

**Amendment No. 152**

Assembly Amendment to Assembly Bill No. 64	(BDR 34-251)
<b>Proposed by:</b> Assembly Committee on Education	
<b>Amends:</b> 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) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

KRO/JWP



Date: 4/18/2017

A.B. No. 64—Revises requirements for receipt of a standard high school diploma for pupils with disabilities. (BDR 34-251)





## ASSEMBLY BILL NO. 64—COMMITTEE ON EDUCATION

(ON BEHALF OF THE DEPARTMENT OF EDUCATION)

PREFILED NOVEMBER 17, 2016

Referred to Committee on Education

SUMMARY—Revises requirements for receipt of a ~~standard~~ high school diploma for pupils with disabilities. (BDR 34-251)

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

~

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

AN ACT relating to education; prescribing the criteria for receipt of a standard high school diploma for a pupil with a disability; **prescribing the criteria for receipt of an alternative diploma for a pupil with a significant cognitive disability;** and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the State Board of Education to adopt regulations that prescribe the criteria for a pupil to receive a standard high school diploma, which must provide that each pupil: (1) take the college and career readiness assessment; (2) enroll in the courses of study designed to prepare the pupil for graduation from high school and readiness for college and career; and (3) pass at least four end-of-course examinations. (NRS 390.600) **Section 6** of this bill provides that a pupil with a disability who does not satisfy the requirements prescribed by the State Board may receive a standard high school diploma if he or she instead: (1) demonstrates **through a portfolio of his or her work**, proficiency in the standards of content and performance established by the Council to Establish Academic Standards for Public Schools; and (2) satisfies the requirements set forth in his or her individualized education program. **Section 6 also provides that a pupil who has a significant cognitive disability may receive an alternative diploma if he or she passes an alternate assessment prescribed by the State Board. Sections 1-5.1-5.5 of this bill make conforming changes.**

**Section 6.5 of this bill provides that a pupil with a disability who is less than 22 years of age and has not been issued a standard high school diploma on or before July 1, 2017, but who satisfies the criteria prescribed for receipt of a standard high school diploma by a pupil with a disability in section 6 is entitled to a standard high school diploma.**

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

**Section 1. NRS 385A.260 is hereby amended to read as follows:**

385A.260 The annual report of accountability prepared pursuant to NRS 385A.070 must include information on the graduation and drop-out rates of pupils and the enrollment of pupils in remedial courses in college, including, without limitation:

1. 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:

(a) A standard high school diploma.

(b) An adult diploma.

(c) An adjusted diploma.

**(d) An alternative diploma.**

2. For each high school in the district, including, without limitation, each charter school sponsored by the district that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this subsection must be provided in consultation with the Department to ensure the accuracy of the comparison.

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

(a) Provide proof to the school district of successful completion of the high school equivalency assessment selected by the State Board pursuant to NRS 390.055.

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

(c) Withdraw from school to attend another school.

4. 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.

~~Section 1.3.~~ **Sec. 1.3.** NRS 385A.290 is hereby amended to read as follows:

385A.290 The annual report of accountability prepared pursuant to NRS 385A.070 must include, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, 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, ~~for~~ an adjusted diploma, ~~or~~ or an alternative diploma; 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 satisfy the requirements of subsection 3 or 4 of NRS 390.600 or the criteria prescribed by the State Board pursuant to subsection 1 of NRS 390.600.

**Sec. 1.7. NRS 385A.470 is hereby amended to read as follows:**

385A.470 The annual report of accountability prepared by the State Board pursuant to NRS 385A.400 must include information on the graduation and drop-out rates of pupils and the enrollment of pupils in remedial courses in college, including, without limitation:

1. 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:

- (a) A standard high school diploma.
- (b) An adult diploma.
- (c) An adjusted diploma.

(d) An alternative diploma.

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

(a) Provide proof to the school district of successful completion of the high school equivalency assessment selected by the State Board pursuant to NRS 390.055.

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

(c) Withdraw from school to attend another school.

3. 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.

**Sec. 2. NRS 385A.500 is hereby amended to read as follows:**

385A.500 The annual report of accountability prepared by the State Board pursuant to NRS 385A.400 must include 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, ~~for~~ an adjusted diploma, ~~or~~ or an alternative diploma; 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 satisfy the *requirements of subsection 3 or 4 of NRS 390.600 or the* criteria prescribed by the State Board pursuant to *subsection 1 of* NRS 390.600.

**Sec. 3.** NRS 388A.405 is hereby amended to read as follows:

388A.405 1. To the extent money is available from legislative appropriation or otherwise, a charter school may apply to the Department for money for facilities 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 388A.105 or 388A.110 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 the annual measurable objectives and performance targets established pursuant to the statewide system of accountability for public schools or has demonstrated improvement in the achievement of pupils enrolled in the charter school, as indicated by those annual measurable objectives and performance targets, 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 have satisfied the *requirements of subsection 3 or 4 of NRS 390.600 or the* criteria prescribed by the State Board pursuant to *subsection 1 of* NRS 390.600, 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 388A.351. 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. 4.** NRS 388B.270 is hereby amended to read as follows:

388B.270 1. To the extent money is available from legislative appropriation or otherwise, an achievement charter school may apply to the Department for money for facilities if:

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

(b) The Executive Director has determined that the finances of the achievement charter school are being managed in a prudent manner;

(c) The achievement charter school has met or exceeded the annual measurable objectives and performance targets established pursuant to the statewide system of accountability for public schools or has demonstrated improvement in the achievement of pupils enrolled in the achievement charter school, as indicated by those annual measurable objectives and performance targets, for the majority of the years of its operation;

(d) At least 75 percent of the pupils enrolled in grade 12 in the achievement charter school in the immediately preceding school year have satisfied the *requirements of subsection 3 or 4 of NRS 390.600 or the* criteria prescribed by the State Board pursuant to *subsection 1 of* NRS 390.600, if the achievement charter school enrolls pupils at a high school grade level; and

(e) The achievement charter school meets the requirements prescribed by regulation of the Department.

2. An achievement charter school that does not satisfy the requirements of subsection 1 shall submit a quarterly report of the financial status of the achievement charter school if requested by the Executive Director.

**Sec. 5.** NRS 388C.120 is hereby amended to read as follows:

388C.120 1. A university school for profoundly gifted pupils shall determine the eligibility of a pupil for admission to the school based upon a comprehensive assessment of the pupil's potential for academic and intellectual achievement at the school, including, without limitation, intellectual and academic ability, motivation, emotional maturity and readiness for the environment of an accelerated educational program. The assessment must be conducted by a broad-based committee of professionals in the field of education.

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

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

(1) A completed application;

(2) Evidence that the applicant possesses advanced intellectual and academic ability, including, without limitation, proof that he or she satisfies the requirements of NRS 388C.030;

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

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

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

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

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

4. The Superintendent of Public Instruction shall, upon recommendation of the governing body, issue a high school diploma to a pupil who is enrolled in a university school for profoundly gifted pupils if that pupil ~~satisfies~~:

*(a) Satisfies the requirements of subsection 3 or 4 of NRS 390.600; or*

*(b) Satisfies the criteria prescribed by the State Board pursuant to subsection 1 of NRS 390.600 ~~and~~, successfully passes* the courses in American government and American history as required by NRS 389.054 and 389.057 ~~+~~ and successfully completes any requirements established by the State Board of Education for graduation from high school.

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

**Sec. 5.5. NRS 389.018 is hereby amended to read as follows:**

389.018 1. The following subjects are designated as the core academic subjects that must be taught, as applicable for grade levels, in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

(a) English language arts;

(b) Mathematics;

(c) Science; and

(d) Social studies, which includes only the subjects of history, geography, economics and government.

2. Except as otherwise provided in this subsection, a pupil enrolled in a public high school must enroll in a minimum of:

(a) Four units of credit in English language arts;

(b) Four units of credit in mathematics, including, without limitation, Algebra I and geometry, or an equivalent course of study that integrates Algebra I and geometry;

(c) Three units of credit in science, including two laboratory courses; and

(d) Three units of credit in social studies, including, without limitation:

(1) American government;

(2) American history; and

(3) World history or geography.

↪ A pupil is not required to enroll in the courses of study and credits required by this subsection if the pupil, the parent or legal guardian of the pupil and an administrator or a counselor at the school in which the pupil is enrolled mutually agree to a modified course of study for the pupil and that modified course of study satisfies at least the requirements for a standard high school diploma, ~~for~~ an adjusted diploma or an alternative diploma, as applicable.

3. Except as otherwise provided in this subsection, in addition to the core academic subjects, the following subjects must be taught as applicable for grade levels and to the extent practicable in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

(a) The arts;

(b) Computer education and technology;

(c) Health; and

(d) Physical education.

↪ If the State Board requires the completion of course work in a subject area set forth in this subsection for graduation from high school or promotion to the next grade, a public school shall offer the required course work. Except as otherwise provided for a course of study in health prescribed by subsection 1 of NRS 389.021, unless a subject is required for graduation from high school or promotion to the next grade, a charter school is not required to comply with this subsection.



Sec. 6. NRS 390.600 is hereby amended to read as follows:

390.600 1. ~~1. 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).~~

~~2.~~ The State Board shall adopt regulations that :

(a) ~~Except as otherwise provided in subsection 3,~~ prescribe the ~~1.~~ ~~(a) Criteria~~ *criteria* for a pupil to receive a standard high school diploma, which must include, without limitation, the requirement that:

(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 NRS 390.610;

(2) Commencing with the 2014-2015 school year and each school year thereafter, a pupil enroll in the courses of study designed to prepare the pupil for graduation from high school and for readiness for college and career; and

(3) Commencing with the 2014-2015 school year and each school year thereafter, a pupil pass at least four end-of-course examinations prescribed pursuant to paragraph (b).

(b) ~~Courses~~ *Prescribe the courses* of study in which pupils must pass the end-of-course examinations required by subparagraph (3) of paragraph (a), which must include, without limitation, the subject areas for which the State Board has adopted the common core standards and which may include any other courses of study prescribed by the State Board.

(c) ~~The~~ *Prescribe 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.~~ 2. The criteria prescribed by the State Board pursuant to subsection ~~1.~~ 1 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 NRS 390.610.

~~4.~~ 3. *A pupil with a disability who does not satisfy the requirements to receive a standard high school diploma prescribed by the State Board pursuant to subsection 1 may receive a standard high school diploma if:*

~~(a) His or her individualized education program team determines that the pupil demonstrates, through a portfolio of the pupil's work, proficiency in the standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520. 1. and~~

~~(b) The pupil satisfies the requirements set forth in his or her individualized education program.~~

4. *A pupil with a disability who does not satisfy the requirements for receipt of a standard high school diploma prescribed in subsection 3 or by the State Board pursuant to subsection 1 may receive a diploma designated as an ~~adjusted~~ :*

~~(a) Adjusted diploma if the pupil satisfies the requirements set forth in his or her individualized education program. 1. ; or~~

~~(b) Alternative diploma if the pupil:~~

~~(1) Has a significant cognitive disability; and~~

~~(2) Passes an alternate assessment prescribed by the State Board.~~

5. If a pupil does not satisfy the requirements ~~prescribed by the State Board~~ to receive a standard high school diploma ~~1. prescribed by subsection 3 or by the State Board pursuant to subsection 1,~~ the pupil must not be issued a certificate of attendance or any other document indicating that the pupil attended high school but

1 did not satisfy the requirements for such a diploma. The provisions of this  
2 subsection do not apply to a pupil who receives an adjusted diploma or an  
3 alternative diploma pursuant to subsection ~~H-1~~ 4.

4 6. *As used in this section:*

5 (a) *“Individualized education program” has the meaning ascribed to it in 20*  
6 *U.S.C. § 1414(d)(1)(A).*

7 (b) *“Individualized education program team” has the meaning ascribed to it*  
8 *in 20 U.S.C. § 1414(d)(1)(B).*

9 Sec. 6.5. A pupil with a disability who is less than 22 years of age and has  
10 not been issued a standard high school diploma on or before July 1, 2017, but  
11 satisfies the criteria prescribed in subsection 3 of NRS 390.600, as amended by  
12 section 6 of this act, is entitled to a standard high school diploma.

13 Sec. 7. This act becomes effective on July 1, 2017.