

Amendment No. 267

Assembly Amendment to Assembly Bill No. 288

(BDR 34-524)

Proposed by: Assembly Committee on Education

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

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

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

KCR/EGO



Date: 4/20/2013

A.B. No. 288—Removes the high school proficiency examination and provides for the administration of a standardized, curriculum-based achievement college entrance examination. (BDR 34-524)



ASSEMBLY BILL NO. 288—ASSEMBLYMEN FLORES, DONDERO LOOP, ~~AND KIRNER;~~
AND ELLIOT ANDERSON

MARCH 15, 2013

Referred to Committee on Education

SUMMARY—~~[Removes the high school proficiency examination and provides for the administration of a standardized, curriculum-based achievement college entrance examination.]~~ **Revises provisions governing graduation from high school.** (BDR 34-524)

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

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

AN ACT relating to education; requiring the ~~[Superintendent of Public Instruction]~~ **State Board of Education** to select a ~~[standardized, curriculum-based achievement college entrance examination]~~ **college and career readiness assessment** for administration to pupils enrolled in grade 11 in public high schools; revising the requirements to receive a standard high school diploma ~~and~~ **by requiring pupils enrolled in grades 9 and 10 to pass end-of-course examinations for the courses of study prescribed by the State Board; eliminating the option for the issuance of a certificate of attendance indicating a pupil attended high school but did not satisfy the requirements for a standard high school diploma;** eliminating the high school proficiency examination; repealing provisions relating to the high school proficiency examination; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires the State Board of Education to prescribe the high school proficiency examination, which must include the subjects of reading, mathematics and science. Existing law also requires the State Board, in consultation with the Council to Establish Academic Standards for Public Schools, to prescribe a writing examination for the high school proficiency examination. Existing law further requires the board of trustees of each school district and the governing body of a charter school that enrolls pupils at the high school grade levels to administer the high school proficiency examination in all public high schools.]~~ **Existing law requires the administration of examinations based upon the State's academic standards to pupils enrolled in grades 3 through 8 and requires pupils to pass the high school proficiency examination to receive a standard high school diploma.** (NRS 389.015, 389.550) **Section 43** of this bill eliminates the high school proficiency examination ~~and section~~ **Section 19** of this bill ~~instead~~ requires the ~~[Superintendent of Public Instruction]~~ **State Board of Education** to select a ~~[standardized, curriculum-based achievement college entrance examination]~~ **college and career readiness**

assessment for administration to pupils enrolled in grade 11 in public high schools, ~~and commencing with the 2014-2015 school year. Section 19 further requires a pupil enrolled in grade 11 to take the assessment to receive a standard high school diploma, but prohibits the use of the results of the assessment in determining the pupil's eligibility for such a diploma.~~

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}~~ a standard high school diploma, including passage of the high school proficiency examination. (NRS 389.805) Section 33 of this bill eliminates ~~{those existing provisions}~~ the requirement of passage of the high school proficiency examination and instead requires the State Board to prescribe the criteria for receipt of a standard high school diploma, which must include the requirement that, commencing with the 2014-2015 school year, a pupil ~~{successfully}~~ enrolled in grade 9 or 10 pass an end-of-course examination. ~~{upon completion of a course of study}~~ Section 33 also requires the State Board to ~~{prescribe}~~ adopt the courses of study in which ~~{a pupil}~~ pupils enrolled in grades 9 and 10 must ~~{successfully}~~ pass such an examination, which must include, without limitation, the subject areas for which the State Board has adopted the common core standards.

Under existing law, a pupil who does not pass the high school proficiency examination may be issued a certificate of attendance in lieu of a diploma if he or she is 18 years of age. (NRS 389.015) Section 33 of this bill prohibits the issuance to a pupil of a certificate of attendance or any other document indicating that the pupil attended high school but did not satisfy the requirements for a standard high school diploma.

As a transition from the administration of the high school proficiency examination to the administration of end-of-course examinations, sections 44-44.7 of this bill require the State Board of Education to prescribe the requirements which a pupil enrolled in grade 10, 11 or 12 in the 2013-2014 school year who has not passed the high school proficiency examination and is required to pass the examination to receive a standard high school diploma must satisfy to receive a standard high school diploma. Such requirements may include the continuation of the administration of the high school proficiency examination to those pupils.

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 ~~{,}~~ and 389.805, 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 ~~++~~ and 389.805, 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;

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

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

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

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

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

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

18 (1) The percentage of teachers who are:

19 (I) Providing instruction pursuant to NRS 391.125;

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

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

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

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

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

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

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

41 (5) For each elementary school:

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

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

50 (m) The total expenditure per pupil for each school district in this State,
51 including, without limitation, each charter school in the district. If this State has a
52 financial analysis program that is designed to track educational expenditures and
53 revenues to individual schools, the State Board shall use that statewide program in

1 complying with this paragraph. If a statewide program is not available, the State
2 Board shall use the Department's own financial analysis program in complying
3 with this paragraph.

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

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

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

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

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

22 (3) Withdraw from school to attend another school.

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

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

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

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

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

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

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

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

49 (y) A compilation of the programs of remedial study purchased in whole or in
50 part with money received from this State that are used in each school district,
51 including, without limitation, each charter school in the district. The compilation
52 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 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) 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) 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 . ~~1. 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 389.805.1~~

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

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

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

(2) 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 all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in programs supported with Title I money and to paraprofessionals who are not employed in programs supported with Title I money.

~~(ff)~~ ~~(ee)~~ An identification of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

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

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

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

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

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

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

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma ~~or an adjusted diploma~~ ~~for a certificate of attendance~~ and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to ~~pass the high school proficiency examination~~ ~~(ii) satisfy the criteria prescribed by the State Board pursuant to NRS 389.805.~~

(hh) 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~~ and 389.805; 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

1 forth in 20 U.S.C. § 7801(34) and to address the specific needs of the pupils
2 enrolled in public schools in this State, as deemed appropriate by the State Board.

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

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

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

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

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

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

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

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

23 (h) For each provision of the plan, measurable criteria for determining whether
24 the provision has contributed toward improving the academic achievement of
25 pupils, increasing the rate of attendance of pupils and reducing the number of pupils
26 who drop out of school.

27 (i) Strategies to improve the allocation of resources from this State, by program
28 and by school district, in a manner that will improve the academic achievement of
29 pupils. If this State has a financial analysis program that is designed to track
30 educational expenditures and revenues to individual schools, the State Board shall
31 use that statewide program in complying with this paragraph. If a statewide
32 program is not available, the State Board shall use the Department's own financial
33 analysis program in complying with this paragraph.

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

37 (k) A summary of the effectiveness of appropriations made by the Legislature
38 to improve the academic achievement of pupils and programs approved by the
39 Legislature to improve the academic achievement of pupils.

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

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

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

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

49 3. The State Board shall:

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

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

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

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

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

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

(c) The transiency rate of pupils;

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

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

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

- (1) Violence to other pupils or to school personnel;
- (2) Possession of a weapon;
- (3) Distribution of a controlled substance;
- (4) Possession or use of a controlled substance;
- (5) Possession or use of alcohol; and
- (6) Bullying, cyber-bullying, harassment or intimidation;
- (g) For kindergarten through grade 8, the number and percentage of pupils who are retained in the same grade;
- (h) For grades 9 to 12, inclusive, the number and percentage of pupils who are deficient in the number of credits required for promotion to the next grade or graduation from high school;
 - (i) The pupil-teacher ratio for kindergarten and grades 1 to 8, inclusive;
 - (j) The average class size for the subject area of mathematics, English, science and social studies in schools where pupils rotate to different teachers for different subjects;
 - (k) The number and percentage of pupils who graduated from high school;
 - (l) The number and percentage of pupils who received a:
 - (1) Standard diploma;
 - (2) Adult diploma; *and*
 - (3) Adjusted diploma; ~~and~~
 - (4) ~~Certificate of attendance;~~
 - (m) The number and percentage of pupils who graduated from high school and enrolled in remedial courses at the Nevada System of Higher Education;
 - (n) Per pupil expenditures;
 - (o) Information on the professional qualifications of teachers;
 - (p) The average daily attendance of teachers and licensure information;
 - (q) Information on the adequate yearly progress of the schools and school districts;
 - (r) Pupil achievement based upon the :
 - (1) ~~Examinations~~ *examinations* administered pursuant to NRS 389.550, including, without limitation, whether public schools have made progress based upon the model adopted by the Department pursuant to NRS 385.3595; and
 - (2) ~~High school proficiency examination administered pursuant to NRS 389.015; and~~ *End-of-course examinations administered pursuant to NRS 389.805; and*
 - (s) Other information required by the Superintendent of Public Instruction in consultation with the Bureau.
2. The summary prepared pursuant to subsection 1 must:
 - (a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;
 - (b) Be prepared in a concise manner; and
 - (c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents will likely understand.
3. On or before October 20 of each year, the State Board shall:
 - (a) Provide for public dissemination of the summary prepared pursuant to subsection 1 by posting the summary on the Internet website maintained by the Department; and
 - (b) Submit a copy of the summary in an electronic format to the:
 - (1) Governor;
 - (2) Committee;
 - (3) Bureau;
 - (4) Board of Regents of the University of Nevada;
 - (5) Board of trustees of each school district; and

(6) Governing body of each charter school.

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

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

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) "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 389.805 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;

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

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

(4) 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.

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

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

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS ~~389.015 and~~ 389.550, ~~+~~ and 389.805, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

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

(9) For each school in the district, including, without limitation, each charter school sponsored by the district, information that compares the results of pupils in the school with the results of pupils throughout the school 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.

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

➤ A separate reporting for a group of pupils must not be made pursuant to this paragraph 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 the mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

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

(d) The total number of persons employed for each elementary school, middle school or junior high school, and high school in the district, including, without limitation, each charter school sponsored by 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 in each category, the report must include the number of employees in each of the three categories for each school expressed as a percentage of the total number of persons employed by the school. 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 the school district as a professional-technical employee.

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

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

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

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

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

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

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

17 (e) The total number of persons employed by the school district, including
18 without limitation, each charter school sponsored by the district. Each such person
19 must be reported as either an administrator, a teacher or other staff and must not be
20 reported in more than one category. In addition to the total number of persons
21 employed by the school district in each category, the report must include the
22 number of employees in each of the three categories expressed as a percentage of
23 the total number of persons employed by the school district. As used in this
24 paragraph, "administrator," "other staff" and "teacher" have the meanings ascribed
25 to them in paragraph (d).

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

30 (1) The percentage of teachers who are:

31 (I) Providing instruction pursuant to NRS 391.125;

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

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

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

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

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

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

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

53 (5) For each elementary school:

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

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

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

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

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

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

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

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

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

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

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

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

39 (3) Withdraw from school to attend another school.

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

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

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

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

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

52 (m) Records of incidents involving weapons or violence for each school in the
53 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:

(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 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) 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) 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 . ~~It is 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~~

1 review school attendance pursuant to paragraph (b) of subsection 2 of NRS
2 392.144, for each school in the district and for the district as a whole.

3 ~~[(aa)]~~ (y) The amount and sources of money received for the training and
4 professional development of teachers and other educational personnel for each
5 school in the district and for the district as a whole, including, without limitation,
6 each charter school sponsored by the district.

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

11 ~~[(bb)]~~ (aa) Information on whether each public school in the district,
12 including, without limitation, each charter school sponsored by the district, has
13 made adequate yearly progress, including, without limitation:

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

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

19 ~~[(ee)]~~ (bb) Information on the paraprofessionals employed by each public
20 school in the district, including, without limitation, each charter school sponsored
21 by the district. The information must include:

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

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

28 ~~[(dd)]~~ (cc) For each high school in the district, including, without limitation,
29 each charter school sponsored by the district that operates as a high school,
30 information that provides a comparison of the rate of graduation of pupils enrolled
31 in the high school with the rate of graduation of pupils throughout the district and
32 throughout this State. The information required by this paragraph must be provided
33 in consultation with the Department to ensure the accuracy of the comparison.

34 ~~[(ee)]~~ (dd) An identification of the appropriations made by the Legislature that
35 are available to the school district or the schools within the district and programs
36 approved by the Legislature to improve the academic achievement of pupils.

37 ~~[(ff)]~~ (ee) For each school in the district and the district as a whole, including,
38 without limitation, each charter school sponsored by the district, information on
39 pupils enrolled in career and technical education, including, without limitation:

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

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

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

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

48 (5) The number and percentage of pupils who completed a program of
49 career and technical education and who received a standard high school diploma, ~~or~~
50 or an adjusted diploma; ~~for a certificate of attendance~~; and

51 (6) The number and percentage of pupils who completed a program of
52 career and technical education and who did not receive a high school diploma
53 because the pupils failed to ~~pass the high school proficiency examination~~.

1 ~~(ee)~~ *satisfy the criteria prescribed by the State Board pursuant to NRS*
2 *389.805.*

3 *(ff)* The number of incidents resulting in suspension or expulsion for bullying,
4 cyber-bullying, harassment or intimidation, for each school in the district and the
5 district as a whole, including, without limitation, each charter school sponsored by
6 the district.

7 ~~(hh)~~ *(gg)* Such other information as is directed by the Superintendent of
8 Public Instruction.

9 3. The State Public Charter School Authority and each college or university
10 within the Nevada System of Higher Education that sponsors a charter school shall,
11 on or before September 30 of each year, prepare an annual report of accountability
12 of the charter schools sponsored by the State Public Charter School Authority or
13 institution, as applicable, concerning the accountability information prescribed by
14 the Department pursuant to this section. The Department, in consultation with the
15 State Public Charter School Authority and each college or university within the
16 Nevada System of Higher Education that sponsors a charter school, shall prescribe
17 by regulation the information that must be prepared by the State Public Charter
18 School Authority and institution, as applicable, which must include, without
19 limitation, the information contained in paragraphs (a) to ~~(hh)~~ *(gg)*, inclusive, of
20 subsection 2, as applicable to charter schools. The Department shall provide for
21 public dissemination of the annual report of accountability prepared pursuant to this
22 section in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of
23 the report on the Internet website maintained by the Department.

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

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

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

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

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

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

41 6. The Superintendent of Public Instruction shall:

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

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

52 (c) Consult with a representative of the:

53 (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 Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

8. On or before September 30 of each year:

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

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

9. On or before September 30 of each year:

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

- (1) Governor;
- (2) State Board;
- (3) Department;
- (4) Committee; and
- (5) Bureau.

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

1 school it sponsors and the parents and guardians of pupils enrolled in each charter
2 school it sponsors.

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

9 11. As used in this section:

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

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

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

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

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

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

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

17 385.357 1. Except as otherwise provided in NRS 385.37603 and 385.37607,
18 the principal of each school, including, without limitation, each charter school,
19 shall, in consultation with the employees of the school, prepare a plan to improve
20 the achievement of the pupils enrolled in the school.

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

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

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

28 (c) Strategies based upon scientifically based research, as defined in 20 U.S.C.
29 § 7801(37), that will strengthen the core academic subjects, as defined in NRS
30 389.018.

31 (d) Policies and practices concerning the core academic subjects which have
32 the greatest likelihood of ensuring that each group of pupils identified in paragraph
33 (b) of subsection 1 of NRS 385.361 who are enrolled in the school will make
34 adequate yearly progress and meet the minimum level of proficiency prescribed by
35 the State Board.

36 (e) Annual measurable objectives, consistent with the annual measurable
37 objectives established by the State Board pursuant to NRS 385.361, for the
38 continuous and substantial progress by each group of pupils identified in paragraph

39 (b) of subsection 1 of that section who are enrolled in the school to ensure that each
40 group will make adequate yearly progress and meet the level of proficiency
41 prescribed by the State Board.

42 (f) Strategies and practices which:

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

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

51 (g) As appropriate, programs of remedial education or tutoring to be offered
52 before and after school, during the summer, or between sessions if the school

operates on a year-round calendar for pupils enrolled in the school who need additional instructional time to pass or to reach a level considered proficient.

(h) Strategies to improve the academic achievement of pupils enrolled in the school, 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 389.805~~; 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;

(4) Manage effectively the discipline of pupils; and

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

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

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

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

(l) 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.

(m) 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 of attendance of pupils and reducing the number of pupils who drop out of school.

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

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

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

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

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

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

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

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

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

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

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

23 7. If a Title I school is designated as demonstrating need for improvement
24 pursuant to NRS 385.3623, the superintendent of schools of the school district or
25 the governing body, as applicable, shall carry out a process for peer review of the
26 plan or the revised plan, as applicable, in accordance with 20 U.S.C. §
27 6316(b)(3)(E) and the regulations adopted pursuant thereto. Not later than 45 days
28 after receipt of the plan, the superintendent of schools of the school district or the
29 governing body, as applicable, shall approve the plan or the revised plan, as
30 applicable, if it meets the requirements of 20 U.S.C. § 6316(b)(3) and the
31 regulations adopted pursuant thereto and the requirements of this section. The
32 superintendent of schools of the school district or the governing body, as
33 applicable, may condition approval of the plan or the revised plan, as applicable, in
34 the manner set forth in 20 U.S.C. § 6316(b)(3)(B) and the regulations adopted
35 pursuant thereto. The State Board shall prescribe the requirements for the process
36 of peer review, including, without limitation, the qualifications of persons who may
37 serve as peer reviewers.

38 8. If a school is designated as demonstrating exemplary achievement, high
39 achievement or adequate achievement, or if a school that is not a Title I school is
40 designated as demonstrating need for improvement, not later than 45 days after
41 receipt of the plan or the revised plan, as applicable, the superintendent of schools
42 of the school district or the governing body, as applicable, shall approve the plan or
43 the revised plan if it meets the requirements of this section.

44 9. On or before January 31 of each year, the principal of each school or the
45 support team established for the school, as applicable, shall submit the final plan or
46 the final revised plan, as applicable, to the:

47 (a) Superintendent of Public Instruction;

48 (b) Governor;

49 (c) State Board;

50 (d) Department;

51 (e) Committee;

52 (f) Bureau; and

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

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

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

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

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

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

(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; and

(4) Pupils who are limited English proficient;

(c) Be based primarily upon the measurement of progress of pupils on the examinations administered pursuant to NRS 389.550 ~~or the high school proficiency examination.~~ examinations administered pursuant to NRS 389.805, as applicable.

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

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

(f) For elementary schools, junior high schools and middle 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 and 389.805 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~~ for the high school

~~proficiency examination, as applicable;~~ and, if applicable for the grade levels of the school, the end-of-course examinations administered pursuant to NRS 389.805;

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

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

(a) The number of pupils enrolled in the school who took the examinations administered pursuant to NRS 389.550 ~~or the high school proficiency examination.~~ examinations administered pursuant to NRS 389.805, as applicable, is less than 95 percent of all pupils enrolled in the school who were required to take the examinations; or

(b) Except as otherwise provided in subsection 6, for each group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361, the number of pupils in the group enrolled in the school who took the examinations administered pursuant to NRS 389.550 ~~or the high school proficiency examination.~~ examinations administered pursuant to NRS 389.805, as applicable, is less than 95 percent of all pupils in that group enrolled in the school who were required to take the examinations.

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

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

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

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

7. If an irregularity in testing administration or an irregularity in testing security occurs at a school and the irregularity invalidates the test scores of pupils, those test scores must be included in the scores of pupils reported for the school, the

attendance of those pupils must be counted towards the total number of pupils who took the examinations and the pupils must be included in the total number of pupils who were required to take the examinations.

8. As used in this section:

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

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

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

385.3762 1. On or before August 15 of each year, the Department shall determine whether each school district is making adequate yearly progress, as defined by the State Board pursuant to NRS 385.361. The pupils who are enrolled in a charter school, if any, located within a school district must not be included in the determination made for that school district. The determination made for each school district must be based only upon the information and data for those pupils who were enrolled in the school district for a full academic year, regardless of whether those pupils attended more than one school within the school district for that academic year.

2. Except as otherwise provided in this subsection, the Department shall determine that a school district has failed to make adequate yearly progress if any group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361 who are enrolled in the school district 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 regulation the conditions under which a school district shall be deemed to have made adequate yearly progress even though a group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361 who are enrolled in the school district did not satisfy the annual measurable objectives of the State Board.

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

(a) The number of pupils enrolled in the school district who took the examinations administered pursuant to NRS 389.550 ~~or the high school proficiency examination.~~ examinations administered pursuant to NRS 389.805, as applicable, is less than 95 percent of all pupils enrolled in the school district who were required to take the examinations; or

(b) Except as otherwise provided in subsection 4, for each group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361, the number of pupils enrolled in the school district who took the examinations administered pursuant to NRS 389.550 ~~or the high school proficiency examination.~~ examinations administered pursuant to NRS 389.805, as applicable, is less than 95 percent of all pupils in the group who were required to take the examinations.

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

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

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

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

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

2 385.389 1. The Department shall adopt programs of remedial study for each
3 subject tested on the examinations administered pursuant to NRS ~~389.015 and~~
4 389.550 ~~+~~ and 389.805, including, without limitation, programs that are designed
5 for pupils who are limited English proficient. The programs adopted for pupils who
6 are limited English proficient must be designed to:

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

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

9 ➤ In adopting these programs of remedial study, the Department shall consider the
10 recommendations submitted by the Committee pursuant to NRS 218E.615 and
11 programs of remedial study that have proven to be successful in improving the
12 academic achievement of pupils.

13 2. If a school fails to make adequate yearly progress based upon the results of
14 the examinations administered pursuant to NRS ~~389.015 or~~ 389.550 ~~+~~ or
15 389.805, the school shall adopt a program of remedial study that has been adopted
16 by the Department pursuant to subsection 1 or a program, practice or strategy
17 recommended by the Commission on Educational Excellence pursuant to NRS
18 385.3785, or any combination thereof, as applicable.

19 3. A school district that includes a school described in subsection 2 shall
20 ensure that each of the pupils enrolled in the school who failed to demonstrate at
21 least adequate achievement on the examinations administered pursuant to NRS
22 ~~389.015 or~~ 389.550 ~~+~~ or 389.805, as applicable, completes remedial study that is
23 determined to be appropriate for the pupil.

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

25 385.3891 1. The Department shall establish a monitoring system for the
26 statewide system of accountability. The monitoring system must identify significant
27 levels of achievement of pupils on the examinations that are administered pursuant
28 to NRS 389.550 ~~+~~ and the high school proficiency examination that is
29 examinations administered pursuant to NRS ~~389.015,~~ 389.805, identified by
30 school and by school district.

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

34 (a) The Committee; and

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

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

39 **Sec. 13.** NRS 386.550 is hereby amended to read as follows:

40 386.550 1. A charter school shall:

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

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

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

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

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

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

1 this paragraph. The Superintendent of Public Instruction may grant such a request if
2 the governing body demonstrates to the satisfaction of the Superintendent that:

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

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

6 (g) Cooperate with the board of trustees of the school district in the
7 administration of the ~~achievement and proficiency~~ examinations administered
8 pursuant to ~~NRS 389.015 and the examinations required pursuant to~~ NRS 389.550
9 and, if the charter school enrolls pupils at a high school grade level, the end-of-
10 course examinations administered pursuant to NRS 389.805 and the college and
11 career readiness assessment administered pursuant to section 19 of this act to the
12 pupils who are enrolled in the charter school.

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

15 (i) Provide instruction in the core academic subjects set forth in subsection 1 of
16 NRS 389.018, as applicable for the grade levels of pupils who are enrolled in the
17 charter school, and provide at least the courses of study that are required of pupils
18 by statute or regulation for promotion to the next grade or graduation from a public
19 high school and require the pupils who are enrolled in the charter school to take
20 those courses of study. This paragraph does not preclude a charter school from
21 offering, or requiring the pupils who are enrolled in the charter school to take, other
22 courses of study that are required by statute or regulation.

23 (j) If the parent or legal guardian of a child submits an application to enroll in
24 kindergarten, first grade or second grade at the charter school, comply with NRS
25 392.040 regarding the ages for enrollment in those grades.

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

28 (l) Hold harmless, indemnify and defend the sponsor of the charter school
29 against any claim or liability arising from an act or omission by the governing body
30 of the charter school or an employee or officer of the charter school. An action at
31 law may not be maintained against the sponsor of a charter school for any cause of
32 action for which the charter school has obtained liability insurance.

33 (m) Provide written notice to the parents or legal guardians of pupils in grades
34 9 to 12, inclusive, who are enrolled in the charter school of whether the charter
35 school is accredited by the Commission on Schools of the Northwest Association of
36 Schools and of Colleges and Universities.

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

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

44 2. A charter school shall not provide instruction through a program of
45 distance education to children who are exempt from compulsory attendance
46 authorized by the State Board pursuant to subsection 1 of NRS 392.070. As used in
47 this subsection, "distance education" has the meaning ascribed to it in NRS
48 388.826.

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

50 386.5515 1. To the extent money is available from legislative appropriation
51 or otherwise, a charter school may apply to the Department for money for facilities
52 if:

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

(b) Each financial audit and each performance audit of the charter school required by the Department pursuant to NRS 386.540 contains no major notations, corrections or errors concerning the 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 by the State Board 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 pursuant to NRS 385.361, require the principal and the empowerment team for the school to work in consultation with the school support team;

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

(e) Prescribe the manner by which the achievement of pupils will be measured and reported for the school, including, without limitation, the results of the pupils on the examinations administered pursuant to NRS ~~389.015 and~~ 389.550 ~~that~~

~~section 19 of this act,~~ and, if applicable for the grade levels of the empowerment school, the end-of-course examinations administered pursuant to NRS 389.805;

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

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

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

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

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

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

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

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

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

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

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

(b) Set forth the standards that must be achieved by the pupils enrolled in the school and any other measurable objectives that must 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.

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

2 386.765 1. Except as otherwise provided pursuant to a waiver granted in
3 accordance with NRS 386.745 or 386.750, each empowerment school, each person
4 employed by an empowerment school and each pupil enrolled in an empowerment
5 school shall comply with the applicable requirements of state law, including,
6 without limitation, the standards of content and performance prescribed pursuant to
7 NRS 389.520 and the examinations that are administered pursuant to NRS ~~389.015~~
8 ~~and~~ 389.550 ~~H~~ and 389.805 and the college and career readiness assessment
9 administered pursuant to section 19 of this act.

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

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

15 388.205 1. The board of trustees of each school district shall adopt a policy
16 for each public school in the school district in which ninth grade pupils are enrolled
17 to develop a 4-year academic plan for each of those pupils. The academic plan must
18 set forth the specific educational goals that the pupil intends to achieve before
19 graduation from high school. The plan may include, without limitation, the
20 designation of a career pathway and enrollment in dual credit courses, career and
21 technical education courses, advanced placement courses and honors courses.

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

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

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

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

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

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

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

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

43 (b) Sign the academic plan; and

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

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

49 5. ~~If the administration of the high school proficiency examination in the~~
50 ~~subject area of mathematics or science, or both, is postponed for a pupil pursuant to~~
51 ~~NRS 389.016, the pupil's academic plan must be revised in consultation with the~~
52 ~~pupil's teacher who provides instruction in the applicable subject area and the~~
53 ~~pupil's parent or legal guardian as set forth in NRS 389.016.~~

1 ~~6.1~~ An academic plan for a pupil must be used as a guide for the pupil and the
2 parent or legal guardian of the pupil to plan, monitor and manage the pupil's
3 educational and occupational development and make determinations of the
4 appropriate courses of study for the pupil. If a pupil does not satisfy all the goals set
5 forth in the academic plan, the pupil is eligible to graduate and receive a high
6 school diploma if the pupil otherwise satisfies the requirements for a diploma.

7 **Sec. 18.** NRS 388.874 is hereby amended to read as follows:

8 388.874 1. The State Board shall adopt regulations that prescribe:

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

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

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

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

20 (e) The requirements for assessing the achievement of pupils who are enrolled
21 in a program of distance education, which must include, without limitation, the
22 administration of the ~~achievement and proficiency~~ examinations required pursuant
23 to NRS ~~389.015 and~~ 389.550 ~~and~~ 389.805; and

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

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

28 **Sec. 19.** Chapter 389 of NRS is hereby amended by adding thereto a new
29 section to read as follows:

30 1. ~~The Superintendent of Public Instruction. State Board shall select a~~
31 ~~standardized, curriculum-based achievement college entrance examination~~
32 ~~college and career readiness assessment for administration, commencing with~~
33 ~~the 2014-2015 school year and each school year thereafter, to pupils who are~~
34 ~~enrolled in grade 11 in public high schools.~~

35 2. Except as otherwise provided in this subsection, a pupil must take the
36 college and career readiness assessment to receive a standard high school
37 diploma. The results of a pupil on the assessment must not be used in the
38 determination of whether the pupil satisfies the requirements for receipt of a
39 standard high school diploma. A pupil with a disability may, in accordance with
40 his or her individualized education program, be exempt from the requirement to
41 take the college and career readiness assessment.

42 3. ~~The examination~~ assessment ~~selected pursuant to subsection 1 must be:~~

43 (a) Administered at the same time during the school year by the board of
44 trustees of each school district to pupils enrolled in grade 11 in all public high
45 schools of the school district and by the governing body of each charter school
46 that enrolls pupils in grade 11, as prescribed by the State Board, and in
47 accordance with uniform procedures adopted by the State Board. The
48 Department shall monitor the compliance of the school districts and individual
49 schools with the uniform procedures and report to the State Board any instance
50 of noncompliance.

51 (b) Administered in accordance with the plan adopted by the Department
52 pursuant to NRS 389.616 and with the plan adopted by the board of trustees of
53 the school district in which the examination assessment is administered

1 *pursuant to NRS 389.620. The Department shall monitor the compliance of the*
2 *school districts and individual schools with:*

- 3 (1) *The plan adopted by the Department; and*
4 (2) *The plan adopted by the board of trustees of the applicable school*
5 *district, to the extent that the plan adopted by the board of trustees of the school*
6 *district is consistent with the plan adopted by the Department,*
7 *and shall report to the State Board any instance of noncompliance.*

8 4. The assessment selected pursuant to subsection 1 must:
9 (a) Be used to provide data and information to each pupil who takes the
10 assessment in a manner that allows the pupil to review the areas of his or her
11 academic strengths and weaknesses, including, without limitation, areas where
12 additional work in the subject areas tested on the assessment is necessary to
13 prepare for college and career success without the need for remediation; and

14 (b) Allow teachers and other educational personnel to use the results of a
15 pupil on the assessment to provide appropriate interventions for the pupil to
16 prepare for college and career success.

17 5. The State Board may work in consultation with the boards of trustees of
18 school districts and, if a charter school enrolls pupils at a high school grade level,
19 the governing body of the charter school to develop and implement appropriate
20 plans of remediation for pupils based upon the results of the pupils on the
21 assessment.

22 **Sec. 20.** NRS 389.004 is hereby amended to read as follows:

23 389.004 The board of trustees of each school district shall maintain on its
24 Internet website, and shall post in a timely manner, all pertinent information
25 concerning the examinations and assessments available to children who reside in
26 the school district, including, without limitation, the dates and times of, and contact
27 information concerning, such examinations ~~+~~ and assessments. The examinations
28 and assessments posted must include, without limitation:

29 1. The ~~high school proficiency~~ college entrance examination and career
30 readiness assessment administered pursuant to ~~NRS 389.015; and~~ section 19 of
31 this act.

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

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

37 **Sec. 21.** NRS 389.006 is hereby amended to read as follows:

38 389.006 1. In addition to any other test, examination or assessment required
39 by state or federal law, the board of trustees of each school district may require the
40 administration of district-wide tests, examinations and assessments ~~+, including,~~
41 ~~without limitation, the practice test of the high school proficiency examination to~~
42 ~~pupils enrolled in high school,~~ that the board of trustees determines are vital to
43 measure the achievement and progress of pupils. In making this determination, the
44 board of trustees shall consider any applicable findings and recommendations of the
45 Legislative Committee on Education.

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

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

1 **Sec. 22.** NRS 389.0115 is hereby amended to read as follows:

2 389.0115 1. If a pupil with a disability is unable to take an examination
3 administered pursuant to NRS ~~389.015 or~~ 389.550 **or 389.805** under regular
4 testing conditions, the pupil may take the examination with modifications and
5 accommodations that the pupil's individualized education program team
6 determines, in consultation with the Department and in accordance with the
7 Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the No
8 Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq., are necessary to measure
9 the progress of the pupil. If modifications or accommodations are made in the
10 administration of an examination for a pupil with a disability, the modifications or
11 accommodations must be set forth in the pupil's individualized education program.
12 The results of each pupil with a disability who takes an examination with
13 modifications or accommodations must be reported and must be included in the
14 determination of whether the school and the school district have made adequate
15 yearly progress.

16 2. The State Board shall prescribe an alternate examination for administration
17 to a pupil with a disability if the pupil's individualized education program team
18 determines, in consultation with the Department, that the pupil cannot participate in
19 all or a portion of an examination administered pursuant to NRS ~~389.015 or~~
20 389.550 **or 389.805** even with modifications and accommodations.

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

27 4. As used in this section:

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

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

32 **Sec. 23.** NRS 389.012 is hereby amended to read as follows:

33 389.012 1. The State Board shall:

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

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

41 (1) Governor;

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

43 (3) Legislative Committee on Education created pursuant to NRS
44 218E.605; and

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

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

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

52 (2) The results of pupils on the achievement and proficiency examinations
53 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~~ examinations administered pursuant to NRS ~~389.015,~~ 389.805, 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~~ examinations administered pursuant to NRS ~~389.015,~~ 389.805.

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. 24. 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~~ end-of-course examinations required pursuant to NRS 389.805 for pupils who are enrolled in ~~junior high, middle school and high school,~~ grades 9 and 10 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 sealed 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.~~ end-of-course examinations;

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

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

(d) Maximum number of times , if any, that a pupil is allowed to take the end-of-course 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.~~ end-of-course 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 that includes pupils enrolled in a junior high, middle school or high school grade level.

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

5. On or before ~~January 15,~~ October 1, the:

(a) Board of trustees of each school district shall provide a copy of the pamphlet to each pupil who is enrolled in ~~in a junior high, middle school or high school,~~ grade 9 or 10 of the school district and to the parents or legal guardians of such a pupil.

(b) Governing body of each charter school shall provide a copy of the pamphlet to each pupil who is enrolled in grade 9 or 10 in the charter school ~~at a junior high, middle school or high school grade level,~~ and to the parents or legal guardians of such a pupil.

Sec. 25. NRS 389.550 is hereby amended to read as follows:

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

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

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

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

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

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

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

(b) Administered in each school in accordance with uniform procedures adopted by the State Board. The Department shall monitor the school districts and individual schools to ensure compliance with the uniform procedures.

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

(1) The plan adopted by the Department; and

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

Sec. 26. NRS 389.604 is hereby amended to read as follows:

389.604 “Irregularity in testing administration” means the failure to administer an examination to pupils pursuant to NRS ~~389.015 or~~ 389.550 or 389.805 or the college and career readiness assessment pursuant to section 19 of this act in the manner intended by the person or entity that created the examination ~~+~~ or assessment.

Sec. 27. NRS 389.608 is hereby amended to read as follows:

389.608 “Irregularity in testing security” means an act or omission that tends to corrupt or impair the security of an examination administered to pupils pursuant to NRS ~~389.015 or~~ 389.550 ~~+~~ or 389.805 or the college and career readiness assessment administered pursuant to section 19 of this act, including, without limitation:

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

2. The disclosure of questions or answers to questions on an examination or assessment 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 ~~+~~ or assessment.

Sec. 28. NRS 389.616 is hereby amended to read as follows:

389.616 1. The Department shall, by regulation or otherwise, adopt and enforce a plan setting forth procedures to ensure the security of examinations that are administered to pupils pursuant to NRS ~~389.015 and~~ 389.550 ~~+~~ and 389.805 and the college and career readiness assessment administered pursuant to section 19 of this act.

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

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

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

(c) Procedures that specifically set forth the action that must be taken in response to a report of an irregularity in testing administration or testing security and the actions that must be taken during an investigation of such an irregularity. For each action that is required, the procedures must identify:

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

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

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

3. A copy of the 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.

Sec. 29. NRS 389.620 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

(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 and assessments 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 and assessments, all pupils who are required to take the examinations or assessments 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) "Assessment" means the college and career readiness assessment administered to pupils enrolled in grade 11 pursuant to section 19 of this act.

(b) "Examination" means:

(1) ~~Achievement and proficiency~~ *The* examinations that are administered to pupils pursuant to NRS ~~389.015 or~~ 389.550 ~~for section 19 of this act~~ *or 389.805*; 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)~~ *(c)* “Irregularity in testing administration” means the failure to administer an examination *or assessment* in the manner intended by the person or entity that created the examination ~~or~~

~~(c)~~ *or assessment.*

(d) “Irregularity in testing security” means an act or omission that tends to corrupt or impair the security of an examination ~~or~~ *or assessment.* 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 *or assessment* 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 ~~or~~ *or assessment.*

Sec. 30. 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 389.805 or the college and career readiness assessment administered pursuant to section 19 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 389.805 or the college and career readiness assessment administered pursuant to section 19 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. 31. 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 389.805 or the college and career readiness assessment administered pursuant to section 19 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 389.805 or the college and career readiness assessment administered pursuant to section 19 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. 32. 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 ~~or 389.805 and the college and career readiness assessment administered pursuant to section 19 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 389.805 or section 19 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 389.805 or the college and career readiness assessment administered pursuant to section 19 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. 33. 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).

~~13. 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 adopt ~~the~~~~

~~(a) Adopt regulations that prescribe the ~~alternative~~ criteria;~~

~~(a) 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 ~~the~~ :~~

~~(1) Commencing with the 2014-2015 school year and each school year thereafter, a pupil enrolled in grade 11 take the college and career readiness assessment administered pursuant to section 19 of this act; and~~

~~(2) Commencing with the 2014-2015 school year and each school year thereafter, a pupil enrolled in grade 9 or 10 who completes the required instruction in a course of study ~~successfully complete~~ pass an end-of-course examination ~~which measures the proficiency of the pupil in the~~ that course of study.~~

~~(b) ~~Prescribe the courses~~ Courses of study in which ~~a pupil~~ pupils enrolled in grades 9 and 10 must ~~successfully~~ pass the end-of-course examinations required by subparagraph (2) of paragraph (a), which must include, without limitation, the subject areas for which the State Board has adopted the common core standards.~~

~~(c) The maximum number of times, if any, that a pupil is allowed to take the end-of-course examinations if the pupil fails to pass the examinations after the first administration.~~

~~3. The criteria prescribed by the State Board pursuant to subsection 2 for a pupil to receive a standard high school diploma must not include the results of the pupil on the college and career readiness assessment administered to the pupil in grade 11 pursuant to section 19 of this act.~~

~~4. If a pupil does not satisfy the requirements prescribed by the State Board to receive a standard high school diploma, the pupil must not be issued a certificate of attendance or any other document indicating that the pupil attended high school but did not satisfy the requirements for such a diploma. The provisions of this subsection do not apply to a pupil who receives an adjusted diploma pursuant to subsection 1.~~

Sec. 34. 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 or, if applicable, pursuant to NRS 389.805, 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. 34.5. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

"Assessment" means the college and career readiness assessment administered to pupils in grade 11 pursuant to section 19 of this act.

Sec. 35. 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 years in this State or another state and who are employed in schools which are at-risk, as determined by the Department pursuant to subsection 8; and

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

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

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

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

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

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

8. The Department shall, in consultation with representatives appointed by the Nevada Association of School Superintendents and the Nevada Association of

School Boards, develop a formula for identifying at-risk schools for purposes of this section. The formula must be developed on or before July 1 of each year and include, without limitation, the following factors:

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

(b) The transiency rate of pupils;

(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. 36. NRS 391.312 is hereby amended to read as follows:

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

(a) Inefficiency;

(b) Immorality;

(c) Unprofessional conduct;

(d) Insubordination;

(e) Neglect of duty;

(f) Physical or mental incapacity;

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

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

(i) Inadequate performance;

(j) Evident unfitness for service;

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

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

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

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

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

(p) Dishonesty;

(q) Breaches in the security or confidentiality of the questions and answers of the ~~achievement and proficiency~~ examinations that are administered pursuant to NRS ~~389.015~~ 389.550 or 389.805 and the college and career readiness assessment administered pursuant to section 19 of this act;

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

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

(t) Gross misconduct; or

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

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

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

Sec. 37. NRS 391.330 is hereby amended to read as follows:

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

1. Immoral or unprofessional conduct.

2. Evident unfitness for service.

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

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

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

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

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

8. Breaches in the security or confidentiality of the questions and answers of the ~~achievement and proficiency~~ examinations that are administered pursuant to NRS ~~389.015~~ 389.550 or 389.805 and the college and career readiness assessment administered pursuant to section 19 of this act.

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

10. An intentional violation of NRS 388.5265 or 388.527.

Sec. 37.5. NRS 391.600 is hereby amended to read as follows:

391.600 As used in NRS 391.600 to 391.648, inclusive, unless the context otherwise requires, the words and terms defined in NRS 391.604 to 391.620, inclusive, and section 34.5 of this act have the meanings ascribed to them in those sections.

Sec. 38. NRS 391.604 is hereby amended to read as follows:

391.604 "Examination" means:

1 1. ~~Achievement and proficiency~~ The examinations that are administered to
2 pupils pursuant to NRS ~~389.015 or~~ 389.550 ~~for section 19 of this act~~ or
3 389.805; and

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

6 **Sec. 38.3. NRS 391.608 is hereby amended to read as follows:**

7 391.608 “Irregularity in testing administration” means the failure to
8 administer an examination or assessment in the manner intended by the person or
9 entity that created the examination ~~or assessment~~.

10 **Sec. 38.7. NRS 391.612 is hereby amended to read as follows:**

11 391.612 “Irregularity in testing security” means an act or omission that tends
12 to corrupt or impair the security of an examination ~~or assessment~~, including,
13 without limitation:

14 1. The failure to comply with security procedures adopted pursuant to NRS
15 389.616 or 389.620;

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

18 3. Other breaches in the security or confidentiality of the questions or answers
19 to questions on an examination ~~or assessment~~.

20 **Sec. 39. NRS 392.700 is hereby amended to read as follows:**

21 392.700 1. If the parent of a child who is subject to compulsory attendance
22 wishes to homeschool the child, the parent must file with the superintendent of
23 schools of the school district in which the child resides a written notice of intent to
24 homeschool the child. The Department shall develop a standard form for the notice
25 of intent to homeschool. The form must not require any information or assurances
26 that are not otherwise required by this section or other specific statute. The board of
27 trustees of each school district shall, in a timely manner, make only the form
28 developed by the Department available to parents who wish to homeschool their
29 child.

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

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

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

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

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

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

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

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

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

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

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

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

1
2 I expressly prohibit the release of any information contained in this
3 document, including, without limitation, directory information as defined in
4 20 U.S.C. § 1232g(a)(5)(A), without my prior written consent.
5

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

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

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

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

25 (b) If required by specific statute.

26 9. If a child who is or was homeschooled seeks admittance or entrance to any
27 school in this State, the school may use only commonly used practices in
28 determining the academic ability, placement or eligibility of the child. If the child
29 enrolls in a charter school, the charter school shall, to the extent practicable, notify
30 the board of trustees of the school district in which the child resides of the child's
31 enrollment in the charter school. Regardless of whether the charter school provides
32 such notification to the board of trustees, the charter school may count the child
33 who is enrolled for the purposes of the calculation of basic support pursuant to NRS
34 387.1233. A homeschooled child seeking admittance to public high school must
35 comply with NRS 392.033.

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

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

46 12. The parent of a child who is being homeschooled shall prepare an
47 educational plan of instruction for the child in the subject areas of English,
48 including reading, composition and writing, mathematics, science and social
49 studies, including history, geography, economics and government, as appropriate
50 for the age and level of skill of the child as determined by the parent. The
51 educational plan must be included in the notice of intent to homeschool filed
52 pursuant to this section. If the educational plan contains the requirements of this
53 section, the educational plan must not be used in any manner as a basis for denial of

1 a notice of intent to homeschool that is otherwise complete. The parent must be
2 prepared to present the educational plan of instruction and proof of the identity of
3 the child to a court of law if required by the court. This subsection does not require
4 a parent to ensure that each subject area is taught each year that the child is
5 homeschooled.

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

- 9 (a) Essential to further a compelling governmental interest; and
10 (b) The least restrictive means of furthering that compelling governmental
11 interest.

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

15 **Sec. 40.** NRS 392A.100 is hereby amended to read as follows:

16 392A.100 1. A university school for profoundly gifted pupils shall
17 determine the eligibility of a pupil for admission to the school based upon a
18 comprehensive assessment of the pupil's potential for academic and intellectual
19 achievement at the school, including, without limitation, intellectual and academic
20 ability, motivation, emotional maturity and readiness for the environment of an
21 accelerated educational program. The assessment must be conducted by a broad-
22 based committee of professionals in the field of education.

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

- 25 (a) Submit to the governing body of the school:
26 (1) A completed application;
27 (2) Evidence that the applicant possesses advanced intellectual and
28 academic ability, including, without limitation, proof that he or she satisfies the
29 requirements of NRS 392A.030;
30 (3) At least three letters of recommendation from teachers or mentors
31 familiar with the academic and intellectual ability of the applicant;
32 (4) A transcript from each school previously attended by the applicant; and
33 (5) Such other information as may be requested by the university school or
34 governing body of the school.

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

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

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

48 5. On or before March 1 of each odd-numbered year, the governing body of a
49 university school for profoundly gifted pupils shall prepare and submit to the
50 Superintendent of Public Instruction, the president of the university where the
51 university school for profoundly gifted pupils is located, the State Board and the
52 Director of the Legislative Counsel Bureau a report that contains information
53 regarding the school, including, without limitation, the process used by the school

1 to identify and recruit profoundly gifted pupils from diverse backgrounds and with
2 diverse talents, and data assessing the success of the school in meeting the
3 educational needs of its pupils.

4 **Sec. 41.** NRS 392A.110 is hereby amended to read as follows:

5 392A.110 1. At least 70 percent of the teachers employed by a university
6 school for profoundly gifted pupils must be licensed teachers.

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

10 **Sec. 42.** NRS 218E.615 is hereby amended to read as follows:

11 218E.615 1. The Committee may:

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

14 (1) Programs to enhance accountability in education;

15 (2) Legislative measures regarding education;

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

20 (4) Methods of financing public education;

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

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

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

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

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

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

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

35 2. The Committee shall:

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

40 (b) For the purposes set forth in NRS 385.389, recommend to the Department
41 of Education programs of remedial study for each subject tested on the
42 examinations administered pursuant to NRS ~~389.015~~ ~~389.550~~ ~~or~~ 389.805. In
43 recommending these programs of remedial study, the Committee shall consider
44 programs of remedial study that have proven to be successful in improving the
45 academic achievement of pupils.

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

51 (d) For the purposes set forth in NRS 385.3785, recommend to the
52 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. 43. NRS 389.015, 389.016, 389.017 and 389.045 are hereby repealed.

Sec. 44. 1. The Legislature hereby recognizes that to receive federal money under the Elementary and Secondary Education Act of 1965, 20 U.S.C. §§ 6301 et seq., pupils enrolled in public high schools in this State must be administered an assessment at least one time while in high school based upon the State's academic and content standards. To continue to receive federal money under the Act, the State Board of Education may, for the purposes set forth in subsection 2, continue to provide for the administration of the high school proficiency examination.

2. On or before August 1, 2013, the State Board of Education shall:

(a) Prescribe the requirements, in addition to any requirements prescribed by statute, that a pupil enrolled in grade 12 in the 2013-2014 school year, the 2014-2015 school year or the 2015-2016 school year must satisfy to receive a standard high school diploma, which may include, without limitation, passage of the high school proficiency examination pursuant to section 44.3 of this act;

(b) Provide timely notice to the board of trustees of each school district and the governing body of each charter high school of the requirements prescribed pursuant to paragraph (a); and

(c) Post notice of the requirements on the Internet website maintained by the Department of Education.

3. On or before September 1, 2013, the board of trustees of each school district and the governing body of each charter school shall:

(a) Provide timely notice to each pupil and the parent or legal guardian of each pupil enrolled in grade 10, 11 or 12 in the 2013-2014 school year of the requirements the pupil must satisfy to receive a standard high school diploma.

(b) Post notice of the requirements on the Internet website maintained by the board of trustees or the governing body of the charter school, as applicable.

4. If a pupil to whom the provisions of this section apply is retained in grade 10, 11 or 12, the requirements for receipt of a standard high school diploma prescribed by the State Board of Education pursuant to subsection 2 continue to apply to that pupil until he or she exits high school.

Sec. 44.3. If the State Board of Education prescribes passage of the high school proficiency examination pursuant to paragraph (a) of subsection 2 of section 44 of this act as a requirement that a pupil must satisfy to receive a standard high school diploma:

1. The board of trustees of each school district shall administer the high school proficiency examination to pupils who have not passed the examination and are required to pass the examination to receive a standard high school diploma. The governing body of a charter school that enrolls pupils at the high school grade levels shall administer the same examination to pupils who have not passed the examination and are required to pass the examination to receive a standard high school diploma. The high school proficiency examination administered by the board of trustees and governing body must determine the achievement and proficiency of those pupils in:

(a) Reading;

(b) Mathematics;

(c) Science; and

(d) Writing.

1 2. The high school proficiency examination required by subsection 1
2 must be:

3 (a) Administered in each school district and each charter school that
4 enrolls pupils at the high school grade levels who have not passed the high
5 school proficiency examination and are required to pass the examination to
6 receive a standard high school diploma at the same time, as prescribed by the
7 State Board, and in accordance with uniform procedures adopted by the State
8 Board. The Department of Education shall monitor the compliance of school
9 districts and individual schools with the uniform procedures.

10 (b) Administered in accordance with the plan adopted pursuant to NRS
11 389.616 by the Department and the plan adopted pursuant to NRS 389.620 by
12 the board of trustees of the school district in which the high school proficiency
13 examination is administered. The Department shall monitor the compliance of
14 school districts and individual schools with:

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

16 (2) The plan adopted by the board of trustees of the applicable school
17 district, to the extent that the plan adopted by the board of trustees of the
18 school district is consistent with the plan adopted by the Department.

19 (c) Scored by a single private entity that has contracted with the State
20 Board to score the examinations. The private entity that scores the high school
21 proficiency examination shall report the results of the examinations in the
22 form and by the date required by the Department.

23 3. Not more than 14 working days after the results of the examinations
24 are reported to the Department of Education by a private entity that scored
25 the examinations, the Superintendent of Public Instruction shall certify that
26 the results of the examinations have been transmitted to each school district
27 and each applicable charter school. Not more than 10 working days after a
28 school district receives the results of the examinations, the superintendent of
29 schools of each school district shall certify that the results of the examinations
30 have been transmitted to each school within the school district at which the
31 high school proficiency examination was administered pursuant to this section.
32 Except as otherwise provided in this subsection, not more than 15 working
33 days after each such school receives the results of the examinations, the
34 principal of each such school and the governing body of each such charter
35 school shall certify that the results for each pupil that took the examination
36 have been provided to the parent or legal guardian of the pupil:

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

39 (b) By mailing the results of the high school proficiency examination to the
40 last known address of the parent or legal guardian of the pupil.

41 ↪ If a pupil fails the high school proficiency examination, the school shall
42 notify the pupil and the parents or legal guardian of the pupil of each subject
43 area that the pupil failed as soon as practicable but not later than 15 working
44 days after the school receives the results of the examination.

45 4. A pupil who transfers during grade 12 to a school in this State from a
46 school outside of this State because of the military transfer of the parent or
47 legal guardian of the pupil may receive a waiver from the requirements of
48 subsection 4 if, in accordance with the provisions of NRS 392C.010, the school
49 district in which the pupil is enrolled:

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

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

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

6 5. For the purposes of this section, the State Board shall prescribe the
7 high school proficiency examination, which must include the subjects of
8 reading, mathematics and science and, except for the writing portion, must be
9 developed, printed and scored by a nationally recognized testing company in
10 accordance with the process established by the testing company. The State
11 Board, in consultation with the Council to Establish Academic Standards for
12 Public Schools created by NRS 389.510, shall prescribe the writing portion of
13 the high school proficiency examination. The questions contained in the high
14 school proficiency examination and the approved answers used for grading
15 them are confidential, and disclosure is unlawful except:

16 (a) To the extent necessary for administering and evaluating the high
17 school proficiency examination.

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

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

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

24 (3) Director of curriculum of a school district, to the extent that it is
25 necessary for the performance of his or her duties; and

26 (4) Director of testing of a school district, to the extent that it is
27 necessary for the performance of his or her duties.

28 (c) That specific questions and answers may be disclosed if the
29 Superintendent of Public Instruction determines that the content of the
30 questions and answers is not being used in a current examination and making
31 the content available to the public poses no threat to the security of the current
32 examination process.

33 (d) As required pursuant to NRS 239.0115.

34 6. The administrative regulations adopted by the State Board of
35 Education for purposes of carrying out NRS 389.015 as of June 30, 2013,
36 continue in effect if the high school proficiency examination is administered
37 pursuant to this section.

38 Sec. 44.7 If the State Board of Education prescribes passage of the high
39 school proficiency examination pursuant to paragraph (a) of subsection 2 of
40 section 44 of this act as a requirement that a pupil must satisfy to receive a
41 standard high school diploma:

42 1. The results of the high school proficiency examination administered
43 pursuant to section 44.3 of this act must be reported for the applicable school
44 year for each school, including, without limitation, each charter school that
45 enrolls pupils at the high school grade levels who have not passed the high
46 school proficiency examination and are required to pass the examination to
47 receive a standard high school diploma, each school district and this State, as
48 follows:

49 (a) The average score, as defined by the Department, of such pupils who
50 took the high school proficiency examination under regular testing conditions;
51 and

52 (b) The average score, as defined by the Department of Education, of such
53 pupils who took the high school proficiency examination with modifications or

1 accommodations, if such reporting does not violate the confidentiality of the
 2 test scores of any individual pupil.

3 2. The superintendent of schools of each school district and the governing
 4 body of each charter school that enrolls pupils at the high school grade levels
 5 who have not passed the high school proficiency examination and are required
 6 to pass the examination to receive a standard high school diploma, through the
 7 sponsor of the charter school, shall certify that the number of pupils who have
 8 not passed the high school proficiency examination and are required to pass
 9 the examination to receive a standard high school diploma and who took the
 10 high school proficiency examination in the applicable school year is equal to
 11 the number of such pupils in each school in the school district or in the charter
 12 school who are required to take the high school proficiency examination in
 13 that school year.

14 3. In addition to the information required by subsection 2, the
 15 Superintendent of Public Instruction shall, for each applicable school year:

16 (a) Report the number of pupils who have not passed the high school
 17 proficiency examination and are required to pass the examination to receive a
 18 standard high school diploma and who were absent from school on the day
 19 that the high school proficiency examination was administered; and

20 (b) Reconcile the number of pupils who have not passed the high school
 21 proficiency examination and are required to pass the examination to receive a
 22 standard high school diploma with the number of such pupils who were absent
 23 from school on the day that the examination was administered.

24 ~~{Sec. 44.}~~ Sec. 45. 1. This section and sections 44, 44.3, and 44.7 of
 25 this act {becomes} become effective { }

26 ~~1. Upon passage and approval, {for the purposes of selecting the~~
 27 ~~examination as required pursuant to section 19 of this act and for adopting any~~
 28 ~~regulations and performing any preparatory administrative tasks necessary to carry~~
 29 ~~out the provisions of this act; and }~~

30 2. {On} Sections 1 to 43, inclusive, of this act become effective on July 1,
 31 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.

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.