

Amendment No. 118

Senate Amendment to Senate Bill No. 247	(BDR 34-326)
<b>Proposed by:</b> Senate Committee on Education	
<b>Amends:</b> Summary: No 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: 4/17/2017

S.B. No. 247—Revises provisions relating to education. (BDR 34-326)





## SENATE BILL NO. 247—COMMITTEE ON EDUCATION

(ON BEHALF OF THE LEGISLATIVE COMMITTEE  
ON EDUCATION)

MARCH 8, 2017

Referred to Committee on Education

SUMMARY—Revises provisions relating to education. (BDR 34-326)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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

AN ACT relating to education; revising provisions relating to annual reports of accountability; removing the requirement that the Department of Education provide to certain persons written notice that certain information is posted on the Internet website maintained by the Department; revising the number of days' notice certain boards of trustees of school districts are required to provide before adopting, repealing or amending certain policies or regulations; ~~removing the requirement that the Superintendent of Public Instruction submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a written report concerning the progress of schools and school districts in complying with certain plans concerning~~ ***revising provisions concerning certain plans and reports relating to*** pupil discipline; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the boards of trustees of school districts, the sponsors of charter schools and the State Board of Education to prepare and publicly disseminate annual reports of accountability for the quality of schools and the educational achievement of pupils. (NRS 385A.070, 385A.400) **Sections 1 and 4** of this bill revise the dates by which such reports must be completed. **Section 4** also removes the requirement that the Department of Education provide written notice to certain persons that the report is available on the Internet website maintained by the Department. **Sections 1-4** of this bill clarify that annual reports of accountability pertain to the school year immediately preceding the date on which the reports are prepared and publicly disseminated.

Existing law requires the Department annually to determine whether each public school is meeting the measurable objectives and performance targets established pursuant to the statewide system of accountability for public schools. (NRS 385A.670) Existing law also requires the board of trustees of a school district, in consultation with the Department, or the Department to: (1) issue a final determination concerning whether each public school is meeting such measurable objectives and performance targets; (2) issue a final rating for each public school; and (3) provide written notice of such determinations and ratings to certain

persons. (NRS 385A.720) **Section 5** of this bill removes the requirement that the Department provide written notice of final determinations and ratings and instead requires the Department to post such determinations and final ratings on the Internet website maintained by the Department.

**Section 6** of this bill reduces from 15 to 13 the number of days' notice the board of trustees of a school district in a county with a population of 100,000 or more (currently only Clark and Washoe Counties) is required to provide before adopting, repealing or amending certain policies or regulations.

**Section 7** of this bill removes the requirement that the Department submit to the State Board and the Legislative Committee on Education a copy of the plan setting forth procedures to ensure the security of examinations and assessments that are administered to pupils to certain entities and instead requires the Department to post the plan on the Internet website maintained by the Department.

**Section 8** of this bill removes the requirement that the Superintendent of Public Instruction submit a written report to the Director of the Legislative Counsel Bureau concerning the progress of schools and school districts in complying with certain plans concerning pupil discipline. **Section 8 also: (1) revises requirements relating to the posting of certain plans relating to pupil discipline; and (2) requires the board of trustees of each school district to post on the Internet website maintained by the school district a written report concerning the progress of each school in complying with certain provisions relating to pupil discipline.**

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

**Section 1.** NRS 385A.070 is hereby amended to read as follows:

385A.070 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 NRS 385A.070 to 385A.320, inclusive, 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~~ **December 31** of each year, prepare ~~for the immediately preceding school year~~ a single annual report of accountability concerning the educational goals and objectives of the school district, the information prescribed by NRS 385A.070 to 385A.320, inclusive, and such other information as is directed by the Superintendent of Public Instruction. A separate reporting for a group of pupils must not be made pursuant to NRS 385A.070 to 385A.320, inclusive, 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 Department shall use the mechanism approved by the United States Department of Education for the statewide system of accountability for public schools for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The State Public Charter School Authority, the Achievement School District and each college or university within the Nevada System of Higher Education that sponsors a charter school shall, on or before ~~September 30~~ **December 31** of each year, prepare ~~for the immediately preceding school year~~ an

1 annual report of accountability of the charter schools sponsored by the State Public  
2 Charter School Authority, Achievement School District or institution, as applicable,  
3 concerning the accountability information prescribed by the Department pursuant to  
4 this section. The Department, in consultation with the State Public Charter School  
5 Authority, the Achievement School District and each college or university within  
6 the Nevada System of Higher Education that sponsors a charter school, shall  
7 prescribe by regulation the information that must be prepared by the State Public  
8 Charter School Authority, Achievement School District and institution, as  
9 applicable, which must include, without limitation, the information contained in  
10 subsection 2 and NRS 385A.070 to 385A.320, inclusive, as applicable to charter  
11 schools. The Department shall provide for public dissemination of the annual report  
12 of accountability prepared pursuant to this section by posting a copy of the report  
13 on the Internet website maintained by the Department.

14 4. The annual report of accountability prepared pursuant to this section must  
15 be presented in an understandable and uniform format and, to the extent practicable,  
16 provided in a language that parents can understand.

17 **Sec. 2.** NRS 385A.200 is hereby amended to read as follows:

18 385A.200 The annual report of accountability prepared pursuant to NRS  
19 385A.070 must include information on pupil achievement and school performance,  
20 including, without limitation, pupil achievement for each school in the district and  
21 the district as a whole, including, without limitation, each charter school sponsored  
22 by the district. The board of trustees of the district shall base its report on the results  
23 of the examinations administered pursuant to NRS 390.105 and 390.600 and the  
24 college and career readiness assessment administered pursuant to NRS 390.610 and  
25 shall compare the results of those examinations for the ~~current~~ school year *for*  
26 *which the annual report is being prepared* with those of previous school years.  
27 The report must include, for each school in the district, including, without  
28 limitation, each charter school sponsored by the district, and each grade in which  
29 the examinations and assessments were administered:

30 1. The number of pupils who took the examinations and a record of  
31 attendance for the period in which the examinations were administered, including  
32 an explanation of any difference in the number of pupils who took the examinations  
33 and the number of pupils who are enrolled in the school.

34 2. Except as otherwise provided in subsection 2 of NRS 385A.070, pupil  
35 achievement, reported separately by gender and reported separately for the groups  
36 of pupils identified in the statewide system of accountability for public schools.

37 3. A comparison of the achievement of pupils in each group identified in the  
38 statewide system of accountability for public schools with the performance targets  
39 established for that group.

40 4. The percentage of pupils who were not tested.

41 5. Except as otherwise provided in subsection 2 of NRS 385A.070, the  
42 percentage of pupils who were not tested, reported separately by gender and  
43 reported separately for the groups identified in the statewide system of  
44 accountability for public schools.

45 6. The most recent 3-year trend in pupil achievement in each subject area  
46 tested and each grade level tested pursuant to NRS 390.105 and 390.600 and the  
47 college and career readiness assessment administered pursuant to NRS 390.610,  
48 which may include information regarding the trend in the achievement of pupils for  
49 more than 3 years, if such information is available.

50 7. The rating of each public school in the district, including, without  
51 limitation, each charter school sponsored by the district, pursuant to the statewide  
52 system of accountability for public schools.

8. 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 390.125.

9. 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 subsection must be provided in consultation with the Department to ensure the accuracy of the comparison.

10. 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 subsection must be provided in consultation with the Department to ensure the accuracy of the comparison.

**Sec. 3.** 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.

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 *school* 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.

**Sec. 4.** NRS 385A.400 is hereby amended to read as follows:

385A.400 1. The State Board shall , *on or before January 15 of each year*, prepare *for the immediately preceding school year* a single annual report of accountability that includes, without limitation the information prescribed by NRS 385A.400 to 385A.520, inclusive.

2. A separate reporting for a group of pupils must not be made pursuant to NRS 385A.400 to 385A.520, inclusive, 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 Department shall use the mechanism approved by the United States Department of Education for the statewide system of accountability for public schools 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) Be prepared in a concise manner; and

(b) 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~~ **January** 15 of each year, the State Board shall ~~+~~ **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;~~

~~(6) Governing body of each charter school;~~

~~(7) Executive Director of the Achievement School District; and~~

~~(8) The Attorney General, with a specific reference to the information that is reported pursuant to paragraph (c) of subsection 1 of NRS 385A.460.~~

5. Upon the request of the Governor, the Attorney General, ~~an entity described in paragraph (b) of subsection 4~~ **the Committee, the Bureau, the Board of Regents of the University of Nevada, the board of trustees of a school district, the governing body of a charter school, the Executive Director of the Achievement School District** or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

**Sec. 5.** NRS 385A.720 is hereby amended to read as follows:

385A.720 1. Based upon the information received from the Department pursuant to NRS 385A.670, the board of trustees of each school district shall, on or before August 15 of each year, issue a preliminary rating for each public school in the school district in accordance with the statewide system of accountability for public schools, excluding charter schools sponsored by the State Public Charter School Authority, the Achievement School District or a college or university within the Nevada System of Higher Education. The board of trustees shall make preliminary ratings for all charter schools that are sponsored by the board of trustees. The Department shall make preliminary ratings for all charter schools sponsored by the State Public Charter School Authority, all charter schools sponsored by the Achievement School District and all charter schools sponsored by a college or university within the Nevada System of Higher Education.

2. Before making a final rating for a school, the board of trustees of the school district or the Department, as applicable, shall provide the school an opportunity to review the data upon which the preliminary rating is based and to present evidence. If the school is a public school of the school district or a charter school sponsored by the board of trustees, the board of trustees of the school district shall, in consultation with the Department, make a final determination concerning the rating for the school on September 15. If the school is a charter school sponsored by the State Public Charter School Authority, the Achievement School District or a college or university within the Nevada System of Higher Education,

the Department shall make a final determination concerning the rating for the school on September 15.

3. On or before September 15 of each year, the Department shall ~~provide written notice of the determinations made pursuant to NRS 385A.670 and the final ratings made pursuant to this section as follows:~~

~~(a) The post on the Internet website maintained by the Department the determinations and final ratings made for all schools in this State. to the:~~

~~(1) Governor;~~

~~(2) State Board;~~

~~(3) Committee; and~~

~~(4) Bureau.~~

~~(b) The determinations and final ratings made for all schools within a school district to the:~~

~~(1) Superintendent of schools of the school district; and~~

~~(2) Board of trustees of the school district.~~

~~(c) The determination and final rating made for each school to the principal of the school.~~

~~(d) The determination and final rating made for each charter school to the sponsor of the charter school.~~

**Sec. 6.** NRS 386.365 is hereby amended to read as follows:

386.365 1. Except as provided in subsection 3, each board of trustees in any county having a population of 100,000 or more shall give ~~15~~ 13 days' notice of its intention to adopt, repeal or amend a policy or regulation of the board concerning any of the subjects set forth in subsection 4. The notice must:

(a) Include a description of the subject or subjects involved and must state the time and place of the meeting at which the matter will be considered by the board; and

(b) Be mailed to the following persons from each of the schools affected:

(1) The principal;

(2) The president of the parent-teacher association or similar body; and

(3) The president of the classroom teachers' organization or other collective bargaining agent.

➤ A copy of the notice and of the terms of each proposed policy or regulation, or change in a policy or regulation, must be made available for inspection by the public in the office of the superintendent of schools of the school district at least ~~15~~ 13 days before its adoption.

2. All persons interested in a proposed policy or regulation or change in a policy or regulation must be afforded a reasonable opportunity to submit data, views or arguments, orally or in writing. The board of trustees shall consider all written and oral submissions respecting the proposal or change before taking final action.

3. Emergency policies or regulations may be adopted by the board upon its own finding that an emergency exists.

4. This section applies to policies and regulations concerning:

(a) Attendance rules;

(b) Zoning;

(c) Grading;

(d) District staffing patterns;

(e) Curriculum and program;

(f) Pupil discipline; and

(g) Personnel, except with respect to dismissals and refusals to reemploy covered by contracts entered into as a result of the Local Government Employee-Management Relations Act, as provided in NRS 391.660.



1       **Sec. 7.** NRS 390.270 is hereby amended to read as follows:

2       390.270 1. The Department shall, by regulation or otherwise, adopt and  
3 enforce a plan setting forth procedures to ensure the security of examinations that  
4 are administered to pupils pursuant to NRS 390.105 and 390.600 and the college  
5 and career readiness assessment administered pursuant to NRS 390.610.

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

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

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

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

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

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

22       (d) Objective criteria that set forth the conditions under which a school,  
23 including, without limitation, a charter school or a school district, or both, is  
24 required to file a plan for corrective action in response to an irregularity in testing  
25 administration or testing security for the purposes of NRS 390.295.

26       3. ~~1A) The Department shall post a~~ copy of the plan adopted pursuant to this  
27 section and the procedures set forth therein ~~1) must be submitted on or before~~  
28 ~~September 1 of each year to:~~

29 ~~— (a) The State Board; and~~

30 ~~— (b) The Legislative Committee on Education, created pursuant to NRS~~  
31 ~~218E.605, on the Internet website maintained by the Department.~~

32       **Sec. 8.** NRS 392.4644 is hereby amended to read as follows:

33       392.4644 1. The principal of each public school shall establish a plan to  
34 provide for the progressive discipline of pupils and on-site review of disciplinary  
35 decisions. The plan must:

36       (a) Be developed with the input and participation of teachers and other  
37 educational personnel and support personnel who are employed at the school, and  
38 the parents and guardians of pupils who are enrolled in the school.

39       (b) Be consistent with the written rules of behavior prescribed in accordance  
40 with NRS 392.463.

41       (c) Include, without limitation, provisions designed to address the specific  
42 disciplinary needs and concerns of the school.

43       (d) Provide for the temporary removal of a pupil from a classroom in  
44 accordance with NRS 392.4645.

45       2. On or before October 1 of each year, the principal of each public school  
46 shall:

47       (a) Review the plan in consultation with the teachers and other educational  
48 personnel and support personnel who are employed at the school;

49       (b) Based upon the review, make revisions to the plan, as recommended by the  
50 teachers and other educational personnel and support personnel, if necessary; and

51       (c) Post a copy of the plan or the revised plan, as applicable, ~~in a prominent~~  
52 ~~place at the~~ on the Internet website maintained by the school ~~for public~~  
53 ~~inspection and otherwise make the plan available for public inspection at the~~

~~administrative office of the school,~~ or school district and distribute a paper or electronic copy to each employee assigned to the school.

3. On or before October 1 of each year, the principal of each public school shall submit a copy of the plan established pursuant to subsection 1 or a revised plan, if applicable, to the superintendent of schools of the school district. On or before November 1 of each year, the superintendent of schools of each school district shall submit a report to the board of trustees of the school district that includes:

(a) A compilation of the plans submitted pursuant to this subsection by each school within the school district.

(b) The name of each principal, if any, who has not complied with the requirements of this section.

4. On or before November 30 of each year, the board of trustees of each school district shall ~~submit~~ :

(a) Submit a written report to the Superintendent of Public Instruction based upon the compilation submitted pursuant to subsection 3 that reports the progress of each school within the district in complying with the requirements of this section. ~~;~~

~~5. On or before December 31 of each year, the Superintendent of Public Instruction shall submit a written report to the Director of the Legislative Counsel Bureau concerning the progress of the schools and school districts throughout this state in complying with this section. If the report is submitted during:~~

~~—(a) An even-numbered year, the Director of the Legislative Counsel Bureau shall transmit it to the next regular session of the Legislature.~~

~~—(b) An odd-numbered year, the Director of the Legislative Counsel Bureau shall transmit it to the Legislative Committee on Education. ; and~~

(b) Post a copy of the report on the Internet website maintained by the school district.

Sec. 9. This act becomes effective on July 1, 2017.