

Amendment No. 216

Senate Amendment to Senate Bill No. 2	(BDR 34-429)
Proposed by: Senate Committee on Education	
Amends: 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.



SENATE BILL NO. 2—COMMITTEE ON EDUCATION

(ON BEHALF OF THE CLARK COUNTY SCHOOL DISTRICT)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Education

SUMMARY—Revises provisions relating to education. (BDR 34-429)

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 requirements to conduct certain assessments; ~~removing~~ **revising** requirements to measure the height and weight of certain pupils; ~~revising provisions relating to budgeting; eliminating certain reporting requirements; removing the requirement to take an examination relating to civics to graduate from high school;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of a school district or the governing body of a charter school to develop a plan to assess the proficiency of a pupil in reading when the pupil enters kindergarten or enrolls in an elementary school. (NRS 388.157) **Section 1** of this bill instead requires a pupil to take such an assessment during each grade level of elementary school as is determined to be necessary. **Section 1 requires the Department of Education to prescribe by regulation procedures for assessing the development of pupils enrolled in kindergarten across early learning domains within 45 days of the start of school.** Existing law requires the board of trustees of a school district and the governing body of a charter school to report certain information concerning pupils with disabilities to the Department of Education. (NRS 388.422) **Section 2** of this bill removes this requirement. Existing law requires the board of trustees of a school district in certain counties to direct certain employees of a school to measure the height and weight of a representative sample of pupils in certain grades. (NRS 392.420) **Section 3** of this bill ~~removes~~ **revises** this requirement ~~to no longer apply in grade 10 and requires a representative sample of such pupils to be measured only every other year.~~

~~Existing law requires a school district to submit a tentative budget for the ensuing fiscal year to the Department of Taxation and the Department of Education on or before April 15 of each year. Existing law also requires that the board of trustees of a school district hold a public hearing on the tentative budget not sooner than the third Monday in May and not later than the last day in May of each year. (NRS 354.596) Existing law requires the board of trustees of a school district to adopt a final budget on or before June 8 of each year. (NRS 354.598) Under existing law, a school district is also required to adopt an amendment to its final budget on or before January 1 of each year after the average daily enrollment of pupils is reported for the preceding quarter. (NRS 354.598005) Section 4 of this bill requires a school district to submit a tentative budget to the Department of Taxation and the Department of Education on or before June 8 of each year. Section 4 also requires the board of trustees of a~~

~~school district to hold a public hearing on the tentative budget not sooner than the third Monday in July and not later than the last day in July. Section 5 of this bill requires the board of trustees of a school district to adopt a final budget before December 31 of each year, while section 6 of this bill removes the requirement that a school district adopt an amendment to its final budget.~~

~~— Section 8 of this bill eliminates the requirement in existing law that the Department of Education report to the Aging and Disability Services Division of the Department of Health and Human Services certain information relating to pupils with autism spectrum disorders. (NRS 388.451)~~

~~— Section 8 also removes the requirement in existing law that pupils take an examination in civics in order to graduate from high school. (NRS 389.009)~~

~~— Section 7 of this bill makes conforming changes to remove references to repealed sections.~~

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

Section 1. NRS 388.157 is hereby amended to read as follows:

388.157 1. The board of trustees of each school district and the governing body of each charter school shall prepare a plan to improve the literacy of pupils enrolled in an elementary school. Such a plan must include, without limitation:

(a) A program to provide intervention services and intensive instruction to pupils who have been identified as deficient in the subject area of reading to ensure that those pupils achieve adequate proficiency in the requisite reading skills and reading comprehension skills necessary to perform at a level determined by a statewide assessment to be within a level determined by the State Board for a pupil enrolled in the same grade in which the pupil is enrolled. Such a program must include, without limitation, regularly scheduled reading sessions in small groups and specific instruction designed to target any area of reading in which the pupil demonstrates a deficiency, including, without limitation, phonological and phonemic awareness, decoding skills, reading fluency and vocabulary and reading comprehension strategies;

(b) Procedures for assessing a pupil's proficiency in the subject area of reading using valid and reliable standards-based assessments that have been approved by the State Board by regulation ~~for~~;

~~— (1) Within the first 30 days of school after the pupil enters kindergarten or upon enrollment in the elementary school if the pupil enrolls after that period and has not previously been assessed; and~~

~~— (2) During~~ **during** each grade level of the elementary school at which the pupil is enrolled as determined necessary;

(c) A program to improve the proficiency in reading of pupils who are English learners; and

(d) Procedures for facilitating collaboration between licensed teachers designated as literacy specialists and classroom teachers.

2. The board of trustees of each school district or the governing body of a charter school, as applicable, shall:

(a) Submit its plan to the Department for approval on or before the date prescribed by the Department on a form prescribed by the Department; and

(b) Make such revisions to the plan as the Department determines are necessary.

3. The Department shall adopt regulations that prescribe procedures for assessing the development across early learning domains of a pupil enrolled in kindergarten within the first 45 days of school in a school year.

Sec. 2. NRS 388.422 is hereby amended to read as follows:

388.422 ~~1. On or before July 1 of each year, the board of trustees of each school district and the governing body of each charter school shall report to the Department:~~

~~— (a) The number of pupils enrolled in each school in the district or charter school, as applicable, during the immediately preceding school year who had an individualized education program or a plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794; and~~

~~— (b) The disabilities with which those pupils were diagnosed.~~

~~2. On or before August 1 of each year, the Department shall compile a report of the information reported pursuant to subsection 1 and post the report on an Internet website maintained by the Department.~~

~~3.~~ The Department shall provide to each school district and charter school in this State information concerning services for children with disabilities provided by the Aging and Disability Services Division of the Department of Health and Human Services. The board of trustees of a school district or the governing body of a charter school shall ensure that the information described in this ~~{subsection}~~ **section** is provided to the parent or guardian of each pupil enrolled in the school district or charter school, as applicable, who has an individualized education program or a plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794.

Sec. 3. NRS 392.420 is hereby amended to read as follows:

392.420 1. In each school at which a school nurse is responsible for providing nursing services, the school nurse shall plan for and carry out, or supervise qualified health personnel in carrying out, a separate and careful observation and examination of every child who is regularly enrolled in a grade specified by the board of trustees or superintendent of schools of the school district in accordance with this subsection to determine whether the child has scoliosis, any visual or auditory problem, or any gross physical defect. The grades in which the observations and examinations must be carried out are as follows:

(a) For visual and auditory problems:

(1) Before the completion of the first year of initial enrollment in elementary school;

(2) In at least one additional grade of the elementary schools; and

(3) In one grade of the middle or junior high schools and one grade of the high schools; and

(b) For scoliosis, in at least one grade of schools below the high schools.

➤ Any person other than a school nurse, including, without limitation, a person employed at a school to provide basic first aid and health services to pupils, who performs an observation or examination pursuant to this subsection must be trained by a school nurse to conduct the observation or examination.

2. In addition to the requirements of subsection 1, the board of trustees of each school district in a county whose population is 100,000 or more shall direct school nurses, qualified health personnel employed pursuant to subsection 6, teachers who teach physical education or health or other licensed educational personnel who have completed training in measuring the height and weight of a pupil provided by the school district, to measure the height and weight of a representative sample of pupils who are enrolled in grades 4 ~~(4)~~ and 7 ~~(and 10)~~ in the schools within the school district. The Division of Public and Behavioral Health of the Department of Health and Human Services, in consultation with the board of

trustees of each school district and each local health district, as applicable, shall determine the number of pupils necessary to include in the representative sample. The height and weight of a representative sample of pupils must be measured every other year at the same time other observations or examinations are conducted pursuant to this section.

3. If any child is attending school in a grade above one of the specified grades and has not previously received such an observation and examination, the child must be included in the current schedule for observation and examination. Any child who is newly enrolled in the district must be examined for any medical condition for which children in a lower grade are examined.

4. ~~4.1~~ A special examination for a possible visual or auditory problem must be provided for any child who:

(a) Is enrolled in a special program;

(b) Is repeating a grade;

(c) Has failed an examination for a visual or auditory problem during the previous school year; or

(d) Shows in any other way that the child may have such a problem.

5. ~~4.1~~ The school authorities shall notify the parent or guardian of any child who is found or believed to have scoliosis, any visual or auditory problem, or any gross physical defect, and shall recommend that appropriate medical attention be secured to correct it. Any written notice provided to the parent or guardian of a child pursuant to this subsection must include, to the extent that information is available, a list of any resources that may be available in the community to provide such medical attention, including, without limitation, resources available at no charge or at a reduced cost. If such a list is provided, the principal, his or her designee, or any employee of the school or the school district is not responsible for providing such resources to the pupil or ensuring that the pupil receives such resources.

6. ~~5.1~~ In any school district in which state, county or district public health services are available or conveniently obtainable, those services may be used to meet the responsibilities assigned under the provisions of this section. The board of trustees of the school district may employ qualified personnel to perform them. Any nursing services provided by such qualified personnel must be performed in compliance with chapter 632 of NRS.

7. ~~6.1~~ The board of trustees of a school district may adopt a policy which encourages the school district and schools within the school district to collaborate with:

(a) Qualified health care providers within the community to perform, or assist in the performance of, the services required by this section; and

(b) Postsecondary educational institutions for qualified students enrolled in such an institution in a health-related program to perform, or assist in the performance of, the services required by this section.

8. Except as otherwise provided in subsection 9, the

~~7. The~~ school authorities shall provide notice to the parent or guardian of a child before performing on the child the examinations required by this section. The notice must inform the parent or guardian of the right to exempt the child from all or part of the examinations. Any child must be exempted from an examination if the child's parent or guardian files with the teacher a written statement objecting to the examination.

9. The school authorities are not required to provide notice to the parent or guardian of a child before measuring the child's height or weight pursuant to subsection 2 if it is not practicable to do so.

1 ~~10. 19-7~~ Each school nurse or a designee of a school nurse, including, without
2 limitation, a person employed at a school to provide basic first aid and health
3 services to pupils, shall report the results of the examinations conducted pursuant to
4 this section in each school at which he or she is responsible for providing services
5 to the Chief Medical Officer in the format prescribed by the Chief Medical Officer.
6 Each such report must exclude any identifying information relating to a particular
7 child. The Chief Medical Officer shall compile all such information the Officer
8 receives to monitor the health status of children and shall retain the information.

9 11. The Division of Public and Behavioral Health of the Department of
10 Health and Human Services shall:

11 (a) Compile a report relating to each region of this State for which data is
12 collected regarding the height and weight of pupils measured pursuant to subsection
13 2 and reported to the Chief Medical Officer pursuant to subsection 10; and

14 (b) Publish and disseminate the reports not later than 12 months after receiving
15 the results of the examinations pursuant to subsection 10; and

16 (c) Submit a copy of the report disseminated pursuant to paragraph (b) to the
17 superintendent of each school district located in a county whose population is
18 100,000 or more.

19 **Sec. 4.** ~~[NRS 354.596 is hereby amended to read as follows:~~

20 ~~— 354.596 1. The officer charged by law shall prepare, or the governing body~~
21 ~~shall cause to be prepared, on appropriate forms prescribed by the Department of~~
22 ~~Taxation for the use of local governments, a tentative budget for the ensuing fiscal~~
23 ~~year. The tentative budget for the following fiscal year must be submitted to the~~
24 ~~county auditor and filed for public record and inspection in the office of:~~

25 ~~(a) The clerk or secretary of the governing body; and~~

26 ~~(b) The county clerk.~~

27 ~~2. [On] Except as otherwise provided in subsection 7, on or before April 15,~~
28 ~~a copy of the tentative budget must be submitted [;~~

29 ~~(a) To] to the Department of Taxation - [; and~~

30 ~~(b) In the case of school districts, to the Department of Education.]~~

31 ~~3. At the time of filing the tentative budget, the governing body shall give~~
32 ~~notice of the time and place of a public hearing on the tentative budget and shall~~
33 ~~cause a notice of the hearing to be published once in a newspaper of general~~
34 ~~circulation within the area of the local government not more than 14 nor less than 7~~
35 ~~days before the date set for the hearing. The notice of public hearing must state:~~

36 ~~(a) The time and place of the public hearing.~~

37 ~~(b) That a tentative budget has been prepared in such detail and on appropriate~~
38 ~~forms as prescribed by the Department of Taxation.~~

39 ~~(c) The places where copies of the tentative budget are on file and available for~~
40 ~~public inspection.~~

41 ~~4. [The] Except as otherwise provided in subsection 7, the public hearing on~~
42 ~~the tentative budget must be held by the governing body not sooner than the third~~
43 ~~Monday in May and not later than the last day in May.~~

44 ~~5. The Department of Taxation shall examine the submitted documents for~~
45 ~~compliance with law and with appropriate regulations and shall submit to the~~
46 ~~governing body at least 3 days before the public hearing a written certificate of~~
47 ~~compliance or a written notice of lack of compliance. The written notice must~~
48 ~~indicate the manner in which the submitted documents fail to comply with law or~~
49 ~~appropriate regulations.~~

50 ~~6. Whenever the governing body receives from the Department of Taxation a~~
51 ~~notice of lack of compliance, the governing body shall forthwith proceed to amend~~
52 ~~the tentative budget to effect compliance with the law and with the appropriate~~
53 ~~regulation.~~

~~7. On or before June 8, a school district shall submit a copy of the tentative budget to the Department of Taxation and the Department of Education. The public hearing on the tentative budget must be held by the governing body of the school district not sooner than the third Monday in July and not later than the last day in July.~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 354.598 is hereby amended to read as follows:~~

~~354.598 1. At the time and place advertised for public hearing, or at any time and place to which the public hearing is from time to time adjourned, the governing body shall hold a public hearing on the tentative budget, at which time interested persons must be given an opportunity to be heard.~~

~~2. At the public hearing, the governing body shall indicate changes, if any, to be made in the tentative budget and shall adopt a final budget by the favorable votes of a majority of all members of the governing body. Except as otherwise provided in this subsection, the final budget must be adopted on or before June 1 of each year. The final budgets of school districts must be adopted [on or before June 8] before December 31 of each year [.] and after the average daily enrollment of pupils is reported for the immediately preceding quarter pursuant to subsection 1 of NRS 387.1223. Should the governing body fail to adopt a final budget that complies with the requirements of law and the regulations of the Committee on Local Government Finance on or before the required date, the budget adopted and used for certification of the combined ad valorem tax rate by the Department of Taxation for the current year, adjusted as to content and rate in such a manner as the Department of Taxation may consider necessary, automatically becomes the budget for the ensuing fiscal year. When a budget has been so adopted by default, the governing body may not reconsider the budget without the express approval of the Department of Taxation. If the default budget creates a combined ad valorem tax rate in excess of the limit imposed by NRS 361.453, the Nevada Tax Commission shall adjust the budget as provided in NRS 361.4547 or 361.455.~~

~~3. The final budget must be certified by a majority of all members of the governing body, and a copy of it, together with an affidavit of proof of publication of the notice of the public hearing, must be transmitted to the Nevada Tax Commission. If a tentative budget is adopted by default as provided in subsection 2, the clerk of the governing body shall certify the budget and transmit to the Nevada Tax Commission a copy of the budget, together with an affidavit of proof of the notice of the public hearing, if that notice was published. Certified copies of the final budget must be distributed as determined by the Department of Taxation.~~

~~4. Upon the adoption of the final budget or the amendment of the budget in accordance with NRS 354.598005, the several amounts stated in it as proposed expenditures are appropriated for the purposes indicated in the budget.~~

~~5. No governing body may adopt any budget which appropriates for any fund any amount in excess of the budget resources of that fund.~~

~~6. If a local government makes a change in its final budget which increases the combined ad valorem tax rate, the local government shall submit the amended final budget to the county auditor within 15 days after making the change.]~~ **(Deleted by amendment.)**

Sec. 6. ~~[NRS 354.598005 is hereby amended to read as follows:~~

~~354.598005 1. If anticipated resources actually available during a budget period exceed those estimated, a local government may augment a budget in the following manner:~~

~~(a) If it is desired to augment the appropriations of a fund to which ad valorem taxes are allocated as a source of revenue, the governing body shall, by majority vote of all members of the governing body, adopt a resolution reciting the appropriations to be augmented, and the nature of the unanticipated resources~~

1 intended to be used for the augmentation. Before the adoption of the resolution, the
2 governing body shall publish notice of its intention to act thereon in a newspaper of
3 general circulation in the county for at least one publication. No vote may be taken
4 upon the resolution until 3 days after the publication of the notice.

5 ~~— (b) If it is desired to augment the budget of any fund other than a fund~~
6 ~~described in paragraph (a) or an enterprise or internal service fund, the governing~~
7 ~~body shall adopt, by majority vote of all members of the governing body, a~~
8 ~~resolution providing therefor at a regular meeting of the body.~~

9 ~~— 2. A budget augmentation becomes effective upon delivery to the Department~~
10 ~~of Taxation of an executed copy of the resolution providing therefor.~~

11 ~~— 3. Nothing in NRS 254.470 to 254.626, inclusive, precludes the amendment~~
12 ~~of a budget by increasing the total appropriation for any fiscal year to include a~~
13 ~~grant-in-aid, gift or bequest to a local unit of government which is required to be~~
14 ~~used for a specific purpose as a condition of the grant. Acceptance of such a grant~~
15 ~~and agreement to the terms imposed by the granting agency or person constitutes an~~
16 ~~appropriation to the purpose specified.~~

17 ~~— 4. A local government need not file an augmented budget for an enterprise or~~
18 ~~internal service fund with the Department of Taxation but shall include the budget~~
19 ~~augmentation in the next quarterly report.~~

20 ~~— 5. Budget appropriations may be transferred between functions, funds or~~
21 ~~contingency accounts in the following manner, if such a transfer does not increase~~
22 ~~the total appropriation for any fiscal year and is not in conflict with other statutory~~
23 ~~provisions:~~

24 ~~— (a) The person designated to administer the budget for a local government may~~
25 ~~transfer appropriations within any function.~~

26 ~~— (b) The person designated to administer the budget may transfer appropriations~~
27 ~~between functions or programs within a fund, if:~~

28 ~~— (1) The governing body is advised of the action at the next regular~~
29 ~~meeting; and~~

30 ~~— (2) The action is recorded in the official minutes of the meeting.~~

31 ~~— (c) Upon recommendation of the person designated to administer the budget,~~
32 ~~the governing body may authorize the transfer of appropriations between funds or~~
33 ~~from the contingency account, if:~~

34 ~~— (1) The governing body announces the transfer of appropriations at a~~
35 ~~regularly scheduled meeting and sets forth the exact amounts to be transferred and~~
36 ~~the accounts, functions, programs and funds affected;~~

37 ~~— (2) The governing body sets forth its reasons for the transfer; and~~

38 ~~— (3) The action is recorded in the official minutes of the meeting.~~

39 ~~— 6. In any year in which the Legislature by law increases or decreases the~~
40 ~~revenues of a local government, and that increase or decrease was not included or~~
41 ~~anticipated in the local government's final budget as adopted pursuant to NRS~~
42 ~~254.598, the governing body of any such local government may, within 30 days of~~
43 ~~adjournment of the legislative session, file an amended budget with the Department~~
44 ~~of Taxation increasing or decreasing its anticipated revenues and expenditures from~~
45 ~~that contained in its final budget to the extent of the actual increase or decrease of~~
46 ~~revenues resulting from the legislative action.~~

47 ~~— 7. In any year in which the Legislature enacts a law requiring an increase or~~
48 ~~decrease in expenditures of a local government, which was not anticipated or~~
49 ~~included in its final budget as adopted pursuant to NRS 254.598, the governing~~
50 ~~body of any such local government may, within 30 days of adjournment of the~~
51 ~~legislative session, file an amended budget with the Department of Taxation~~
52 ~~providing for an increase or decrease in expenditures from that contained in its final~~
53 ~~budget to the extent of the actual amount made necessary by the legislative action.~~

~~8. An amended budget, as approved by the Department of Taxation, is the budget of the local government for the current fiscal year.~~

~~[9. On or before January 1 of each school year, each school district shall adopt an amendment to its final budget after the average daily enrollment of pupils is reported for the preceding quarter pursuant to subsection 1 of NRS 387.1222. The amendment must reflect any adjustments necessary as a result of the report.]~~
(Deleted by amendment.)

Sec. 7. ~~[NRS 427A.872 is hereby amended to read as follows:~~

~~427A.872 1. The Division, in cooperation and guidance with the Department of Education, representatives of the school districts in this State and the Commission, shall prescribe by regulation a statewide standard for measuring outcomes and assessing and evaluating persons with autism spectrum disorders through the age of 21 years who receive services through the State or a local government or an agency thereof. The regulations must designate a protocol based upon accepted best practices guidelines which includes at least one standardized assessment instrument that requires direct observation by the professional conducting the assessment for determining whether a person is a person with autism spectrum disorder, which must be used by personnel employed by the State or a local government or an agency thereof who provide assessments, interventions and diagnoses of persons with autism spectrum disorders through the age of 21 years and by the persons with whom the State or a local government or an agency thereof contracts to provide assessments, interventions and diagnoses of persons with autism spectrum disorders through the age of 21 years. The protocol must require that the direct observation conducted by a professional pursuant to this subsection include, without limitation, an evaluation to measure behaviors of the person which are consistent with autism spectrum disorder, cognitive functioning, language functioning and adaptive functioning.~~

~~2. The protocol designated pursuant to subsection 1 must be used upon intake of a person suspected of having autism spectrum disorder or at any later time if a person is suspected of having autism spectrum disorder after intake. The results of an assessment must be provided to the parent or legal guardian of the person, if applicable.~~

~~3. The Division shall prescribe the form and content of reports relating to persons with autism spectrum disorders through the age of 21 years that must be reported to the Division pursuant to NRS [388.451 and] 615.205. [Except as otherwise provided in NRS 388.451, the] The Division shall ensure that the information is reported in a manner which:~~

~~(a) Allows the Division to document the services provided to and monitor the progress of each person with autism spectrum disorder through the age of 21 years who receives services from the State or an agency thereof; and~~

~~(b) Ensures that information reported for each person who receives services which identifies the person is kept confidential, consistent with [the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any other] applicable state and federal privacy laws.~~

~~4. The Division shall prepare annually a summary of the reports submitted pursuant to NRS [388.451 and] 615.205 and make the summary publicly available. The Division shall ensure that information contained in the summary does not identify a person who received services.]~~
(Deleted by amendment.)

Sec. 8. ~~[NRS 388.451 and 389.009 are hereby repealed.]~~
(Deleted by amendment.)

Sec. 9. This act becomes effective on July 1, 2021.

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~~TEXT OF REPEALED SECTIONS~~

~~388.451 Pupils with autism spectrum disorder; Department required to submit annual report to Aging and Disability Services Division.~~

~~1. The Department of Education shall report annually to the Aging and Disability Services Division of the Department of Health and Human Services information relating to pupils with autism spectrum disorders. The information must:~~

~~(a) Be submitted in the form required by the Aging and Disability Services Division; and~~

~~(b) Include the total number of pupils with autism spectrum disorders who are enrolled in public schools in this State, including all pupils with autism spectrum disorders who have an individualized education program.~~

~~2. A pupil with autism spectrum disorder who is designated as a pupil with more than one physical or mental impairment or disability must be included as a pupil with autism spectrum disorder for the purposes of reporting information pursuant to this section.~~

~~3. The reporting made pursuant to this section must comply with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any other applicable state and federal privacy laws.~~

~~389.009 Public high school to administer certain examination concerning civics; requirements for administration of examination; pupil required to take examination as condition for graduation; waiver from examination.~~

~~1. A public high school shall administer an examination containing a number of questions, determined by the public high school, which are identical to the questions contained in the civics portion of the naturalization test adopted by the United States Citizenship and Immigration Services of the Department of Homeland Security to each pupil enrolled in the public high school.~~

~~2. A public high school shall:~~

~~(a) Determine the course in which the examination will be administered;~~

~~(b) Establish the number of questions which will be included on the examination, which must not be less than 50;~~

~~(c) Determine the desired score on the examination and the manner in which the results of the examination administered to a pupil will affect the grade of the pupil in the course in which the examination is administered; and~~

~~(d) Not later than August 31 of each year, aggregate the results of the examination for all pupils at the public high school and report the aggregated results to the board of trustees of the school district in which the public high school is located.~~

~~3. Except as otherwise provided in subsection 4, no pupil in any public high school may receive a certificate or diploma of graduation without having taken the examination described in subsection 1.~~

~~4. A pupil may receive a waiver from the examination administered pursuant to subsection 1 if:~~

~~(a) The pupil is a pupil with a disability and the waiver is in accordance with his or her individualized education program;~~

~~(b) The pupil is identified as an English learner and the public high school is unable to offer the examination in the language which would be most likely to provide accurate results for the pupil; or~~

~~—(c) The principal or administrator of the public high school determines that the pupil has completed all other academic requirements to receive a certificate or diploma of graduation and has shown good cause for a waiver. The principal or administrator of a public high school shall not grant a waiver pursuant to this paragraph to more than 10 percent of each graduating class of the public high school.~~

~~—5. As used in this section, “public high school” includes, without limitation, any charter school that operates as a high school.]~~