

SENATE BILL NO. 83—COMMITTEE ON EDUCATION

(ON BEHALF OF THE LEGISLATIVE COMMITTEE
ON EDUCATION)

PREFILED JANUARY 28, 2021

Referred to Committee on Education

SUMMARY—Revises provisions relating to certain ratings and assessments. (BDR 34-527)

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; authorizing the Department of Education to temporarily waive or pause certain requirements related to the statewide system of accountability for public schools and certain examinations or assessments if the United States Department of Education has waived or paused similar requirements of federal law; providing certain exceptions to provisions that require the use of the statewide system of accountability or results of an examination or assessment; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing federal law requires a state to describe a statewide accountability
2 system for education. (20 U.S.C. § 6311(c)) Existing federal law requires a state to
3 demonstrate that the state has implemented student academic assessments in certain
4 subjects. (20 U.S.C. § 6311(b)(2)) Under existing federal law, the Secretary of
5 Education of the United States Department of Education may grant a request made
6 by a state for a waiver from various statutory or regulatory requirements, including,
7 without limitation, the requirements to describe a statewide accountability system
8 and implement academic assessments. (20 U.S.C. § 7861) Existing law requires the
9 board of trustees of each school district and the Department of Education to make
10 ratings for each public school in accordance with the statewide system of
11 accountability. (NRS 385A.720) Under existing law, the State Board of Education
12 is required to prescribe examinations that comply with federal law to measure the
13 achievement and proficiency of pupils. Existing law also requires the board of
14 trustees of a school district and the governing body of a charter school to administer



15 such examinations to pupils as prescribed by the State Board. (NRS 390.105)
16 **Sections 6.7 and 8** of this bill authorize the Department of Education to waive or
17 pause the requirements relating to making ratings for public schools or
18 administering examinations that comply with federal law, respectively, if the
19 United States Department of Education grants a waiver from such requirements to
20 the Department of Education or otherwise pauses the requirements of the federal
21 law.

22 Existing law requires the results of the examinations to measure the
23 achievement and proficiency of pupils and certain other information be included in
24 the annual report of accountability prepared by the board of trustees of a school
25 district and the annual report of accountability prepared by the State Board of
26 Education. (NRS 385A.200, 385A.270, 385A.280, 385A.410, 385A.480,
27 385A.490) **Section 1** of this bill eliminates the requirement to include certain
28 information in the annual report of accountability which is based upon the results of
29 examinations to measure the achievement and proficiency of pupils during the
30 period of time that a waiver or pause of such testing as provided in **section 8** is
31 effective. Existing law requires the Department of Education to use the
32 examinations to measure the achievement and proficiency of pupils to determine
33 the proficiency of a pupil in certain grade levels. (NRS 387.137) Under existing
34 law, the Department is required to adopt a model to measure the achievement of
35 pupils in certain grade levels based on the results of such examinations. (NRS
36 390.125) Existing law also requires the Department to take certain actions if the
37 Department determines that an irregularity in testing administration occurred during
38 certain school years. (NRS 390.290) **Sections 2-6, 7, 9 and 10** of this bill make
39 conforming changes to comply with a waiver or pause of testing as provided in
40 **section 8**.

41 **Sections 1, 4, 6.3, 6.9 and 7.2-7.8** of this bill make conforming changes to
42 comply with a waiver or pause of the requirement to make ratings for public
43 schools as provided in **section 6.7**.

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

1 **Section 1.** NRS 385A.200 is hereby amended to read as
2 follows:

3 385A.200 ~~{The}~~

4 *1. Except as otherwise provided in subsection 2, the* annual
5 report of accountability prepared pursuant to NRS 385A.070 must
6 include information on pupil achievement and school performance,
7 including, without limitation, pupil achievement for each school in
8 the district and the district as a whole, including, without limitation,
9 each charter school sponsored by the district. The board of trustees
10 of the district shall base its report on the results of the examinations
11 administered pursuant to NRS 390.105 and the college and career
12 readiness assessment administered pursuant to NRS 390.610 and
13 shall compare the results of those examinations for the school year
14 for which the annual report is being prepared with those of previous
15 school years. The report must include, for each school in the district,
16 including, without limitation, each charter school sponsored by the



1 district, and each grade in which the examinations and assessments
2 were administered:

3 ~~[1-]~~ (a) The number of pupils who took the examinations and a
4 record of attendance for the period in which the examinations were
5 administered, including an explanation of any difference in the
6 number of pupils who took the examinations and the number of
7 pupils who are enrolled in the school.

8 ~~[2-]~~ (b) Except as otherwise provided in subsection 2 of NRS
9 385A.070, pupil achievement, reported separately by gender and
10 reported separately for the groups of pupils identified in the
11 statewide system of accountability for public schools.

12 ~~[3-]~~ (c) A comparison of the achievement of pupils in each
13 group identified in the statewide system of accountability for public
14 schools with the performance targets established for that group.

15 ~~[4-]~~ (d) The percentage of pupils who were not tested.

16 ~~[5-]~~ (e) Except as otherwise provided in subsection 2 of NRS
17 385A.070, the percentage of pupils who were not tested, reported
18 separately by gender and reported separately for the groups
19 identified in the statewide system of accountability for public
20 schools.

21 ~~[6-]~~ (f) The most recent 3-year trend in pupil achievement in
22 each subject area tested and each grade level tested pursuant to NRS
23 390.105 and the college and career readiness assessment
24 administered pursuant to NRS 390.610, which may include
25 information regarding the trend in the achievement of pupils for
26 more than 3 years, if such information is available.

27 ~~[7-]~~ (g) ~~[The]~~ *Except as otherwise provided in subsection 3 of*
28 *NRS 385A.720, the* rating of each public school in the district,
29 including, without limitation, each charter school sponsored by the
30 district, pursuant to the statewide system of accountability for public
31 schools.

32 ~~[8-]~~ (h) Information on whether each school in the district,
33 including, without limitation, each charter school sponsored by the
34 district, has made progress based upon the model adopted by the
35 Department pursuant to NRS 390.125.

36 ~~[9-]~~ (i) Information that compares the results of pupils in the
37 school district, including, without limitation, pupils enrolled in
38 charter schools sponsored by the district, with the results of pupils
39 throughout this State. The information required by this ~~[subsection]~~
40 *paragraph* must be provided in consultation with the Department to
41 ensure the accuracy of the comparison.

42 ~~[10-]~~ (j) For each school in the district, including, without
43 limitation, each charter school sponsored by the district, information
44 that compares the results of pupils in the school with the results of
45 pupils throughout the school district and throughout this State. The



1 information required by this ~~[subsection]~~ *paragraph* must be
2 provided in consultation with the Department to ensure the accuracy
3 of the comparison.

4 *2. If the Department temporarily waives or otherwise pauses*
5 *the requirement to administer examinations that comply with 20*
6 *U.S.C. § 6311(b)(2) pursuant to subsection 6 of NRS 390.105, the*
7 *requirement of subsection 1 to include certain information in the*
8 *annual report of accountability prepared pursuant to NRS*
9 *385A.070 does not apply for the period of time that such a waiver*
10 *or pause is effective.*

11 **Sec. 2.** NRS 385A.270 is hereby amended to read as follows:

12 385A.270 1. The annual report of accountability prepared
13 pursuant to NRS 385A.070 must include, for each school in the
14 district and the district as a whole, including, without limitation,
15 each charter school sponsored by the district, information
16 concerning pupils who are eligible for free or reduced-price
17 breakfasts pursuant to 42 U.S.C. §§ 1771 et seq. and pupils who are
18 eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§
19 1751 et seq., including, without limitation:

20 (a) The number and percentage of pupils who are eligible for
21 free or reduced-price breakfasts;

22 (b) The percentage of pupils who receive free and reduced-price
23 breakfasts;

24 (c) The number and percentage of pupils who are eligible for
25 free or reduced-price lunches;

26 (d) The percentage of pupils who receive free and reduced-price
27 lunches;

28 (e) A comparison of the achievement and proficiency of pupils,
29 reported separately by race and ethnicity, who are eligible for free or
30 reduced-price breakfasts, pupils who receive free and reduced-price
31 breakfasts, pupils who are eligible for free or reduced-price lunches,
32 pupils who receive free and reduced-price lunches and pupils who
33 are not eligible for free or reduced-price breakfasts or lunches;

34 (f) A comparison of pupils, reported separately by race and
35 ethnicity, who are eligible for free or reduced-price breakfasts,
36 pupils who receive free and reduced-price breakfasts, pupils who are
37 eligible for free or reduced-price lunches and pupils who receive
38 free and reduced-price lunches for which data is required to be
39 collected in the following areas:

40 (1) Retention rates;

41 (2) Graduation rates;

42 (3) Dropout rates;

43 (4) Grade point averages; and

44 (5) ~~[Scores]~~ *Except as otherwise provided in subsection 6 of*
45 *NRS 390.105, scores* on the examinations administered pursuant to



1 NRS 390.105 and the college and career readiness assessment
2 administered pursuant to NRS 390.610.

3 2. The State Board may adopt any regulations necessary to
4 carry out the provisions of this section.

5 **Sec. 3.** NRS 385A.280 is hereby amended to read as follows:

6 385A.280 1. The annual report of accountability prepared
7 pursuant to NRS 385A.070 must include, for each school in the
8 district and the district as a whole, including, without limitation,
9 each charter school sponsored by the district, information regarding
10 the progression of pupils who are English learners in attaining
11 proficiency in the English language, including, without limitation:

12 (a) The number and percentage of pupils who were identified as
13 English learners at the beginning of the school year, were
14 continually enrolled throughout the school year and were identified
15 as proficient in English by the completion of the school year;

16 (b) The achievement and proficiency of pupils who are English
17 learners in comparison to the pupils who are proficient in English;

18 (c) A comparison of pupils who are English learners and pupils
19 who are proficient in the English language in the following areas:

- 20 (1) Retention rates;
21 (2) Graduation rates;
22 (3) Dropout rates;
23 (4) Grade point averages; and

24 (5) ~~Sec. 3.~~ *Except as otherwise provided in subsection 6 of*
25 *NRS 390.105, scores* on the examinations administered pursuant to
26 NRS 390.105 and the college and career readiness assessment
27 administered pursuant to NRS 390.610; and

28 (d) Results of the assessments and reassessments of pupils who
29 are English learners, reported separately by the primary language of
30 the pupils, pursuant to the policy developed by the board of trustees
31 of the school district pursuant to NRS 388.407.

32 2. The data reported pursuant to subparagraph (5) of paragraph
33 (c) of subsection 1 must be reported separately:

34 (a) According to subject matter areas measured using the
35 examinations administered pursuant to NRS 390.105 and the college
36 and career readiness assessment administered pursuant to
37 NRS 390.610;

38 (b) For pupils who are newcomers to the English language,
39 pupils who are short-term English learners and pupils who are long-
40 term English learners, as designated by regulation of the State
41 Board; and

42 (c) For middle schools, junior high schools and high schools,
43 according to any identified trends in the proficiency in the English
44 language of pupils who are English learners over the immediately
45 preceding 3 years.



1 3. In addition to including the information prescribed by this
2 section in the annual report of accountability prepared pursuant to
3 NRS 385A.070, the board of trustees of each school district and the
4 governing body of each charter school shall, on or before October 1
5 of each year:

6 (a) Submit a report of the information prescribed by this section
7 to the Department of Education and the Director of the Legislative
8 Counsel Bureau for transmittal to:

9 (1) In odd-numbered years, the Legislative Committee on
10 Education; and

11 (2) In even-numbered years, the next regular session of the
12 Legislature; and

13 (b) Post the report on an Internet website maintained by the
14 school district or charter school, as applicable.

15 **Sec. 4.** NRS 385A.410 is hereby amended to read as follows:

16 385A.410 ~~[The]~~ *Except as otherwise provided in subsection 6*
17 *of NRS 390.105, the* annual report of accountability prepared by the
18 State Board pursuant to NRS 385A.400 must include information on
19 pupil achievement and school performance, including, without
20 limitation:

21 1. Information on the achievement of all pupils based upon the
22 results of the examinations administered pursuant to NRS 390.105
23 and the college and career readiness assessment administered
24 pursuant to NRS 390.610, reported for each school district,
25 including, without limitation, each charter school in the district, and
26 for this State as a whole.

27 2. Except as otherwise provided in subsection 2 of NRS
28 385A.400, pupil achievement, reported separately by gender and
29 reported separately for the groups of pupils identified in the
30 statewide system of accountability for public schools.

31 3. A comparison of the achievement of pupils in each group
32 identified in the statewide system of accountability for public
33 schools with the performance targets established for that group.

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

37 5. Except as otherwise provided in subsection 2 of NRS
38 385A.400, the percentage of pupils who were not tested, reported
39 separately by gender and reported separately for the groups
40 identified in the statewide system of accountability for public
41 schools.

42 6. The most recent 3-year trend in the achievement of pupils in
43 each subject area tested and each grade level tested pursuant to NRS
44 390.105 and the college and career readiness assessment
45 administered pursuant to NRS 390.610, reported for each school



1 district, including, without limitation, each charter school in the
2 district, and for this State as a whole, which may include
3 information regarding the trend in the achievement of pupils for
4 more than 3 years, if such information is available.

5 7. ~~[The]~~ *Except as otherwise provided in subsection 3 of NRS*
6 *385A.720, the* rating of each public school, including, without
7 limitation, each charter school, pursuant to the statewide system of
8 accountability for public schools.

9 8. Information on whether each public school, including,
10 without limitation, each charter school, has made progress based
11 upon the model adopted by the Department pursuant to NRS
12 390.125, if applicable for the grade level of pupils enrolled at the
13 school.

14 9. Information on the results of pupils who participated in the
15 examinations of the National Assessment of Educational Progress
16 required pursuant to NRS 390.830.

17 **Sec. 5.** NRS 385A.480 is hereby amended to read as follows:

18 385A.480 The annual report of accountability prepared by the
19 State Board pursuant to NRS 385A.400 must include for each
20 school district, including, without limitation, each charter school in
21 the district, and for this State as a whole, information concerning
22 pupils who are eligible for free or reduced-price breakfasts pursuant
23 to 42 U.S.C. §§ 1771 et seq. and pupils who are eligible for free or
24 reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq.,
25 including, without limitation:

26 1. The number and percentage of pupils who are eligible for
27 free or reduced-price breakfasts;

28 2. The number and percentage of pupils who receive free and
29 reduced-price breakfasts;

30 3. The number and percentage of pupils who are eligible for
31 free or reduced-price lunches;

32 4. The number and percentage of pupils who receive free and
33 reduced-price lunches;

34 5. A comparison of the achievement and proficiency of pupils,
35 reported separately by race and ethnicity, who are eligible for free or
36 reduced-price breakfasts, pupils who receive free and reduced-price
37 breakfasts, pupils who are eligible for free or reduced-price lunches,
38 pupils who receive free and reduced-price lunches and pupils who
39 are not eligible for free or reduced-price breakfasts or lunches;

40 6. A comparison of pupils, reported separately by race and
41 ethnicity, who are eligible for free or reduced-price breakfasts,
42 pupils who receive free and reduced-price breakfasts, pupils who are
43 eligible for free or reduced-price lunches and pupils who receive
44 free and reduced-price lunches for which data is required to be
45 collected in the following areas:



- 1 (a) Retention rates;
- 2 (b) Graduation rates;
- 3 (c) Dropout rates;
- 4 (d) Grade point averages; and
- 5 (e) ~~[Scores]~~ *Except as otherwise provided in subsection 6 of*
- 6 *NRS 390.105, scores* on the examinations administered pursuant to
- 7 NRS 390.105 and the college and career readiness assessment
- 8 administered pursuant to NRS 390.610.

9 **Sec. 6.** NRS 385A.490 is hereby amended to read as follows:

10 385A.490 1. The annual report of accountability prepared by

11 the State Board pursuant to NRS 385A.400 must include for each

12 school district, including, without limitation, each charter school in

13 the district, and for this State as a whole, information regarding the

14 progression of pupils who are English learners in attaining

15 proficiency in the English language, including, without limitation:

16 (a) The number and percentage of pupils who were identified as

17 English learners at the beginning of the school year, were

18 continually enrolled throughout the school year and were identified

19 as proficient in English by the completion of the school year;

20 (b) The achievement and proficiency of pupils who are English

21 learners in comparison to the pupils who are proficient in English;

22 (c) A comparison of pupils who are English learners and pupils

23 who are proficient in the English language in the following areas:

- 24 (1) Retention rates;
- 25 (2) Graduation rates;
- 26 (3) Dropout rates;
- 27 (4) Grade point averages; and
- 28 (5) ~~[Scores]~~ *Except as otherwise provided in subsection 6 of*

29 *NRS 390.105, scores* on the examinations administered pursuant to

30 NRS 390.105 and the college and career readiness assessment

31 administered pursuant to NRS 390.610; and

32 (d) Results of the assessments and reassessments of pupils who

33 are English learners, reported separately by the primary language of

34 the pupils, pursuant to the policies developed by the boards of

35 trustees of school districts pursuant to NRS 388.407.

36 2. The data reported pursuant to subparagraph (5) of paragraph

37 (c) of subsection 1 must be reported separately:

38 (a) According to subject matter areas measured using the

39 examinations administered pursuant to NRS 390.105 and the college

40 and career readiness assessment administered pursuant to

41 NRS 390.610;

42 (b) For pupils who are newcomers to the English language,

43 pupils who are short-term English learners and pupils who are long-

44 term English learners, as designated by regulation of the State

45 Board; and



1 (c) For middle schools, junior high schools and high schools,
2 according to any identified trends in the proficiency in the English
3 language of pupils who are English learners over the immediately
4 preceding 3 years.

5 **Sec. 6.3.** NRS 385A.600 is hereby amended to read as
6 follows:

7 385A.600 1. The Department shall make every effort to
8 obtain the approval necessary from the United States Department of
9 Education to ensure that the statewide system of accountability for
10 public schools complies with all requirements for the receipt of
11 federal money under the Elementary and Secondary Education Act
12 of 1965, 20 U.S.C. §§ 6301 et seq., as amended.

13 2. The statewide system of accountability applies to all public
14 schools, regardless of Title I status, and must ~~be~~ , *except as*
15 *otherwise provided in subsection 3 of NRS 385A.720:*

16 (a) Include a method to, on an annual basis, rate each public
17 school based upon the performance of the school and based upon
18 whether each public school meets the school achievement targets
19 and performance targets established pursuant to the statewide
20 system of accountability;

21 (b) Include a method to implement consequences, rewards and
22 supports for public schools based upon the ratings;

23 (c) Include a method to provide grants and other financial
24 support, to the extent that money is available from legislative
25 appropriation, to public schools receiving one of the two lowest
26 ratings of performance pursuant to the statewide system of
27 accountability for public schools; and

28 (d) Establish school achievement targets and performance
29 targets for public schools and performance targets for specific
30 groups of pupils, including, without limitation, pupils who are
31 economically disadvantaged, pupils from major racial and ethnic
32 groups, pupils with disabilities and pupils who are English learners.
33 The school achievement targets and performance targets must:

34 (1) Be based primarily upon the measurement of the progress
35 and proficiency of pupils on the examinations administered pursuant
36 to NRS 390.105; and

37 (2) For high schools, include the rate of graduation and the
38 rate of attendance.

39 3. ~~The~~ *Except as otherwise provided in subsection 3 of NRS*
40 *385A.720, the* statewide system of accountability for public schools
41 may include a method to:

42 (a) On an annual basis, rate school districts based upon the
43 performance of the public schools within the school district and
44 whether those public schools meet the school achievement targets



1 and performance targets established pursuant to the statewide
2 system of accountability; and

3 (b) Implement consequences, rewards and supports for school
4 districts based upon the ratings.

5 **Sec. 6.7.** NRS 385A.720 is hereby amended to read as
6 follows:

7 385A.720 1. *Except as otherwise provided in subsection 3:*

8 (a) Based upon the information received from the Department
9 pursuant to NRS 385A.670, the board of trustees of each school
10 district shall, on or before August 15 of each year, issue a
11 preliminary rating for each public school in the school district in
12 accordance with the statewide system of accountability for public
13 schools, excluding charter schools sponsored by the State Public
14 Charter School Authority or a college or university within the
15 Nevada System of Higher Education.

16 (b) The board of trustees shall make preliminary ratings for all
17 charter schools that are sponsored by the board of trustees.

18 (c) The Department shall make preliminary ratings for all
19 charter schools sponsored by the State Public Charter School
20 Authority and all charter schools sponsored by a college or
21 university within the Nevada System of Higher Education.

22 2. *Except as otherwise provided in subsection 3:*

23 (a) Before making a final rating for a school, the board of
24 trustees of the school district or the Department, as applicable, shall
25 provide the school an opportunity to review the data upon which the
26 preliminary rating is based and to present evidence.

27 (b) If the school is a public school of the school district or a
28 charter school sponsored by the board of trustees, the board of
29 trustees of the school district shall, in consultation with the
30 Department, make a final determination concerning the rating for
31 the school on September 15.

32 (c) If the school is a charter school sponsored by the State Public
33 Charter School Authority or a college or university within the
34 Nevada System of Higher Education, the Department shall make a
35 final determination concerning the rating for the school on
36 September 15.

37 3. *The Department may temporarily waive or otherwise pause*
38 *the requirement to make ratings for public schools that comply*
39 *with 20 U.S.C. § 6311(c) pursuant to this section if the United*
40 *States Department of Education grants a waiver from or otherwise*
41 *pauses the requirements of 20 U.S.C. § 6311(c).*

42 4. On or before September 15 of each year, the Department
43 shall post on the Internet website maintained by the Department the
44 determinations and final ratings made for all schools in this State.



1 **Sec. 6.9.** NRS 387.131 is hereby amended to read as follows:

2 387.131 1. On or before July 1 of each year, the Department
3 shall, using the final count of pupils from the previous school year,
4 determine the number of pupils in each public school who:

5 (a) Are English learners or are eligible for a free or reduced-
6 price lunch pursuant to 42 U.S.C. §§ 1751 et seq.;

7 (b) Scored at or below the 25th percentile on an assessment of
8 proficiency described in paragraphs (a) to (e), inclusive, of
9 subsection 1 of NRS 387.137 or, for a grade level for which such an
10 assessment does not exist or does not provide sufficient information
11 to identify all such pupils, are projected to be at or below the 25th
12 percentile for proficiency by the Department pursuant to subsection
13 2 of NRS 387.137;

14 (c) Are not enrolled at a Zoom school or Victory school; and

15 (d) Do not have an individualized education program.

16 2. On or before July 1 of each year, the Department shall
17 determine, beginning with the category of all public schools that
18 received the lowest rating possible indicating underperformance of a
19 public school, as determined by the Department pursuant to the
20 statewide system of accountability for public schools **for the**
21 **most recent school year for which the public school received an**
22 **annual rating**, and proceeding through each category of all public
23 schools that received the immediately higher rating until not all
24 public schools within a category could be funded, each category of
25 public schools for which the Department could provide a per pupil
26 allocation of \$1,200 from the Account for the New Nevada
27 Education Funding Plan created by NRS 387.129 for the upcoming
28 school year for each pupil identified in subsection 1 who is enrolled
29 at each public school in the category.

30 3. If the Department determines that one or more categories of
31 public schools could not be fully funded pursuant to subsection 2,
32 the Department shall rank each public school within the lowest
33 category of public schools that could not be fully funded pursuant to
34 subsection 2 by the highest number of pupils identified in subsection
35 1 who are enrolled at each such public school.

36 4. On or before July 15 of each year, the Department shall
37 transfer money from the Account for the New Nevada Education
38 Funding Plan to the board of trustees of each school district and
39 each sponsor of a charter school on a per pupil basis as follows:

40 (a) First, for each public school within a category identified in
41 subsection 2 as capable of being fully funded which is located in the
42 school district or sponsored by the sponsor, as applicable, an amount
43 of \$1,200 per pupil identified in subsection 1 who is enrolled at the
44 public school; and



1 (b) Second, beginning with the highest ranked public school
2 pursuant to subsection 3 and until the money in the Account for the
3 New Nevada Education Funding Plan is exhausted, an amount of
4 \$1,200 per pupil identified in subsection 1 who is enrolled at the
5 public school.

6 ↪ The board of trustees of a school district or the sponsor of a
7 charter school that receives money pursuant to this subsection shall
8 distribute the money to each identified public school on a per pupil
9 basis for each pupil identified in subsection 1 who is enrolled at the
10 public school.

11 **Sec. 7.** NRS 387.137 is hereby amended to read as follows:

12 387.137 1. To determine the proficiency of a pupil pursuant
13 to paragraph (b) of subsection 1 of NRS 387.131, the Department
14 shall use, for a pupil who is:

15 (a) An English learner in any grade, the assessment of
16 proficiency in the English language prescribed by the State Board
17 pursuant to NRS 390.810.

18 (b) In kindergarten or grade 1 or 2, the assessment implemented
19 by the Department for those grades.

20 (c) In grade 3, 4, 5, 6, 7 or 8, *except as otherwise provided in*
21 *subsection 6 of NRS 390.105*, the examinations administered
22 pursuant to NRS 390.105.

23 (d) In grade 9 or 10, the assessment implemented by the
24 Department for those grades.

25 (e) In grade 11 or 12, the college and career readiness
26 assessment administered pursuant to NRS 390.610.

27 2. The Department shall, by regulation, establish a method for
28 projecting the number of pupils who are at or below the 25th
29 percentile for proficiency in any grade level for which an
30 assessment identified in subsection 1 does not exist or does not
31 provide sufficient information to identify all such pupils. Such a
32 method may allow for the number of pupils to be projected by
33 examining:

34 (a) The proficiency of pupils in nearby grade levels if an
35 assessment for a grade level has not been fully implemented; or

36 (b) Information on credit deficiency for any grade in high school
37 for which insufficient information exists to identify all such pupils.

38 **Sec. 7.2.** NRS 388A.300 is hereby amended to read as
39 follows:

40 388A.300 1. ~~[The]~~ *Except as otherwise provided in*
41 *subsection 3 of NRS 385A.720, the* sponsor of a charter school shall
42 terminate the charter contract of the charter school or restart the
43 charter school under a new charter contract if the charter school
44 receives, in any period of 5 consecutive school years, three annual
45 ratings established as the lowest rating possible indicating



1 underperformance of a public school, as determined by the
2 Department pursuant to the statewide system of accountability for
3 public schools.

4 2. A charter school's annual rating pursuant to the statewide
5 system of accountability based upon the performance of the charter
6 school must not be included in the count of annual ratings for the
7 purposes of subsection 1 for any school year before the 2015-2016
8 school year.

9 3. If a charter contract is terminated or a charter school is
10 restarted pursuant to subsection 1, the sponsor of the charter school
11 shall submit a written report to the Department and the governing
12 body of the charter school setting forth the reasons for the
13 termination or restart of the charter school not later than 10 days
14 after terminating the charter contract or restarting the charter school.

15 4. The provisions of NRS 388A.330 do not apply to the
16 termination of a charter contract or restart of the charter school
17 pursuant to this section.

18 5. The Department shall adopt regulations governing
19 procedures to restart a charter school under a new charter contract
20 pursuant to subsection 1. Such regulations must include, without
21 limitation, requiring a charter school that is restarted to enroll a
22 pupil who was enrolled in the charter school before the school was
23 restarted before any other eligible pupil is enrolled.

24 **Sec. 7.4.** NRS 388A.456 is hereby amended to read as
25 follows:

26 388A.456 1. Before a charter school enrolls pupils who are
27 eligible for enrollment pursuant to NRS 388A.453, a charter school
28 may enroll a child who:

29 (a) Is a sibling of a pupil who is currently enrolled in the charter
30 school.

31 (b) Was enrolled, free of charge and on the basis of a lottery
32 system, in a prekindergarten program at the charter school or any
33 other early childhood educational program affiliated with the charter
34 school.

35 (c) Is a child of a person:

36 (1) Who is employed by the charter school;

37 (2) Who is a member of the committee to form the charter
38 school;

39 (3) Who is a member of the governing body of the charter
40 school; or

41 (4) Who resides on or is employed on the federal military
42 installation, if the charter school is located on a federal military
43 installation;



1 (d) Is enrolled at a charter school with which the charter school
2 has an articulation agreement, approved by the sponsor, providing
3 for priority enrollment.

4 (e) Is in a particular category of at-risk pupils and the child
5 meets the eligibility for enrollment prescribed by the charter school
6 for that particular category.

7 (f) At the time his or her application is submitted, is enrolled in
8 a public school of a school district with an enrollment that is more
9 than 25 percent over the public school's intended capacity, as
10 reported on the list maintained by the school district pursuant to
11 subsection 4. If a charter school enrolls pupils who are enrolled in
12 such a public school before enrolling other pupils who are eligible
13 for enrollment, the charter school must enroll such pupils who reside
14 within 2 miles of the charter school before enrolling other such
15 pupils.

16 (g) At the time his or her application is submitted, is enrolled in
17 a public school that received an annual rating established as one of
18 the two lowest ratings possible indicating underperformance of a
19 public school, as determined by the Department pursuant to the
20 statewide system of accountability for public schools for the
21 ~~immediately preceding~~ **most recent** school year ~~for which the~~
22 **public school received an annual rating**. If a charter school enrolls
23 pupils who are enrolled in such a public school before enrolling
24 other pupils who are eligible for enrollment, the charter school must
25 enroll such pupils who reside within 2 miles of the charter school
26 before enrolling other such pupils.

27 (h) Resides within the school district and within 2 miles of the
28 charter school if the charter school is located in an area that the
29 sponsor of the charter school determines includes a high percentage
30 of children who are at risk. If space is available after the charter
31 school enrolls pupils pursuant to this paragraph, the charter school
32 may enroll children who reside outside the school district but within
33 2 miles of the charter school if the charter school is located within
34 an area that the sponsor determines includes a high percentage of
35 children who are at risk.

36 2. If more pupils described in this section who are eligible
37 apply for enrollment than the number of spaces available, the charter
38 school shall determine which applicants to enroll pursuant to this
39 section on the basis of a lottery system.

40 3. A lottery held pursuant to subsection 2 must be held not
41 sooner than 45 days after the date on which a charter school begins
42 accepting applications for enrollment unless the sponsor of the
43 charter school determines there is good cause to hold it sooner.

44 4. Each school district shall create and maintain a list which
45 specifies for each public school of the school district, the maximum



1 enrollment capacity for each school, the actual number of pupils
2 enrolled at each school and the percentage by which enrollment at
3 each school exceeds the intended enrollment capacity, if applicable.
4 Each school district shall post the list on the Internet website
5 maintained by the school district as soon as practicable after the
6 count of pupils is completed pursuant to NRS 387.1223 but not later
7 than November 1 of each year.

8 **Sec. 7.6.** NRS 388A.518 is hereby amended to read as
9 follows:

10 388A.518 1. Except as otherwise provided in this subsection,
11 at least 70 percent of the teachers who provide instruction at a
12 charter school must demonstrate experience and qualifications
13 through licensure or subject matter expertise. If a charter school
14 operates a vocational school, the charter school shall, to the extent
15 practicable, ensure that at least 70 percent of the teachers who
16 provide instruction at the school demonstrate experience and
17 qualifications through licensure or subject matter expertise, but in
18 no event may less than 50 percent of the teachers who provide
19 instruction at the school demonstrate experience and qualifications
20 through licensure or subject matter expertise.

21 2. If a charter school specializes in:

22 (a) Arts and humanities, physical education or health education,
23 a teacher must demonstrate experience and qualifications through
24 licensure or subject matter expertise to teach those courses of study.

25 (b) The construction industry or other building industry,
26 teachers who are employed full-time to teach courses of study
27 relating to business and industry must:

28 (1) Demonstrate experience and qualifications through
29 subject matter expertise; or

30 (2) Hold a license issued by the Superintendent of Public
31 Instruction which contains an endorsement to teach such courses.

32 3. A teacher who is employed by a charter school, regardless of
33 the date of hire, must demonstrate experience and qualifications
34 through licensure or subject matter expertise if the teacher teaches
35 one or more of the following subjects:

36 (a) English language arts;

37 (b) Mathematics;

38 (c) Science;

39 (d) A foreign or world language;

40 (e) Civics or government;

41 (f) Economics;

42 (g) Geography;

43 (h) History; or

44 (i) The arts.



1 4. Except as otherwise provided in NRS 388A.515, a charter
2 school may employ a person who does not demonstrate experience
3 and qualifications through licensure or subject matter expertise to
4 teach a course of study for which a teacher is not required to
5 demonstrate such experience and qualifications if the person has:

6 (a) A degree, a license or a certificate in the field for which the
7 person is employed to teach at the charter school; and

8 (b) At least 2 years of experience in that field.

9 5. A teacher who is employed by a charter school to teach
10 special education or English as a second language must be licensed
11 to teach special education or English as a second language, as
12 applicable.

13 6. For purposes of this section, a teacher demonstrates
14 experience and qualifications through licensure or subject matter
15 expertise:

16 (a) If the teacher is employed by a charter school that has not
17 received, within the ~~immediately preceding~~ *most recent* 2
18 consecutive school years ~~[]~~ *for which the charter school received*
19 *an annual rating*, one of the three highest ratings of performance
20 pursuant to the statewide system of accountability for public
21 schools, or equivalent ratings in another state, as determined by the
22 Department, and the:

23 (1) Overall performance of the teacher has been reported as
24 effective or highly effective, in accordance with the regulations
25 adopted by the State Public Charter School Authority; and

26 (2) Teacher is licensed to teach pursuant to chapter 391 of
27 NRS.

28 (b) If the teacher is employed by a charter school that has
29 received, within the ~~immediately preceding~~ *most recent* 2
30 consecutive school years ~~[]~~ *for which the charter school received*
31 *an annual rating*, one of the three highest ratings of performance
32 pursuant to the statewide system of accountability for public
33 schools, or equivalent ratings in another state, as determined by the
34 Department, and the:

35 (1) Overall performance of the teacher has been reported as
36 effective or highly effective, in accordance with the regulations
37 adopted by the State Public Charter School Authority, regardless of
38 whether the teacher is licensed to teach pursuant to chapter 391 of
39 NRS; or

40 (2) The teacher holds a bachelor's degree or a graduate
41 degree from an accredited college or university and has
42 demonstrated expertise in the subject area for which the teacher
43 provides instruction on an assessment approved by the Department,
44 in consultation with sponsors of charter schools described in this



1 paragraph, regardless of whether the teacher is licensed to teach
2 pursuant to chapter 391 of NRS.

3 7. If a charter school that has received within the ~~immediately~~
4 ~~preceding~~ *most recent* 2 consecutive school years ~~[]~~ *for which the*
5 *charter school received an annual rating*, one of the three highest
6 ratings of performance pursuant to the statewide system of
7 accountability for public schools, or equivalent ratings in another
8 state, as determined by the Department, intends to employ persons
9 to teach who are not licensed, the charter school shall within 3
10 years:

11 (a) Obtain approval for and offer an alternative route to
12 licensure pursuant to NRS 391.019; or

13 (b) Enter into an agreement with a qualified provider of an
14 alternative route to licensure to provide the required education and
15 training to unlicensed teachers who are employed by the school to
16 teach such a course of study.

17 **Sec. 7.8.** NRS 388A.650 is hereby amended to read as
18 follows:

19 388A.650 Except as otherwise provided in NRS 388A.685, the
20 Director of the Department of Business and Industry shall not
21 finance a project unless, before financing the project, the Director of
22 the Department of Business and Industry finds and the State Board
23 of Finance approves the findings of the Director of the Department
24 of Business and Industry that:

25 1. The project consists of any land, building or other
26 improvement, and all real and personal properties necessary in
27 connection therewith, which is suitable for new construction,
28 improvement, restoration or rehabilitation of charter school
29 facilities;

30 2. The charter school for whose benefit the project is being
31 financed is not in default under the charter contract granted by its
32 sponsor, as determined by the sponsor;

33 3. The charter school for whose benefit the project is being
34 financed has received, within the ~~immediately preceding~~ *most*
35 *recent* 2 consecutive school years ~~[]~~ *for which the charter school*
36 *received an annual rating*, one of the three highest ratings of
37 performance pursuant to the statewide system of accountability for
38 public schools, or has received equivalent ratings in another state, as
39 determined by the Department of Education;

40 4. There are sufficient safeguards to ensure that all money
41 provided by the Director of the Department of Business and
42 Industry will be expended solely for the purposes of the project;

43 5. There are sufficient safeguards to ensure that the Director of
44 the Department of Business and Industry will have the ability to



1 monitor compliance with the provisions of NRS 388A.550 to
2 388A.695, inclusive, on an ongoing basis with respect to the project;

3 6. Through the advice of counsel or other reliable source, the
4 project has received all approvals by the local, state and federal
5 governments which may be necessary to proceed with construction,
6 improvement, rehabilitation or redevelopment of the project; and

7 7. There has been a request by a charter school, lessee,
8 purchaser or other obligor to have the Director of the Department of
9 Business and Industry issue bonds to finance the project.

10 **Sec. 8.** NRS 390.105 is hereby amended to read as follows:

11 390.105 1. ~~{The}~~ *Except as otherwise provided in subsection*
12 *6, the* State Board shall, in consultation with the Council to
13 Establish Academic Standards for Public Schools, prescribe
14 examinations that comply with 20 U.S.C. § 6311(b)(2) and that
15 measure the achievement and proficiency of pupils:

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

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

21 (c) For grades 9, 10, 11 and 12, in the standards of content
22 established by the Council for the subjects required to comply with
23 20 U.S.C. § 6311(b)(2).

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

27 2. In addition to the examinations prescribed pursuant to
28 subsection 1, the State Board shall, in consultation with the Council
29 to Establish Academic Standards for Public Schools, prescribe a
30 writing examination for grades 5 and 8.

31 3. The Department shall ensure the availability of:

32 (a) The examinations prescribed pursuant to subsections 1 and 2
33 to pupils in any language in which those examinations are
34 published; and

35 (b) Authorized supports to pupils who are English learners for
36 the examinations prescribed pursuant to subsections 1 and 2.

37 4. The State Board shall prescribe:

38 (a) The minimum number of school days that must take place
39 before the examinations prescribed by the State Board pursuant to
40 subsection 1 may be administered to pupils; and

41 (b) The period during which the examinations prescribed by the
42 State Board pursuant to subsection 1 must be administered.

43 5. The board of trustees of each school district and the
44 governing body of each charter school shall administer the
45 examinations prescribed by the State Board at such times as



1 prescribed by the State Board pursuant to subsection 4. The
2 examinations must be:

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

7 (b) Administered in each school in accordance with the plan
8 adopted pursuant to NRS 390.270 by the Department and with the
9 plan adopted pursuant to NRS 390.275 by the board of trustees of
10 the school district in which the examinations are administered. The
11 Department shall monitor the compliance of school districts and
12 individual schools with:

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

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

18 *6. The Department may temporarily waive or otherwise pause*
19 *the requirement to administer examinations that comply with 20*
20 *U.S.C. § 6311(b)(2) pursuant to this section if the United States*
21 *Department of Education grants a waiver from or otherwise*
22 *pauses the requirements of 20 U.S.C. § 6311(b)(2).*

23 **Sec. 9.** NRS 390.125 is hereby amended to read as follows:

24 390.125 1. The Department shall adopt a model to measure
25 the achievement of pupils enrolled in grades 3 to 8, inclusive, *except*
26 *as otherwise provided in subsection 6 of NRS 390.105*, based upon
27 the results of the examinations administered pursuant to NRS
28 390.105. The model must be designed so that the progress of pupils
29 enrolled in a public school may be tracked from year to year to
30 determine whether the school has made progress in the achievement
31 of pupils.

32 2. The board of trustees of each school district and the
33 governing body of each charter school shall apply the model in the
34 format required by the Department. The information collected must
35 be used to determine whether individual schools have made progress
36 in the achievement of pupils.

37 **Sec. 10.** NRS 390.290 is hereby amended to read as follows:

38 390.290 1. If the Department determines that:

39 (a) At least one irregularity in testing administration occurred at
40 a school, including, without limitation, a charter school, during 1
41 school year on the examinations administered pursuant to
42 NRS 390.105;

43 (b) In the immediately succeeding school year *in which an*
44 *examination was administered pursuant to NRS 390.105*, at least
45 one additional irregularity in testing administration occurred at that



1 school on the examinations administered pursuant to NRS 390.105;
2 and

3 (c) Based upon the criteria set forth in subsection 2, the
4 irregularities described in paragraphs (a) and (b) warrant an
5 additional administration of the examinations,

6 ↪ the Department shall notify the school and the school district in
7 which the school is located that the school is required to provide for
8 an additional administration of the examinations to pupils who are
9 enrolled in a grade that is required to take the examinations pursuant
10 to NRS 390.105 or to the pupils the Department determines must
11 take the additional administration pursuant to subsection 3. The
12 additional administration must occur in the same school year in
13 which the irregularity described in paragraph (b) occurred. Except
14 as otherwise provided in this subsection, the school district shall pay
15 for all costs related to the administration of examinations pursuant
16 to this subsection. If a charter school is required to administer
17 examinations pursuant to this subsection, the charter school shall
18 pay for all costs related to the administration of the examinations to
19 pupils enrolled in the charter school.

20 2. In determining whether to require a school to provide for an
21 additional administration of examinations pursuant to this section,
22 the Department shall consider:

23 (a) The effect of each irregularity in testing administration,
24 including, without limitation, whether the irregularity required the
25 scores of pupils to be invalidated; and

26 (b) Whether sufficient time remains in the school year to
27 provide for an additional administration of examinations.

28 3. If the Department determines pursuant to subsection 2 that a
29 school must provide for an additional administration of
30 examinations, the Department may consider whether the most recent
31 irregularity in testing administration affected the test scores of a
32 limited number of pupils and require the school to provide an
33 additional administration of examinations pursuant to this section
34 only to those pupils whose test scores were affected by the most
35 recent irregularity.

36 4. The Department shall provide as many notices pursuant to
37 this section during 1 school year as are applicable to the
38 irregularities occurring at a school. A school shall provide for
39 additional administrations of examinations pursuant to this section
40 within 1 school year as applicable to the irregularities occurring at
41 the school.

42 **Sec. 11.** The provisions of subsection 1 of NRS 218D.380 do
43 not apply to any provision of this act which adds or revises a
44 requirement to submit a report to the Legislature.



1 **Sec. 12.** This act becomes effective upon passage and
2 approval.

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