 385.389 1. The Department shall adopt programs of remedial
6 study for each subject tested on the examinations administered
7 pursuant to NRS ~~389.015 and~~ 389.550, including, without
8 limitation, programs that are designed for pupils who are limited
9 English proficient. The programs adopted for pupils who are limited
10 English proficient must be designed to:

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

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

14 ➤ In adopting these programs of remedial study, the Department
15 shall consider the recommendations submitted by the Committee
16 pursuant to NRS 218E.615 and programs of remedial study that
17 have proven to be successful in improving the academic
18 achievement of pupils.

19 2. If a school fails to make adequate yearly progress based
20 upon the results of the examinations administered pursuant to NRS
21 ~~389.015 or~~ 389.550, the school shall adopt a program of remedial
22 study that has been adopted by the Department pursuant to
23 subsection 1 or a program, practice or strategy recommended by the
24 Commission on Educational Excellence pursuant to NRS 385.3785,
25 or any combination thereof, as applicable.

26 3. A school district that includes a school described in
27 subsection 2 shall ensure that each of the pupils enrolled in the
28 school who failed to demonstrate at least adequate achievement on
29 the examinations administered pursuant to NRS ~~389.015 or~~
30 389.550 ~~[, as applicable,]~~ completes remedial study that is
31 determined to be appropriate for the pupil.

32 **Sec. 12.** NRS 385.3891 is hereby amended to read as follows:

33 385.3891 1. The Department shall establish a monitoring
34 system for the statewide system of accountability. The monitoring
35 system must identify significant levels of achievement of pupils on
36 the examinations that are administered pursuant to NRS 389.550 ,
37 ~~and the high school proficiency examination that is administered~~
38 ~~pursuant to NRS 389.015,~~ identified by school and by school
39 district.

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

43 (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. 13. 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~~ *examination* administered pursuant to ~~NRS 389.015~~ *section 20 of this act* and the examinations required pursuant to NRS 389.550 to the pupils who are enrolled in the charter school.

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

(i) Provide instruction in the core academic subjects set forth in subsection 1 of NRS 389.018, as applicable for the grade levels of pupils who are enrolled in the charter school, and provide at least the courses of study that are required of pupils by statute or regulation for promotion to the next grade or graduation from a public high school and require the pupils who are enrolled in the



1 charter school to take those courses of study. This paragraph does
2 not preclude a charter school from offering, or requiring the pupils
3 who are enrolled in the charter school to take, other courses of study
4 that are required by statute or regulation.

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

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

11 (l) Hold harmless, indemnify and defend the sponsor of the
12 charter school against any claim or liability arising from an act or
13 omission by the governing body of the charter school or an
14 employee or officer of the charter school. An action at law may not
15 be maintained against the sponsor of a charter school for any cause
16 of action for which the charter school has obtained liability
17 insurance.

18 (m) Provide written notice to the parents or legal guardians of
19 pupils in grades 9 to 12, inclusive, who are enrolled in the charter
20 school of whether the charter school is accredited by the
21 Commission on Schools of the Northwest Association of Schools
22 and of Colleges and Universities.

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

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

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

36 **Sec. 14.** NRS 386.5515 is hereby amended to read as follows:

37 386.5515 1. To the extent money is available from legislative
38 appropriation or otherwise, a charter school may apply to the
39 Department for money for facilities if:

40 (a) The charter school has been operating in this State for at
41 least 5 consecutive years and is in good financial standing;

42 (b) Each financial audit and each performance audit of the
43 charter school required by the Department pursuant to NRS 386.540
44 contains no major notations, corrections or errors concerning the
45 charter school for at least 5 consecutive years;



(c) The charter school has met or exceeded adequate yearly progress as determined pursuant to NRS 385.3613 or has demonstrated improvement in the achievement of pupils enrolled in the charter school, as indicated by annual measurable objectives determined by the State Board, for the majority of the years of its operation; and

(d) At least 75 percent of the pupils enrolled in grade 12 in the charter school in the immediately preceding school year ~~who have completed the required course work for graduation have passed the high school proficiency examination,~~ *satisfied the criteria prescribed pursuant to NRS 389.805,* if the charter school enrolls pupils at a high school grade level.

2. A charter school that satisfies the requirements of subsection 1 shall submit to a performance audit as required by the Department one time every 3 years. The sponsor of the charter school and the Department shall not request a performance audit of the charter school more frequently than every 3 years without reasonable evidence of noncompliance in achieving the educational goals and objectives of the charter school based upon the annual report submitted to the Department pursuant to NRS 386.610. If the charter school no longer satisfies the requirements of subsection 1 or if reasonable evidence of noncompliance in achieving the educational goals and objectives of the charter school exists based upon the annual report, the charter school shall, upon written notice from the sponsor, submit to an annual performance audit. Notwithstanding the provisions of paragraph (b) of subsection 1, such a charter school:

(a) May, after undergoing the annual performance audit, reapply to the sponsor to determine whether the charter school satisfies the requirements of paragraphs (a), (c) and (d) of subsection 1.

(b) Is not eligible for any available money pursuant to subsection 1 until the sponsor determines that the charter school satisfies the requirements of that subsection.

3. A charter school that does not satisfy the requirements of subsection 1 shall submit a quarterly report of the financial status of the charter school if requested by the sponsor of the charter school.

Sec. 15. NRS 386.740 is hereby amended to read as follows:

386.740 1. Each empowerment plan for a school must:

(a) Set forth the manner by which the school will be governed;

(b) Set forth the proposed budget for the school, including, without limitation, the cost of carrying out the empowerment plan, and the manner by which the money apportioned to the school will be administered;

(c) If a school support team has been established for the school in accordance with the regulations of the State Board adopted



1 pursuant to NRS 385.361, require the principal and the
2 empowerment team for the school to work in consultation with the
3 school support team;

4 (d) Prescribe the academic plan for the school, including,
5 without limitation, the manner by which courses of study will be
6 provided to the pupils enrolled in the school and any special
7 programs that will be offered for pupils;

8 (e) Prescribe the manner by which the achievement of pupils
9 will be measured and reported for the school, including, without
10 limitation, the results of the pupils on the examinations administered
11 pursuant to NRS ~~389.015 and~~ 389.550 ~~†~~ *and section 20 of this*
12 *act*;

13 (f) Prescribe the manner by which teachers and other licensed
14 educational personnel will be selected and hired for the school,
15 which must be determined and negotiated pursuant to chapter 288 of
16 NRS;

17 (g) Prescribe the manner by which all other staff for the school
18 will be selected and hired, which must be determined and negotiated
19 pursuant to chapter 288 of NRS;

20 (h) Indicate whether the empowerment plan will offer an
21 incentive pay structure for staff and a description of that pay
22 structure, if applicable;

23 (i) Indicate the intended ratio of pupils to teachers at the school,
24 designated by grade level, which must comply with NRS 388.700 or
25 388.720, as applicable;

26 (j) Provide a description of the professional development that
27 will be offered to the teachers and other licensed educational
28 personnel employed at the school;

29 (k) Prescribe the manner by which the empowerment plan will
30 increase the involvement of parents and legal guardians of pupils
31 enrolled in the school;

32 (l) Comply with the plan to improve the achievement of the
33 pupils enrolled in the school prepared pursuant to NRS 385.357, the
34 turnaround plan for the school implemented pursuant to NRS
35 385.37603 or the plan for restructuring the school implemented
36 pursuant to NRS 385.37607, whichever is applicable for the school;

37 (m) Address the specific educational needs and concerns of the
38 pupils who are enrolled in the school; and

39 (n) Set forth the calendar and schedule for the school.

40 2. If the empowerment plan includes an incentive pay structure,
41 that pay structure must:

42 (a) Provide an incentive for all staff employed at the school;

43 (b) Set forth the standards that must be achieved by the pupils
44 enrolled in the school and any other measurable objectives that must
45 be met to be eligible for incentive pay; and



(c) Be in addition to the salary or hourly rate of pay negotiated pursuant to chapter 288 of NRS that is otherwise payable to the employee.

3. An empowerment plan may:

(a) Request a waiver from a statute contained in this title or a regulation of the State Board or the Department.

(b) Identify the services of the school district which the school wishes to receive, including, without limitation, professional development, transportation, food services and discretionary services. Upon approval of the empowerment plan, the school district may deduct from the total apportionment to the empowerment school the costs of such services.

4. For purposes of determining the budget pursuant to paragraph (b) of subsection 1, if a public school which converts to an empowerment school is a:

(a) Charter school, the amount of the budget is the amount equal to the apportionments and allowances from the State Distributive School Account pursuant to NRS 387.121 to 387.126, inclusive, and its proportionate share of any other money available from federal, state or local sources that the school or the pupils enrolled in the school are eligible to receive.

(b) Public school, other than a charter school, the empowerment team for the school shall have discretion of 90 percent of the amount of money from the state financial aid and local funds that the school district apportions for the school, without regard to any line-item specifications or specific uses determined advisable by the school district, unless the empowerment team determines that a lesser amount is necessary to carry out the empowerment plan.

Sec. 16. NRS 386.765 is hereby amended to read as follows:

386.765 1. Except as otherwise provided pursuant to a waiver granted in accordance with NRS 386.745 or 386.750, each empowerment school, each person employed by an empowerment school and each pupil enrolled in an empowerment school shall comply with the applicable requirements of state law, including, without limitation, the standards of content and performance prescribed pursuant to NRS 389.520 and the examinations that are administered pursuant to NRS ~~389.015 and~~ 389.550 ~~+~~ *and section 20 of this act.*

2. Each empowerment school may accept gifts, grants and donations from any source for the support of its empowerment plan. A person who gives a gift, grant or donation may designate all or part of the gift, grant or donation specifically to carry out the incentive pay structure of the school, if applicable.



Sec. 17. NRS 388.205 is hereby amended to read as follows:

388.205 1. The board of trustees of each school district shall adopt a policy for each public school in the school district in which ninth grade pupils are enrolled to develop a 4-year academic plan for each of those pupils. The academic plan must set forth the specific educational goals that the pupil intends to achieve before graduation from high school. The plan may include, without limitation, the designation of a career pathway and enrollment in dual credit courses, career and technical education courses, advanced placement courses and honors courses.

2. The policy may ensure that each pupil enrolled in ninth grade and the pupil's parent or legal guardian are provided with, to the extent practicable, the following information:

(a) The advanced placement courses, honors courses, international baccalaureate courses, dual credit courses, career and technical education courses, including, without limitation, career and technical skills-building programs, and any other educational programs, pathways or courses available to the pupil which will assist the pupil in the advancement of his or her education;

~~(b) The courses of study which the Department recommends that pupils take to prepare the pupils to successfully meet the academic challenges of the high school proficiency examination and pass that examination;~~

~~—(e)~~ The requirements for graduation from high school with a diploma and the types of diplomas available;

~~(d)~~ (c) The requirements for admission to the Nevada System of Higher Education and the eligibility requirements for a Governor Guinn Millennium Scholarship; and

~~(e)~~ (d) The charter schools within the school district.

3. The policy required by subsection 1 must require each pupil enrolled in ninth grade and the pupil's parent or legal guardian to:

(a) Be notified of opportunities to work in consultation with a school counselor to develop and review an academic plan for the pupil;

(b) Sign the academic plan; and

(c) Review the academic plan at least once each school year in consultation with a school counselor and revise the plan if necessary.

4. If a pupil enrolls in a high school after ninth grade, an academic plan must be developed for that pupil with appropriate modifications for the grade level of the pupil.

~~5. If the administration of the high school proficiency examination in the subject area of mathematics or science, or both, is postponed for a pupil pursuant to NRS 389.016, the pupil's academic plan must be revised in consultation with the pupil's~~



~~teacher who provides instruction in the applicable subject area and the pupil's parent or legal guardian as set forth in NRS 389.016.~~

~~6.1~~ An academic plan for a pupil must be used as a guide for the pupil and the parent or legal guardian of the pupil to plan, monitor and manage the pupil's educational and occupational development and make determinations of the appropriate courses of study for the pupil. If a pupil does not satisfy all the goals set forth in the academic plan, the pupil is eligible to graduate and receive a high school diploma if the pupil otherwise satisfies the requirements for a diploma.

Sec. 18. NRS 388.795 is hereby amended to read as follows:

388.795 1. The Commission shall establish a plan for the use of educational technology in the public schools of this State. In preparing the plan, the Commission shall consider:

(a) Plans that have been adopted by the Department and the school districts in this State;

(b) Plans that have been adopted in other states;

(c) The information reported pursuant to paragraph ~~(v)~~ (w) of subsection 2 of NRS 385.347 and similar information included in the annual report of accountability information prepared by the State Public Charter School Authority and a college or university within the Nevada System of Higher Education that sponsors a charter school pursuant to subsection 3 of NRS 385.347;

(d) The results of the assessment of needs conducted pursuant to subsection 6; and

(e) Any other information that the Commission or the Committee deems relevant to the preparation of the plan.

2. The plan established by the Commission must include recommendations for methods to:

(a) Incorporate educational technology into the public schools of this State;

(b) Increase the number of pupils in the public schools of this State who have access to educational technology;

(c) Increase the availability of educational technology to assist licensed teachers and other educational personnel in complying with the requirements of continuing education, including, without limitation, the receipt of credit for college courses completed through the use of educational technology;

(d) Facilitate the exchange of ideas to improve the achievement of pupils who are enrolled in the public schools of this State; and

(e) Address the needs of teachers in incorporating the use of educational technology in the classroom, including, without limitation, the completion of training that is sufficient to enable the teachers to instruct pupils in the use of educational technology.

3. The Department shall provide:



1 (a) Administrative support;
2 (b) Equipment; and
3 (c) Office space,
4 ➔ as is necessary for the Commission to carry out the provisions of
5 this section.

6 4. The following entities shall cooperate with the Commission
7 in carrying out the provisions of this section:

- 8 (a) The State Board.
9 (b) The board of trustees of each school district.
10 (c) The superintendent of schools of each school district.
11 (d) The Department.

12 5. The Commission shall:

13 (a) Develop technical standards for educational technology and
14 any electrical or structural appurtenances necessary thereto,
15 including, without limitation, uniform specifications for computer
16 hardware and wiring, to ensure that such technology is compatible,
17 uniform and can be interconnected throughout the public schools of
18 this State.

19 (b) Allocate money to the school districts from the Trust Fund
20 for Educational Technology created pursuant to NRS 388.800 and
21 any money appropriated by the Legislature for educational
22 technology, subject to any priorities for such allocation established
23 by the Legislature.

24 (c) Establish criteria for the board of trustees of a school district
25 that receives an allocation of money from the Commission to:

26 (1) Repair, replace and maintain computer systems.
27 (2) Upgrade and improve computer hardware and software
28 and other educational technology.

29 (3) Provide training, installation and technical support related
30 to the use of educational technology within the district.

31 (d) Submit to the Governor, the Committee and the Department
32 its plan for the use of educational technology in the public schools
33 of this State and any recommendations for legislation.

34 (e) Review the plan annually and make revisions as it deems
35 necessary or as directed by the Committee or the Department.

36 (f) In addition to the recommendations set forth in the plan
37 pursuant to subsection 2, make further recommendations to the
38 Committee and the Department as the Commission deems
39 necessary.

40 6. During the spring semester of each even-numbered school
41 year, the Commission shall conduct an assessment of the needs of
42 each school district relating to educational technology. In
43 conducting the assessment, the Commission shall consider:

44 (a) The recommendations set forth in the plan pursuant to
45 subsection 2;



(b) The plan for educational technology of each school district, if applicable;

(c) Evaluations of educational technology conducted for the State or for a school district, if applicable; and

(d) Any other information deemed relevant by the Commission.

➤ The Commission shall submit a final written report of the assessment to the Superintendent of Public Instruction on or before April 1 of each even-numbered year.

7. The Superintendent of Public Instruction shall prepare a written compilation of the results of the assessment conducted by the Commission and transmit the written compilation on or before June 1 of each even-numbered year to the Legislative Committee on Education and to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

8. The Commission may appoint an advisory committee composed of members of the Commission or other qualified persons to provide recommendations to the Commission regarding standards for the establishment, coordination and use of a telecommunications network in the public schools throughout the various school districts in this State. The advisory committee serves at the pleasure of the Commission and without compensation unless an appropriation or other money for that purpose is provided by the Legislature.

9. As used in this section, "public school" includes the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS.

Sec. 19. 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



1 include, without limitation, the administration of the achievement
2 and proficiency examinations required pursuant to NRS ~~389.015~~
3 ~~and~~ 389.550; and

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

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

10 **Sec. 20.** Chapter 389 of NRS is hereby amended by adding
11 thereto a new section to read as follows:

12 *1. The State Board shall, in consultation with the Board of*
13 *Regents of the University of Nevada, select a college entrance*
14 *examination to determine the achievement and proficiency of*
15 *pupils who are enrolled in grade 11 in public high schools. The*
16 *examination selected must be designed to include an emphasis on*
17 *determining whether a pupil is prepared for success in*
18 *postsecondary educational institutions and whether the pupil is*
19 *career- and workforce-ready.*

20 *2. The examination selected pursuant to subsection 1 must*
21 *be:*

22 *(a) Administered by the board of trustees of each school*
23 *district in all public high schools of the school district and by the*
24 *governing body of each charter school that enrolls pupils in high*
25 *school grade levels at the same time, as prescribed by the State*
26 *Board, and in accordance with uniform procedures adopted by the*
27 *State Board. The Department shall monitor the compliance of the*
28 *school districts and individual schools with the uniform*
29 *procedures and report to the State Board any instance of*
30 *noncompliance.*

31 *(b) Administered in each public school in accordance with the*
32 *plan adopted by the Department pursuant to NRS 389.616 and*
33 *with the plan adopted by the board of trustees of the school district*
34 *in which the examination is administered pursuant to NRS*
35 *389.620. The Department shall monitor the compliance of the*
36 *school districts and individual schools with:*

37 *(1) The plan adopted by the Department; and*

38 *(2) The plan adopted by the board of trustees of the*
39 *applicable school district, to the extent that the plan adopted by the*
40 *board of trustees of the school district is consistent with the plan*
41 *adopted by the Department,*

42 *↪ and shall report to the State Board any instance of*
43 *noncompliance.*

44 *3. The board of trustees of each school district shall use the*
45 *results of the examination selected pursuant to subsection 1 to*



identify any subject areas in which a pupil may be deficient. If the board of trustees determines that a pupil is deficient in one or more subject areas, the board of trustees shall ensure that the curriculum of the pupil in the next school year includes instruction designed to improve the pupil's achievement and proficiency in those subject areas.

Sec. 21. NRS 389.004 is hereby amended to read as follows:

389.004 The board of trustees of each school district shall maintain on its Internet website, and shall post in a timely manner, all pertinent information concerning the examinations available to children who reside in the school district, including, without limitation, the dates and times of, and contact information concerning, such examinations. The examinations posted must include, without limitation:

1. The ~~high-school-proficiency~~ examination administered pursuant to ~~NRS 389.015; and~~ *section 20 of this act.*

2. *The examinations required pursuant to NRS 389.805.*

3. All college entrance examinations offered in this State, including, without limitation, the Scholastic Aptitude Test, the American College Test, the Preliminary Scholastic Aptitude Test and the National Merit Scholarship Qualifying Test.

Sec. 22. NRS 389.006 is hereby amended to read as follows:

389.006 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 ~~including, without limitation, the practice test of the high-school-proficiency examination to pupils enrolled in high school,~~ 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. 23. NRS 389.0115 is hereby amended to read as follows:

389.0115 1. If a pupil with a disability is unable to take an examination administered pursuant to NRS ~~389.015 or~~ 389.550 *or section 20 of this act* under regular testing conditions, the pupil may



1 take the examination with modifications and accommodations that
2 the pupil's individualized education program team determines, in
3 consultation with the Department and in accordance with the
4 Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et
5 seq., and the No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301
6 et seq., are necessary to measure the progress of the pupil. If
7 modifications or accommodations are made in the administration of
8 an examination for a pupil with a disability, the modifications or
9 accommodations must be set forth in the pupil's individualized
10 education program. The results of each pupil with a disability who
11 takes an examination with modifications or accommodations must
12 be reported and must be included in the determination of whether
13 the school and the school district have made adequate yearly
14 progress.

15 2. The State Board shall prescribe an alternate examination for
16 administration to a pupil with a disability if the pupil's
17 individualized education program team determines, in consultation
18 with the Department, that the pupil cannot participate in all or a
19 portion of an examination administered pursuant to NRS ~~389.015~~
20 ~~or~~ 389.550 *or section 20 of this act* even with modifications and
21 accommodations.

22 3. The State Board shall prescribe, in accordance with the
23 Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et
24 seq., and the No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301
25 et seq., the modifications and accommodations that must be used in
26 the administration of an examination to a pupil with a disability who
27 is unable to take the examination under regular testing conditions.

28 4. As used in this section:

29 (a) "Individualized education program" has the meaning
30 ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

31 (b) "Individualized education program team" has the meaning
32 ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

33 **Sec. 24.** NRS 389.012 is hereby amended to read as follows:

34 389.012 1. The State Board shall:

35 (a) In accordance with guidelines established by the National
36 Assessment Governing Board and National Center for Education
37 Statistics and in accordance with 20 U.S.C. §§ 6301 et seq. and the
38 regulations adopted pursuant thereto, adopt regulations requiring the
39 schools of this State that are selected by the National Assessment
40 Governing Board or the National Center for Education Statistics to
41 participate in the examinations of the National Assessment of
42 Educational Progress.

43 (b) Report the results of those examinations to the:

44 (1) Governor;

45 (2) Board of trustees of each school district of this State;



* A B 2 3 8 *

(3) Legislative Committee on Education created pursuant to NRS 218E.605; and

(4) Legislative Bureau of Educational Accountability and Program Evaluation created pursuant to NRS 218E.625.

(c) Include in the report required pursuant to paragraph (b) an analysis and comparison of the results of pupils in this State on the examinations required by this section with:

(1) The results of pupils throughout this country who participated in the examinations of the National Assessment of Educational Progress; and

(2) The results of pupils on the achievement and proficiency examinations administered pursuant to this chapter.

2. If the report required by subsection 1 indicates that the percentage of pupils enrolled in the public schools in this State who are proficient on the National Assessment of Educational Progress differs by more than 10 percent of the pupils who are proficient on the examinations administered pursuant to NRS 389.550 , ~~and the high school proficiency examination administered pursuant to NRS 389.015.~~ the Department shall prepare a written report describing the discrepancy. The report must include, without limitation, a comparison and evaluation of:

(a) The standards of content and performance for English and mathematics established pursuant to NRS 389.520 with the standards for English and mathematics that are tested on the National Assessment.

(b) The standards for proficiency established for the National Assessment with the standards for proficiency established for the examinations that are administered pursuant to NRS 389.550 . ~~and the high school proficiency examination administered pursuant to NRS 389.015.~~

3. The report prepared by the Department pursuant to subsection 2 must be submitted to the:

(a) Governor;

(b) Legislative Committee on Education;

(c) Legislative Bureau of Educational Accountability and Program Evaluation; and

(d) Council to Establish Academic Standards for Public Schools.

4. The Council to Establish Academic Standards for Public Schools shall review and evaluate the report provided to the Council pursuant to subsection 3 to identify any discrepancies in the standards of content and performance established by the Council that require revision and a timeline for carrying out the revision, if necessary. The Council shall submit a written report of its review and evaluation to the Legislative Committee on Education and



Legislative Bureau of Educational Accountability and Program Evaluation.

Sec. 25. NRS 389.0173 is hereby amended to read as follows:

389.0173 1. The Department shall develop an informational pamphlet concerning the ~~high school proficiency examination~~ *examinations required pursuant to NRS 389.805* for pupils who are enrolled in junior high, middle school and high school, and their parents and legal guardians. The pamphlet must include ~~a written explanation of the:~~

~~—(a) Importance of passing the examination, including, without limitation, an explanation that if the pupil fails the examination, or does not satisfy the requirements of paragraph (b) of subsection 1 of NRS 389.805, the pupil is not eligible to receive a standard high school diploma;~~

~~—(b) Subject areas tested on the examination;~~

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

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

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

~~—(f) Maximum number of times that a pupil is allowed to take the examination if the pupil fails to pass the examination after the first administration;~~

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

~~—(h) Courses of study which the Department recommends that pupils take in high school to successfully prepare for the college entrance examinations.} a written explanation of the:~~

(a) Importance of passing the examinations;

(b) Courses of study for which the examinations are administered;

(c) Format for the examinations, including, without limitation, the range of items that are contained on the examinations; and

(d) Maximum number of times that a pupil is allowed to take the examinations if the pupil fails to pass the examinations after the first administration.

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

3. On or before September 1, the Department shall provide a copy of the pamphlet or revised pamphlet to the board of trustees of each school district and the governing body of each charter school



1 that includes pupils enrolled in a junior high, middle school or high
2 school grade level.

3 4. The board of trustees of each school district shall provide a
4 copy of the pamphlet to each junior high, middle school or high
5 school within the school district for posting. The governing body of
6 each charter school shall ensure that a copy of the pamphlet is
7 posted at the charter school. Each principal of a junior high, middle
8 school, high school or charter school shall ensure that the teachers,
9 counselors and administrators employed at the school fully
10 understand the contents of the pamphlet.

11 5. On or before January 15, the:

12 (a) Board of trustees of each school district shall provide a copy
13 of the pamphlet to each pupil who is enrolled in a junior high,
14 middle school or high school of the school district and to the parents
15 or legal guardians of such a pupil.

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

20 **Sec. 26.** NRS 389.550 is hereby amended to read as follows:

21 389.550 1. The State Board shall, in consultation with the
22 Council, prescribe examinations that comply with 20 U.S.C. §
23 6311(b)(3) and that measure the achievement and proficiency of
24 pupils:

25 (a) For grades 3, 4, 5, 6, 7 and 8 in the standards of content
26 established by the Council for the subjects of English and
27 mathematics.

28 (b) For grades 5 and 8, in the standards of content established by
29 the Council for the subject of science.

30 ➤ The examinations prescribed pursuant to this subsection must be
31 written, developed, printed and scored by a nationally recognized
32 testing company.

33 2. In addition to the examinations prescribed pursuant to
34 subsection 1, the State Board shall, in consultation with the Council,
35 prescribe a writing examination for grades 5 and 8 . ~~and for the~~
36 ~~high school proficiency examination.~~

37 3. The board of trustees of each school district and the
38 governing body of each charter school shall administer the
39 examinations prescribed by the State Board. The examinations must
40 be:

41 (a) Administered to pupils in each school district and each
42 charter school at the same time during the spring semester, as
43 prescribed by the State Board.

44 (b) Administered in each school in accordance with uniform
45 procedures adopted by the State Board. The Department shall



1 monitor the school districts and individual schools to ensure
2 compliance with the uniform procedures.

3 (c) Administered in each school in accordance with the plan
4 adopted pursuant to NRS 389.616 by the Department and with the
5 plan adopted pursuant to NRS 389.620 by the board of trustees of
6 the school district in which the examinations are administered. The
7 Department shall monitor the compliance of school districts and
8 individual schools with:

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

10 (2) The plan adopted by the board of trustees of the
11 applicable school district, to the extent that the plan adopted by the
12 board of trustees of the school district is consistent with the plan
13 adopted by the Department.

14 **Sec. 27.** NRS 389.604 is hereby amended to read as follows:

15 389.604 “Irregularity in testing administration” means the
16 failure to administer an examination to pupils pursuant to NRS
17 ~~389.015 or~~ 389.550 *or section 20 of this act* in the manner
18 intended by the person or entity that created the examination.

19 **Sec. 28.** NRS 389.608 is hereby amended to read as follows:

20 389.608 “Irregularity in testing security” means an act or
21 omission that tends to corrupt or impair the security of an
22 examination administered to pupils pursuant to NRS ~~389.015 or~~
23 389.550, *or section 20 of this act*, including, without limitation:

24 1. The failure to comply with security procedures adopted
25 pursuant to NRS 389.616 or 389.620;

26 2. The disclosure of questions or answers to questions on an
27 examination in a manner not otherwise approved by law; and

28 3. Other breaches in the security or confidentiality of the
29 questions or answers to questions on an examination.

30 **Sec. 29.** NRS 389.616 is hereby amended to read as follows:

31 389.616 1. The Department shall, by regulation or otherwise,
32 adopt and enforce a plan setting forth procedures to ensure the
33 security of examinations that are administered to pupils pursuant to
34 NRS ~~389.015 and~~ 389.550 *and section 20 of this act*.

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

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

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

42 (c) Procedures that specifically set forth the action that must be
43 taken in response to a report of an irregularity in testing
44 administration or testing security and the actions that must be taken



1 during an investigation of such an irregularity. For each action that
2 is required, the procedures must identify:

3 (1) By category, the employees of the school district, charter
4 school or Department, or any combination thereof, who are
5 responsible for taking the action; and

6 (2) Whether the school district, charter school or
7 Department, or any combination thereof, is responsible for ensuring
8 that the action is carried out successfully.

9 (d) Objective criteria that set forth the conditions under which a
10 school, including, without limitation, a charter school or a school
11 district, or both, is required to file a plan for corrective action in
12 response to an irregularity in testing administration or testing
13 security for the purposes of NRS 389.636.

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

17 (a) The State Board; and

18 (b) The Legislative Committee on Education, created pursuant
19 to NRS 218E.605.

20 **Sec. 30.** NRS 389.620 is hereby amended to read as follows:

21 389.620 1. The board of trustees of each school district shall,
22 for each public school in the district, including, without limitation,
23 charter schools, adopt and enforce a plan setting forth procedures to
24 ensure the security of examinations.

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

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

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

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

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

43 ➤ The procedures adopted pursuant to this subsection must be
44 consistent, to the extent applicable, with the procedures adopted by
45 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:

(a) The State Board; and

(b) The Legislative Committee on Education, created pursuant to NRS 218E.605.

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

(a) Plan adopted pursuant to this section; and

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

5. As used in this section:

(a) “Examination” means:

(1) Achievement and proficiency examinations that are administered to pupils pursuant to NRS ~~389.015 or~~ 389.550 ~~+~~ *or section 20 of this act*; and

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

(b) “Irregularity in testing administration” means the failure to administer an examination in the manner intended by the person or entity that created the examination.

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

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

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

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

Sec. 31. NRS 389.624 is hereby amended to read as follows:

389.624 1. If the Department:

(a) Has reason to believe that a violation of the plan adopted pursuant to NRS 389.616 may have occurred;



(b) Has reason to believe that a violation of the plan adopted pursuant to NRS 389.620 may have occurred with respect to an examination that is administered pursuant to NRS ~~389.015 or~~ 389.550 ~~or~~ *or section 20 of this act*; or

(c) Receives a request pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 389.628 to investigate a potential violation of the plan adopted pursuant to NRS 389.620 with respect to an examination that is administered pursuant to NRS ~~389.015 or~~ 389.550, *or section 20 of this act*,

➔ the Department shall investigate the matter as it deems appropriate.

2. If the Department investigates a matter pursuant to subsection 1, the Department may issue a subpoena to compel the attendance or testimony of a witness or the production of any relevant materials, including, without limitation, books, papers, documents, records, photographs, recordings, reports and tangible objects.

3. If a witness refuses to attend, testify or produce materials as required by the subpoena, the Department may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of attendance or testimony of the witness or the production of materials;

(b) The witness has been subpoenaed by the Department pursuant to this section; and

(c) The witness has failed or refused to attend, testify or produce materials before the Department as required by the subpoena, or has refused to answer questions propounded to him or her,

➔ and asking for an order of the court compelling the witness to attend, testify or produce materials before the Department.

4. Upon receipt of such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why the witness has not attended, testified or produced materials before the Department. A certified copy of the order must be served upon the witness.

5. If it appears to the court that the subpoena was regularly issued by the Department, the court shall enter an order that the witness appear before the Department at a time and place fixed in the order and testify or produce materials, and that upon failure to obey the order the witness must be dealt with as for contempt of court.



Sec. 32. NRS 389.628 is hereby amended to read as follows:

389.628 1. If a school official has reason to believe that a violation of the plan adopted pursuant to NRS 389.620 may have occurred, the school official shall immediately report the incident to the board of trustees of the school district. If the board of trustees of a school district has reason to believe that a violation of the plan adopted pursuant to NRS 389.620 may have occurred, the board of trustees shall:

(a) If the violation is with respect to an examination administered pursuant to NRS ~~389.015 or~~ 389.550, *or section 20 of this act*, immediately report the incident to the Department orally or in writing followed by a comprehensive written report within 14 school days after the incident occurred; and

(b) Cause to be commenced an investigation of the incident. The board of trustees may carry out the requirements of this paragraph by:

(1) Investigating the incident as it deems appropriate, including, without limitation, using the powers of subpoena set forth in this section.

(2) With respect to an examination that is administered pursuant to NRS ~~389.015 or~~ 389.550, *or section 20 of this act*, requesting that the Department investigate the incident pursuant to NRS 389.624.

➤ The fact that a board of trustees elects initially to carry out its own investigation pursuant to subparagraph (1) of paragraph (b) does not affect the ability of the board of trustees to request, at any time, that the Department investigate the incident as authorized pursuant to subparagraph (2) of paragraph (b).

2. Except as otherwise provided in this subsection, if the board of trustees of a school district proceeds in accordance with subparagraph (1) of paragraph (b) of subsection 1, the board of trustees may issue a subpoena to compel the attendance or testimony of a witness or the production of any relevant materials, including, without limitation, books, papers, documents, records, photographs, recordings, reports and tangible objects. A board of trustees shall not issue a subpoena to compel the attendance or testimony of a witness or the production of materials unless the attendance, testimony or production sought to be compelled is related directly to a violation or an alleged violation of the plan adopted pursuant to NRS 389.620.

3. If a witness refuses to attend, testify or produce materials as required by the subpoena, the board of trustees may report to the district court by petition, setting forth that:



(a) Due notice has been given of the time and place of attendance or testimony of the witness or the production of materials;

(b) The witness has been subpoenaed by the board of trustees pursuant to this section; and

(c) The witness has failed or refused to attend, testify or produce materials before the board of trustees as required by the subpoena, or has refused to answer questions propounded to him or her,

➔ and asking for an order of the court compelling the witness to attend, testify or produce materials before the board of trustees.

4. Upon receipt of such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why the witness has not attended, testified or produced materials before the board of trustees. A certified copy of the order must be served upon the witness.

5. If it appears to the court that the subpoena was regularly issued by the board of trustees, the court shall enter an order that the witness appear before the board of trustees at a time and place fixed in the order and testify or produce materials, and that upon failure to obey the order the witness must be dealt with as for contempt of court.

Sec. 33. NRS 389.644 is hereby amended to read as follows:

389.644 1. The Department shall establish a program of education and training regarding the administration and security of the examinations administered pursuant to NRS ~~389.015 and~~ 389.550 ~~+~~ *and section 20 of this act*. Upon approval of the Department, the board of trustees of a school district or the governing body of a charter school may establish an expanded program of education and training that includes additional education and training if the expanded program complies with the program established by the Department.

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

(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, *or section 20 of this act*, and all other personnel who are involved with the administration of the examinations that are administered pursuant to NRS ~~389.015 or~~ 389.550, *or section 20 of this act*, 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. 34. NRS 389.805 is hereby amended to read as follows:

389.805 1. ~~Except as otherwise provided in subsection 3, a pupil must receive a standard high school diploma if the pupil:~~

~~—(a) Passes all subject areas of the high school proficiency examination administered pursuant to NRS 389.015 and otherwise satisfies the requirements for graduation from high school; or~~

~~—(b) Has failed to pass the high school proficiency examination administered pursuant to NRS 389.015 in its entirety not less than two times before beginning grade 12 and the pupil:~~

~~—(1) Passes the subject areas of mathematics and reading on the proficiency examination;~~

~~—(2) Has an overall grade point average of not less than 2.75 on a 4.0 grading scale;~~

~~—(3) Satisfies the alternative criteria prescribed by the State Board pursuant to subsection 4; and~~

~~—(4) Otherwise satisfies the requirements for graduation from high school.~~

~~2. A pupil with a disability who does not satisfy the requirements for receipt of a standard high school diploma may receive a diploma designated as an adjusted diploma if the pupil satisfies the requirements set forth in his or her individualized education program. As used in this subsection, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).~~

~~3. A pupil who transfers during grade 12 to a school in this State from a school outside this State because of the military transfer of the parent or legal guardian of the pupil may receive a waiver from the requirements of paragraphs (a) and (b) of subsection 1 if, in accordance with the provisions of NRS 392C.010, the school district in which the pupil is enrolled:~~

~~—(a) Accepts the results of the exit or end-of course examinations required for graduation in the local education agency in which the pupil was previously enrolled;~~

~~—(b) Accepts the results of a national norm-referenced achievement examination taken by the pupil; or~~

~~—(c) Establishes an alternative test for the pupil which demonstrates proficiency in the subject areas tested on the high school proficiency examination, and the pupil successfully passes that test.~~

~~4.~~ The State Board shall , *in consultation with the Board of Regents of the University of Nevada*, adopt regulations that prescribe the ~~alternative~~ criteria for a pupil to receive a standard



high school diploma ~~pursuant to paragraph (b) of subsection 1,~~
~~including, without limitation:~~

~~—(a) An essay;~~

~~—(b) A senior project; or~~

~~—(c) A portfolio of work;~~

~~or any combination thereof, that demonstrate proficiency in the~~
~~subject areas on the high school proficiency examination which the~~
~~pupil failed to pass.], which must include, without limitation,~~
the requirement that a pupil who completes the required
instruction in a course of study successfully complete an
examination which measures the proficiency of the pupil in the
course of study.

2. A pupil with a disability who does not satisfy the
requirements for receipt of a standard high school diploma may
receive a diploma designated as an adjusted diploma if the pupil
satisfies the requirements set forth in his or her individualized
education program. As used in this subsection, "individualized
education program" has the meaning ascribed to it in 20 U.S.C. §
1414(d)(1)(A).

3. The State Board shall prescribe the courses of study in
which a pupil must successfully pass the examinations required
pursuant to subsection 1.

Sec. 35. NRS 389.900 is hereby amended to read as follows:

389.900 If the Department enters into a contract with a person
or entity to score the results of an examination that is administered
to pupils pursuant to NRS ~~389.015 or~~ 389.550 and the contract
sets forth penalties or sanctions in the event that the person or entity
fails to deliver the scored results to a school district or charter
school on a timely basis, the Department shall ensure that any such
penalties or sanctions are fully enforced.

Sec. 36. NRS 391.166 is hereby amended to read as follows:

391.166 1. There is hereby created the Grant Fund for
Incentives for Licensed Educational Personnel to be administered by
the Department. The Department may accept gifts and grants from
any source for deposit in the Grant Fund.

2. The board of trustees of each school district shall establish a
program of incentive pay for licensed teachers, school
psychologists, school librarians, school counselors and
administrators employed at the school level which must be designed
to attract and retain those employees. The program must be
negotiated pursuant to chapter 288 of NRS and must include,
without limitation, the attraction and retention of:

(a) Licensed teachers, school psychologists, school librarians,
school counselors and administrators employed at the school level
who have been employed in that category of position for at least 5



1 years in this State or another state and who are employed in schools
2 which are at-risk, as determined by the Department pursuant to
3 subsection 8; and

4 (b) Teachers who hold a license or endorsement in the field of
5 mathematics, science, special education, English as a second
6 language or other area of need within the school district, as
7 determined by the Superintendent of Public Instruction.

8 3. A program of incentive pay established by a school district
9 must specify the type of financial incentives offered to the licensed
10 educational personnel. Money available for the program must not be
11 used to negotiate the salaries of individual employees who
12 participate in the program.

13 4. If the board of trustees of a school district wishes to receive
14 a grant of money from the Grant Fund, the board of trustees shall
15 submit to the Department an application on a form prescribed by the
16 Department. The application must include a description of the
17 program of incentive pay established by the school district.

18 5. The Superintendent of Public Instruction shall compile a list
19 of the financial incentives recommended by each school district that
20 submitted an application. On or before December 1 of each year, the
21 Superintendent shall submit the list to the Interim Finance
22 Committee for its approval of the recommended incentives.

23 6. After approval of the list of incentives by the Interim
24 Finance Committee pursuant to subsection 5 and within the limits of
25 money available in the Grant Fund, the Department shall provide
26 grants of money to each school district that submits an application
27 pursuant to subsection 4 based upon the amount of money that is
28 necessary to carry out each program. If an insufficient amount of
29 money is available to pay for each program submitted to the
30 Department, the amount of money available must be distributed pro
31 rata based upon the number of licensed employees who are
32 estimated to be eligible to participate in the program in each school
33 district that submitted an application.

34 7. An individual employee may not receive as a financial
35 incentive pursuant to a program an amount of money that is more
36 than \$3,500 per year.

37 8. The Department shall, in consultation with representatives
38 appointed by the Nevada Association of School Superintendents and
39 the Nevada Association of School Boards, develop a formula for
40 identifying at-risk schools for purposes of this section. The formula
41 must be developed on or before July 1 of each year and include,
42 without limitation, the following factors:

43 (a) The percentage of pupils who are eligible for free or
44 reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq.;

45 (b) The transiency rate of pupils;



* A B 2 3 8 *

(c) The percentage of pupils who are limited English proficient;
(d) The percentage of pupils who have individualized education programs; *and*

~~(e) [The percentage of pupils who score in the bottom two quarters on the mathematics portion or the reading portion, or both, of the high school proficiency examination; and~~

~~—(f)—~~ The percentage of pupils who drop out of high school before graduation.

9. The board of trustees of each school district that receives a grant of money pursuant to this section shall evaluate the effectiveness of the program for which the grant was awarded. The evaluation must include, without limitation, an evaluation of whether the program is effective in recruiting and retaining the personnel as set forth in subsection 2. On or before December 1 of each year, the board of trustees shall submit a report of its evaluation to the:

(a) Governor;

(b) State Board;

(c) Interim Finance Committee;

(d) If the report is submitted in an even-numbered year, Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature; and

(e) Legislative Committee on Education.

Sec. 37. 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



1 means, or the advocating or teaching of communism with the intent
2 to indoctrinate pupils to subscribe to communistic philosophy;

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

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

7 (p) Dishonesty;

8 (q) Breaches in the security or confidentiality of the questions
9 and answers of the achievement and proficiency ~~examinations~~
10 *examination* that ~~are~~ *is* administered pursuant to ~~NRS 389.015;~~
11 *section 20 of this act;*

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

15 (s) An intentional violation of NRS 388.5265 or 388.527;

16 (t) Gross misconduct; or

17 (u) An intentional failure to report a violation of NRS 388.135 if
18 the teacher or administrator witnessed the violation.

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

25 3. As used in this section, "gross misconduct" includes any act
26 or omission that is in wanton, willful, reckless or deliberate
27 disregard of the interests of a school or school district or a pupil
28 thereof.

29 **Sec. 38.** NRS 391.330 is hereby amended to read as follows:

30 391.330 The State Board may suspend or revoke the license of
31 any teacher, administrator or other licensed employee, after notice
32 and an opportunity for hearing have been provided pursuant to NRS
33 391.322 and 391.323, for:

34 1. Immoral or unprofessional conduct.

35 2. Evident unfitness for service.

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

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

39 5. Conviction of a sex offense under NRS 200.366, 200.368,
40 201.190, 201.220, 201.230, 201.540 or 201.560 in which a pupil
41 enrolled in a school of a county school district was the victim.

42 6. Knowingly advocating the overthrow of the Federal
43 Government or of the State of Nevada by force, violence or
44 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~~ *examination* that ~~are~~ *is* administered pursuant to ~~NRS 389.015~~ *section 20 of this act*.

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. 39. NRS 391.604 is hereby amended to read as follows:

391.604 "Examination" means:

1. Achievement and proficiency examinations that are administered to pupils pursuant to NRS ~~389.015 or~~ 389.550 ~~+~~ *section 20 of this act*; 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. 40. NRS 392.700 is hereby amended to read as follows:

392.700 1. If the parent of a child who is subject to compulsory attendance wishes to homeschool the child, the parent must file with the superintendent of schools of the school district in which the child resides a written notice of intent to homeschool the child. The Department shall develop a standard form for the notice of intent to homeschool. The form must not require any information or assurances that are not otherwise required by this section or other specific statute. The board of trustees of each school district shall, in a timely manner, make only the form developed by the Department available to parents who wish to homeschool their child.

2. The notice of intent to homeschool must be filed before beginning to homeschool the child or:

(a) Not later than 10 days after the child has been formally withdrawn from enrollment in public school; or

(b) Not later than 30 days after establishing residency in this State.

3. The purpose of the notice of intent to homeschool is to inform the school district in which the child resides that the child is exempt from the requirement of compulsory attendance.

4. If the name or address of the parent or child as indicated on a notice of intent to homeschool changes, the parent must, not later than 30 days after the change, file a new notice of intent to homeschool with the superintendent of schools of the school district in which the child resides.



5. A notice of intent to homeschool must include only the following:

(a) The full name, age and gender of the child;

(b) The name and address of each parent filing the notice of intent to homeschool;

(c) A statement signed and dated by each such parent declaring that the parent has control or charge of the child and the legal right to direct the education of the child, and assumes full responsibility for the education of the child while the child is being homeschooled;

(d) An educational plan for the child that is prepared pursuant to subsection 12;

(e) If applicable, the name of the public school in this State which the child most recently attended; and

(f) An optional statement that the parent may sign which provides:

I expressly prohibit the release of any information contained in this document, including, without limitation, directory information as defined in 20 U.S.C. § 1232g(a)(5)(A), without my prior written consent.

6. Each superintendent of schools of a school district shall accept notice of intent to homeschool that is filed with the superintendent pursuant to this section and meets the requirements of subsection 5, and shall not require or request any additional information or assurances from the parent who filed the notice.

7. The school district shall provide to a parent who files a notice a written acknowledgment which clearly indicates that the parent has provided notification required by law and that the child is being homeschooled. The written acknowledgment shall be deemed proof of compliance with Nevada's compulsory school attendance law. The school district shall retain a copy of the written acknowledgment for not less than 15 years. The written acknowledgment may be retained in electronic format.

8. The superintendent of schools of a school district shall process a written request for a copy of the records of the school district, or any information contained therein, relating to a child who is being or has been homeschooled not later than 5 days after receiving the request. The superintendent of schools may only release such records or information:

(a) To a person or entity specified by the parent of the child, or by the child if the child is at least 18 years of age, upon suitable proof of identity of the parent or child; or

(b) If required by specific statute.



* A B 2 3 8 *

9. If a child who is or was homeschooled seeks admittance or entrance to any school in this State, the school may use only commonly used practices in determining the academic ability, placement or eligibility of the child. If the child enrolls in a charter school, the charter school shall, to the extent practicable, notify the board of trustees of the school district in which the child resides of the child's enrollment in the charter school. Regardless of whether the charter school provides such notification to the board of trustees, the charter school may count the child who is enrolled for the purposes of the calculation of basic support pursuant to NRS 387.1233. A homeschooled child seeking admittance to public high school must comply with NRS 392.033.

10. A school or organization shall not discriminate in any manner against a child who is or was homeschooled.

11. Each school district shall allow homeschooled children to participate in ~~the high school proficiency examination administered pursuant to NRS 389.015 and~~ all college entrance examinations offered in this State, including, without limitation, the SAT, the ACT, the Preliminary SAT and the National Merit Scholarship Qualifying Test. Each school district shall ensure that the homeschooled children who reside in the school district have adequate notice of the availability of information concerning such examinations on the Internet website of the school district maintained pursuant to NRS 389.004.

12. The parent of a child who is being homeschooled shall prepare an educational plan of instruction for the child in the subject areas of English, including reading, composition and writing, mathematics, science and social studies, including history, geography, economics and government, as appropriate for the age and level of skill of the child as determined by the parent. The educational plan must be included in the notice of intent to homeschool filed pursuant to this section. If the educational plan contains the requirements of this section, the educational plan must not be used in any manner as a basis for denial of a notice of intent to homeschool that is otherwise complete. The parent must be prepared to present the educational plan of instruction and proof of the identity of the child to a court of law if required by the court. This subsection does not require a parent to ensure that each subject area is taught each year that the child is homeschooled.

13. No regulation or policy of the State Board, any school district or any other governmental entity may infringe upon the right of a parent to educate his or her child based on religious preference unless it is:

(a) Essential to further a compelling governmental interest; and



(b) The least restrictive means of furthering that compelling governmental interest.

14. As used in this section, "parent" means the parent, custodial parent, legal guardian or other person in this State who has control or charge of a child and the legal right to direct the education of the child.

Sec. 41. NRS 392A.100 is hereby amended to read as follows:

392A.100 1. A university school for profoundly gifted pupils shall determine the eligibility of a pupil for admission to the school based upon a comprehensive assessment of the pupil's potential for academic and intellectual achievement at the school, including, without limitation, intellectual and academic ability, motivation, emotional maturity and readiness for the environment of an accelerated educational program. The assessment must be conducted by a broad-based committee of professionals in the field of education.

2. A person who wishes to apply for admission to a university school for profoundly gifted pupils must:

(a) Submit to the governing body of the school:

(1) A completed application;

(2) Evidence that the applicant possesses advanced intellectual and academic ability, including, without limitation, proof that he or she satisfies the requirements of NRS 392A.030;

(3) At least three letters of recommendation from teachers or mentors familiar with the academic and intellectual ability of the applicant;

(4) A transcript from each school previously attended by the applicant; and

(5) Such other information as may be requested by the university school or governing body of the school.

(b) If requested by the governing body of the school, participate in an on-campus interview.

3. The curriculum developed for pupils in a university school for profoundly gifted pupils must provide exposure to the subject areas required of pupils enrolled in other public schools.

4. The Superintendent of Public Instruction shall, upon recommendation of the governing body, issue a high school diploma to a pupil who is enrolled in a university school for profoundly gifted pupils if that pupil ~~successfully passes the high school proficiency examination~~ *satisfies the criteria prescribed pursuant to NRS 389.805* and the courses in American government and American history as required by NRS 389.020 and 389.030, and successfully completes any requirements established by the State Board of Education for graduation from high school.



5. On or before March 1 of each odd-numbered year, the governing body of a university school for profoundly gifted pupils shall prepare and submit to the Superintendent of Public Instruction, the president of the university where the university school for profoundly gifted pupils is located, the State Board and the Director of the Legislative Counsel Bureau a report that contains information regarding the school, including, without limitation, the process used by the school to identify and recruit profoundly gifted pupils from diverse backgrounds and with diverse talents, and data assessing the success of the school in meeting the educational needs of its pupils.

Sec. 42. 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 achievement and proficiency examinations required by NRS ~~389.015 and~~ 389.550 ~~+~~ and *section 20 of this act.*

Sec. 43. NRS 218E.615 is hereby amended to read as follows:

218E.615 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, State Public Charter School Authority, 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 administered pursuant to NRS ~~389.015~~ 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.

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

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

Sec. 44. NRS 389.015, 389.016, 389.017, 389.0175 and 389.045 are hereby repealed.

Sec. 45. This act becomes effective:

1. Upon passage and approval for the purposes of selecting the examination as required pursuant to section 20 of this act and for adopting any regulations and performing any preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On July 1, 2013, for all other purposes.

LEADLINES OF REPEALED SECTIONS

389.015 Administration and scoring; transmission of results; effect of failure to pass; certain exceptions for child transferred due to military transfer of parent; confidentiality of examinations.



* A B 2 3 8 *

389.016 Postponement of administration of examination in mathematics and science for pupil enrolled in grade 10; revision of pupil's academic plan; annual report by school district.

389.017 Reporting of results of examinations; reconciliation of number of pupils taking examinations.

389.0175 Establishment of statewide program for preparation of pupils to take examination; compliance with program required of school districts and certain schools; use of additional materials and information.

389.045 Course of study designed to assist pupils with passing high school proficiency examination; board of trustees authorized to offer course as elective.

③⑩



* A B 2 3 8 *