

(Reprinted with amendments adopted on April 16, 2003)

FIRST REPRINT

A.B. 179

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ASSEMBLY BILL NO. 179—ASSEMBLYMEN GIUNCHIGLIANI,  
WILLIAMS, PARKS, GIBBONS, OHRENSCHALL, ANDERSON,  
ARBERRY, ATKINSON, BUCKLEY, CHOWNING, COLLINS,  
CONKLIN, GOLDWATER, HORNE, KOIVISTO, LESLIE,  
MANENDO, MCCLAIN, MCCLEARY, OCEGUERA, PERKINS  
AND PIERCE

FEBRUARY 21, 2003

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JOINT SPONSOR: SENATOR CARLTON

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Referred to Concurrent Committees on Education  
and Ways and Means

SUMMARY—Revises provisions governing education.  
(BDR 34-22)

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

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

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AN ACT relating to education; requiring the State Board of Education to prescribe endorsements to the standard high school diploma; removing the requirement that a pupil pass the high school proficiency examination as a condition to receipt of a high school diploma; authorizing a pupil to retake those portions of the high school proficiency examination which he failed in order to receive an endorsement on his diploma indicating that he passed the examination; revising provisions governing the administration of achievement and proficiency examinations to pupils with disabilities and pupils whose primary language is not English; revising provisions governing the reporting of achievement and proficiency examinations; and providing other matters properly relating thereto.



\* A B 1 7 9 R 1 \*

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

1       **Section 1.** NRS 385.347 is hereby amended to read as follows:  
2       385.347 1. The board of trustees of each school district in  
3 this state, in cooperation with associations recognized by the State  
4 Board as representing licensed personnel in education in the district,  
5 shall adopt a program providing for the accountability of the school  
6 district to the residents of the district and to the State Board for the  
7 quality of the schools and the educational achievement of the pupils  
8 in the district, including, without limitation, pupils enrolled in  
9 charter schools in the school district. The board of trustees of a  
10 school district shall report the information required by subsection 2  
11 for each charter school within the school district, regardless of the  
12 sponsor of the charter school.  
13       2. The board of trustees of each school district shall, on or  
14 before March 31 of each year, report to the residents of the district  
15 concerning:  
16       (a) The educational goals and objectives of the school district.  
17       (b) Pupil achievement for grades 4, 8, 10 and 11 for each school  
18 in the district and the district as a whole, including, without  
19 limitation, each charter school in the district.  
20 Unless otherwise directed by the Department, the board of trustees  
21 of the district shall base its report on the results of the examinations  
22 administered pursuant to NRS 389.015 and shall compare the results  
23 of those examinations for the current school year with those of  
24 previous school years. The report must include, for each school in  
25 the district, including, without limitation, each charter school in the  
26 district, and each grade in which the examinations were  
27 administered:  
28       (1) The number of pupils who took the examinations;  
29       (2) An explanation of instances in which a school was  
30 exempt from administering or a pupil was exempt from taking an  
31 examination; and  
32       (3) A record of attendance for the period in which the  
33 examinations were administered, including an explanation of any  
34 difference in the number of pupils who took the examinations and  
35 the number of pupils who are enrolled in the school.  
36 In addition, the board shall also report the results of other  
37 examinations of pupil achievement administered to pupils in the  
38 school district in grades other than 4, 8, 10 and 11. The results of  
39 these examinations for the current school year must be compared  
40 with those of previous school years.  
41       (c) The ratio of pupils to teachers in kindergarten and at each  
42 grade level for each elementary school in the district and the district



1 as a whole, including, without limitation, each charter school in the  
2 district, the average class size for each required course of study for  
3 each secondary school in the district and the district as a whole,  
4 including, without limitation, each charter school in the district, and  
5 other data concerning licensed and unlicensed employees of the  
6 school district.

7 (d) The percentage of classes taught by teachers who have been  
8 assigned to teach English, mathematics, science or social studies but  
9 do not possess a license with an endorsement to teach in that subject  
10 area, for each school in the district and the district as a whole,  
11 including, without limitation, each charter school in the district.

12 (e) The total expenditure per pupil for each school in the district  
13 and the district as a whole, including, without limitation, each  
14 charter school in the district.

15 (f) The curriculum used by the school district, including:

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

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

20 (g) Records of the attendance and truancy of pupils in all grades,  
21 including, without limitation, the average daily attendance of pupils,  
22 for each school in the district and the district as a whole, including,  
23 without limitation, each charter school in the district.

24 (h) The annual rate of pupils who drop out of school in grades 9  
25 to 12, inclusive, for each such grade, for each school in the district  
26 and for the district as a whole, excluding pupils who:

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

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

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

33 (i) Records of attendance of teachers who provide instruction,  
34 for each school in the district and the district as a whole, including,  
35 without limitation, each charter school in the district.

36 (j) Efforts made by the school district and by each school in the  
37 district, including, without limitation, each charter school in the  
38 district, to increase:

39 (1) Communication with the parents of pupils in the district;  
40 and

41 (2) The participation of parents in the educational process  
42 and activities relating to the school district and each school,  
43 including, without limitation, the existence of parent organizations  
44 and school advisory committees.



1 (k) Records of incidents involving weapons or violence for each  
2 school in the district, including, without limitation, each charter  
3 school in the district.

4 (l) Records of incidents involving the use or possession of  
5 alcoholic beverages or controlled substances for each school in the  
6 district, including, without limitation, each charter school in the  
7 district.

8 (m) Records of the suspension and expulsion of pupils required  
9 or authorized pursuant to NRS 392.466 and 392.467.

10 (n) The number of pupils who are deemed habitual disciplinary  
11 problems pursuant to NRS 392.4655, for each school in the district  
12 and the district as a whole, including, without limitation, each  
13 charter school in the district.

14 (o) The number of pupils in each grade who are retained in the  
15 same grade pursuant to NRS 392.125, for each school in the district  
16 and the district as a whole, including, without limitation, each  
17 charter school in the district.

18 (p) The transiency rate of pupils for each school in the district  
19 and the district as a whole, including, without limitation, each  
20 charter school in the district. For the purposes of this paragraph, a  
21 pupil is not transient if he is transferred to a different school within  
22 the school district as a result of a change in the zone of attendance  
23 by the board of trustees of the school district pursuant to  
24 NRS 388.040.

25 (q) Each source of funding for the school district.

26 (r) The amount and sources of money received for remedial  
27 education for each school in the district and the district as a whole,  
28 including, without limitation, each charter school in the district.

29 (s) For each high school in the district, including, without  
30 limitation, each charter school in the district, the percentage of  
31 pupils who graduated from that high school or charter school in the  
32 immediately preceding year and enrolled in remedial courses in  
33 reading, writing or mathematics at a university or community  
34 college within the University and Community College System of  
35 Nevada.

36 (t) The technological facilities and equipment available at each  
37 school, including, without limitation, each charter school, and the  
38 district's plan to incorporate educational technology at each school.

39 (u) For each school in the district and the district as a whole,  
40 including, without limitation, each charter school in the district, the  
41 number and percentage of pupils who ~~graduate with:~~  
42 *received:*

- 43 (1) A standard high school diploma.  
44 (2) An adjusted diploma.  
45 (3) A certificate of attendance.



1 (v) For each school in the district and the district as a whole,  
2 including, without limitation, each charter school in the district, the  
3 number and percentage of pupils who did not ~~receive a high school~~  
4 ~~diploma because the pupils failed to~~ pass the high school  
5 proficiency examination.

6 (w) The number of habitual truants who are reported to a school  
7 police officer or law enforcement agency pursuant to paragraph (a)  
8 of subsection 2 of NRS 392.144 and the number of habitual truants  
9 who are referred to an advisory board to review school attendance  
10 pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each  
11 school in the district and for the district as a whole.

12 (x) The amount and sources of money received for the training  
13 and professional development of teachers and other educational  
14 personnel for each school in the district and for the district as a  
15 whole, including, without limitation, each charter school in the  
16 district.

17 (y) Such other information as is directed by the Superintendent  
18 of Public Instruction.

19 3. The records of attendance maintained by a school for  
20 purposes of paragraph (i) of subsection 2 must include the number  
21 of teachers who are in attendance at school and the number of  
22 teachers who are absent from school. A teacher shall be deemed in  
23 attendance if the teacher is excused from being present in the  
24 classroom by the school in which he is employed for one of  
25 the following reasons:

26 (a) Acquisition of knowledge or skills relating to the  
27 professional development of the teacher; or

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

30 4. The Superintendent of Public Instruction shall:

31 (a) Prescribe forms for the reports required pursuant to  
32 subsection 2 and provide the forms to the respective school districts.

33 (b) Provide statistical information and technical assistance to the  
34 school districts to ensure that the reports provide comparable  
35 information with respect to each school in each district and among  
36 the districts.

37 (c) Consult with a representative of the:

- 38 (1) Nevada State Education Association;
- 39 (2) Nevada Association of School Boards;
- 40 (3) Nevada Association of School Administrators;
- 41 (4) Nevada Parent Teachers Association;
- 42 (5) Budget Division of the Department of Administration;

43 and



1 (6) Legislative Counsel Bureau,  
2 concerning the program and consider any advice or  
3 recommendations submitted by the representatives with respect to  
4 the program.

5 5. The Superintendent of Public Instruction may consult with  
6 representatives of parent groups other than the Nevada Parent  
7 Teachers Association concerning the program and consider any  
8 advice or recommendations submitted by the representatives with  
9 respect to the program.

10 6. On or before April 15 of each year, the board of trustees of  
11 each school district shall submit to each advisory board to review  
12 school attendance created in the county pursuant to NRS 392.126  
13 the information required in paragraph (g) of subsection 2.

14 **Sec. 2.** NRS 385.389 is hereby amended to read as follows:

15 385.389 1. The Department shall adopt programs of remedial  
16 study for each subject tested on the examinations administered  
17 pursuant to NRS 389.015. In adopting these programs of remedial  
18 study, the Department shall consider the recommendations  
19 submitted by the Committee pursuant to NRS 218.5354 and  
20 programs of remedial study that have proven to be successful in  
21 improving the academic achievement of pupils.

22 2. A school that receives a designation as demonstrating need  
23 for improvement pursuant to paragraph (a) of subsection 1 of NRS  
24 385.367 shall adopt a program of remedial study that has been  
25 adopted by the Department pursuant to subsection 1.

26 3. A school district that includes a school which receives a  
27 designation of demonstrating need for improvement pursuant to  
28 paragraph (a) of subsection 1 of NRS 385.367 shall ensure that each  
29 of the pupils enrolled in the school who failed to demonstrate at  
30 least adequate achievement on the examinations administered  
31 pursuant to NRS 389.015 completes, in accordance with the  
32 requirements set forth in subsection ~~4~~ 4 of NRS 389.015, remedial  
33 study that is determined to be appropriate for the pupil.

34 **Sec. 3.** Chapter 389 of NRS is hereby amended by adding  
35 thereto the provisions set forth as sections 4, 5 and 6 of this act.

36 **Sec. 4. 1.** *A pupil is eligible to receive a standard high  
37 school diploma if he has satisfied all the requirements for  
38 graduation from high school. Passage of the high school  
39 proficiency examination administered pursuant to NRS 389.015  
40 must not be a condition to receipt of a standard high school  
41 diploma.*

42 **2.** *The State Board shall adopt regulations that prescribe  
43 endorsements that may be added to a standard high school  
44 diploma issued to a pupil, including, without limitation, an  
45 endorsement indicating that the pupil has passed the high school*



1 *proficiency examination administered pursuant to NRS 389.015*  
2 *and an endorsement indicating that the pupil has successfully*  
3 *completed advanced courses of study.*

4 **Sec. 5. 1.** *If a pupil with a disability is unable to take an*  
5 *examination administered pursuant to NRS 389.015 or 389.550*  
6 *under regular testing conditions, the pupil may take the*  
7 *examination with modifications and accommodations that the*  
8 *pupil's individualized education program team determines, in*  
9 *accordance with the Individuals with Disabilities Education Act,*  
10 *20 U.S.C. §§ 1400 et seq. and the No Child Left Behind Act of*  
11 *2001, 20 U.S.C. §§ 6301 et seq., are necessary to measure the*  
12 *progress of the pupil. If a pupil is receiving special education*  
13 *pursuant to NRS 388.440 to 388.520, inclusive, because he is blind*  
14 *or otherwise has a visual impairment or a specific learning*  
15 *disability in reading, the pupil's individualized education program*  
16 *team may determine that the examinations administered pursuant*  
17 *to NRS 389.015 and 389.550 for the subject area of reading must*  
18 *be read aloud to the pupil.*

19 **2.** *If a pupil's individualized education program team*  
20 *determines that the pupil cannot participate in all or a portion of*  
21 *an examination that is administered pursuant to NRS 389.015 or*  
22 *389.550 even with modifications and accommodations, the pupil's*  
23 *individualized education program must indicate the determination*  
24 *made by the individualized education program team and set forth*  
25 *the alternate assessment that the pupil will take, as prescribed by*  
26 *the State Board.*

27 **3.** *The State Board shall adopt regulations prescribing, in*  
28 *accordance with the Individuals with Disabilities Education Act,*  
29 *20 U.S.C. §§ 1400 et seq., and the No Child Left Behind Act of*  
30 *2001, 20 U.S.C. §§ 6301 et seq., the modifications and*  
31 *accommodations that may be used in the administration of an*  
32 *examination to a pupil with a disability who is unable to take the*  
33 *examination under regular testing conditions. To the extent*  
34 *authorized by the Individuals with Disabilities Education Act,*  
35 *20 U.S.C. §§ 1400 et seq. and the No Child Left Behind Act of*  
36 *2001, 20 U.S.C. §§ 6301 et seq., these regulations must include,*  
37 *without limitation:*

38 *(a) Authorizing a pupil to complete an examination with*  
39 *additional time;*

40 *(b) Authorizing a pupil to use a calculator during the*  
41 *mathematics portion of the examination;*

42 *(c) If an examination is administered in a separate setting for*  
43 *a pupil:*



1           (1) *Allowing the pupil freedom of movement during the*  
2 *administration of the examination, including, without limitation,*  
3 *the ability to stand; and*

4           (2) *Altering the environment of the classroom during the*  
5 *administration of the examination, including, without limitation,*  
6 *playing appropriate music; and*

7           (d) *Using appropriate assistive technology devices, as defined*  
8 *in 20 U.S.C. § 1401(1).*

9           4. *As used in this section:*

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

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

14          **Sec. 6. 1.** *The board of trustees of each school district and*  
15 *the governing body of each charter school shall ensure that each*  
16 *pupil enrolled in the school district or charter school, as*  
17 *applicable, whose primary language is not English participates in*  
18 *the examinations administered pursuant to NRS 389.015 and*  
19 *389.550. The State Board shall prescribe reasonable modifications*  
20 *and accommodations that may be used in the administration of an*  
21 *examination to a pupil whose primary language is not English and*  
22 *who is unable to take an examination under regular testing*  
23 *conditions. The board of trustees of a school district and the*  
24 *governing body of a charter school shall administer to a pupil*  
25 *whose primary language is not English:*

26          (a) *To the extent practicable, examinations in mathematics*  
27 *and science required by NRS 389.015 and 389.550 in the language*  
28 *most likely to yield accurate and reliable information on what the*  
29 *pupil knows.*

30          (b) *To the extent practicable, examinations in reading required*  
31 *by NRS 389.015 and 389.550 in the language most likely to yield*  
32 *accurate and reliable information on what the pupil knows if the*  
33 *pupil has attended public schools in the United States for less than*  
34 *3 consecutive years.*

35          (c) *If the pupil has attended public schools in the United States*  
36 *for 3 consecutive years but less than 5 consecutive years:*

37               (1) *Examinations in reading required by NRS 389.015 and*  
38 *389.550 in the English language; or*

39               (2) *Examinations in reading required by NRS 389.015 and*  
40 *389.550 in the language most likely to yield accurate and reliable*  
41 *information on what the pupil knows if the board of trustees*  
42 *determines that the pupil has not reached a level of English*  
43 *proficiency sufficient to yield valid and reliable information on*  
44 *what the pupil knows.*





1 (d) *If the pupil has attended public schools in the United States*  
2 *for 5 consecutive years or more, examinations in reading required*  
3 *by NRS 389.015 and 389.550 in the English language.*

4 2. *The State Board shall prescribe an assessment of*  
5 *proficiency in the English language that measures oral language*  
6 *skills, reading skills and writing skills for administration to pupils*  
7 *whose primary language is not English. The board of trustees of*  
8 *each school district and the governing body of each charter school*  
9 *shall administer the assessment annually at the time prescribed by*  
10 *the State Board. A pupil who takes the assessment prescribed*  
11 *pursuant to this subsection is not exempt from the examinations*  
12 *administered pursuant to NRS 389.015 and 389.550.*

13 **Sec. 7.** NRS 389.015 is hereby amended to read as follows:

14 389.015 1. The board of trustees of each school district shall  
15 administer examinations in all public schools of the school district.  
16 The governing body of a charter school shall administer the same  
17 examinations in the charter school. The examinations administered  
18 by the board of trustees and governing body must determine the  
19 achievement and proficiency of pupils in:

- 20 (a) Reading;
- 21 (b) Writing;
- 22 (c) Mathematics; and
- 23 (d) Science.

24 2. The examinations required by subsection 1 must be:

25 (a) Administered before the completion of grades 4, 8, 10  
26 and 11.

27 (b) Administered in each school district and each charter school  
28 at the same time. The time for the administration of the  
29 examinations must be prescribed by the State Board.

30 (c) Administered in each school in accordance with uniform  
31 procedures adopted by the State Board. The Department shall  
32 monitor the compliance of school districts and individual schools  
33 with the uniform procedures.

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

- 40 (1) The plan adopted by the Department; and
- 41 (2) The plan adopted by the board of trustees of the  
42 applicable school district, to the extent that the plan adopted by the  
43 board of trustees of the school district is consistent with the plan  
44 adopted by the Department.



1 (e) Scored by the Department or a single private entity that has  
2 contracted with the State Board to score the examinations. If a  
3 private entity scores the examinations, it shall report the results of  
4 the examinations in the form and by the date required by the  
5 Department.

6 3. Not more than 14 working days after the results of the  
7 examinations are reported to the Department by a private entity that  
8 scored the examinations or the Department completes the scoring of  
9 the examinations, the Superintendent of Public Instruction shall  
10 certify that the results of the examinations have been transmitted to  
11 each school district and each charter school. Not more than 10  
12 working days after a school district receives the results of the  
13 examinations, the superintendent of schools of each school district  
14 shall certify that the results of the examinations have been  
15 transmitted to each school within the school district. Except as  
16 otherwise provided in this subsection, not more than 15 working  
17 days after each school receives the results of the examinations, the  
18 principal of each school and the governing body of each charter  
19 school shall certify that the results for each pupil have been  
20 provided to the parent or legal guardian of the pupil:

21 (a) During a conference between the teacher of the pupil or  
22 administrator of the school and the parent or legal guardian of the  
23 pupil; or

24 (b) By mailing the results of the examinations to the last known  
25 address of the parent or legal guardian of the pupil.

26 If a pupil fails the high school proficiency examination, the school  
27 shall notify the pupil and the parents or legal guardian of the pupil  
28 as soon as practicable but not later than 15 working days after the  
29 school receives the results of the examination.

30 4. ~~4. Different standards of proficiency may be adopted for~~  
31 ~~pupils with diagnosed learning disabilities. If a pupil with a~~  
32 ~~disability is unable to take an examination created by a private entity~~  
33 ~~under regular testing conditions or with modifications and~~  
34 ~~accommodations that are approved by the private entity, the pupil~~  
35 ~~may take the examination with modifications and accommodations~~  
36 ~~that are approved by the State Board pursuant to subsection 8. If a~~  
37 ~~pupil with a disability is unable to take an examination created by~~  
38 ~~the Department under regular testing conditions or with~~  
39 ~~modifications and accommodations that are approved by the~~  
40 ~~Department, the pupil may take the examination with modifications~~  
41 ~~and accommodations that are approved by the State Board pursuant~~  
42 ~~to subsection 8. The results of an examination that is taken under~~  
43 ~~conditions that are not approved by a private entity or the~~  
44 ~~Department, as applicable, must not be reported pursuant to~~  
45 ~~subsection 2 of NRS 389.017. If different standards of proficiency~~



1 ~~are adopted or other modifications or accommodations are made in~~  
2 ~~the administration of the examinations for a pupil who is enrolled in~~  
3 ~~a program of special education pursuant to NRS 388.440 to~~  
4 ~~388.520, inclusive, other than a gifted and talented pupil, the~~  
5 ~~different standards adopted or other modifications or~~  
6 ~~accommodations must be set forth in the pupil's program of special~~  
7 ~~education developed in accordance with the Individuals with~~  
8 ~~Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the~~  
9 ~~standards prescribed by the State Board. During the administration~~  
10 ~~of the high school proficiency examination, a pupil with a disability~~  
11 ~~may be given additional time to complete the examination if the~~  
12 ~~additional time is a modification or accommodation that is approved~~  
13 ~~in the pupil's program of special education developed in accordance~~  
14 ~~with the Individuals with Disabilities Education Act, 20 U.S.C. §§~~  
15 ~~1400 et seq.~~

16 ~~—5.]~~ If a pupil fails to demonstrate at least adequate achievement  
17 on the examination administered before the completion of grade 4, 8  
18 or 10, he may be promoted to the next higher grade, but the results  
19 of his examination must be evaluated to determine what remedial  
20 study is appropriate. If such a pupil is enrolled at a school that has  
21 been designated as demonstrating need for improvement pursuant to  
22 subsection 1 of NRS 385.367, the pupil must, in accordance with the  
23 requirements set forth in this subsection, complete remedial study  
24 that is determined to be appropriate for the pupil.

25 ~~[6.]~~ 5. If a pupil fails to pass the *high school* proficiency  
26 examination ~~[administered before the completion of grade 11, he~~  
27 ~~must not be graduated until he is able, through remedial study, to~~  
28 ~~pass the proficiency examination, but he may be given a certificate~~  
29 ~~of attendance, in place of a diploma, if he has reached the age of 17~~  
30 ~~years.~~

31 ~~—7.]~~ *and the pupil desires to receive an endorsement on his*  
32 *diploma indicating that he passed the high school proficiency*  
33 *examination, the pupil may retake the portion or portions of the*  
34 *reading examination or the portion or portions of the mathematics*  
35 *examination, or both, which the pupil failed. The State Board*  
36 *shall prescribe by regulation the maximum number of times that a*  
37 *pupil may retake the examination, or a portion of the examination,*  
38 *pursuant to this subsection.*

39 6. The State Board shall prescribe standard examinations of  
40 achievement and proficiency to be administered pursuant to  
41 subsection 1. The high school proficiency examination must be  
42 developed, printed and scored by a nationally recognized testing  
43 company in accordance with the process established by the testing  
44 company. The examinations on reading, mathematics and science  
45 prescribed for grades 4, 8 and 10 must be selected from



1 examinations created by private entities and administered to a  
2 national reference group, and must allow for a comparison of the  
3 achievement and proficiency of pupils in grades 4, 8 and 10 in this  
4 state to that of a national reference group of pupils in grades 4, 8 and  
5 10. The questions contained in the examinations and the approved  
6 answers used for grading them are confidential, and disclosure is  
7 unlawful except:

8 (a) To the extent necessary for administering and evaluating the  
9 examinations.

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

11 (1) State officer who is a member of the Executive or  
12 Legislative Branch to the extent that it is necessary for the  
13 performance of his duties;

14 (2) Superintendent of schools of a school district to the  
15 extent that it is necessary for the performance of his duties;

16 (3) Director of curriculum of a school district to the extent  
17 that it is necessary for the performance of his duties; and

18 (4) Director of testing of a school district to the extent that it  
19 is necessary for the performance of his duties.

20 (c) That specific questions and answers may be disclosed if the  
21 Superintendent of Public Instruction determines that the content of  
22 the questions and answers is not being used in a current examination  
23 and making the content available to the public poses no threat to the  
24 security of the current examination process.

25 ~~{8. The State Board shall prescribe, in accordance with the~~  
26 ~~Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et~~  
27 ~~seq., the modifications and accommodations that may be used in the~~  
28 ~~administration of an examination to a pupil with a disability who is~~  
29 ~~unable to take the examination under regular testing conditions or~~  
30 ~~with modifications and accommodations that are approved by the~~  
31 ~~private entity that created the examination or, if the Department~~  
32 ~~created the examination, by the Department. These regulations may~~  
33 ~~include, without limitation, authorizing a pupil to complete an~~  
34 ~~examination with additional time.}~~

35 **Sec. 8.** NRS 389.017 is hereby amended to read as follows:

36 389.017 1. The State Board shall adopt regulations requiring  
37 that each board of trustees of a school district and each governing  
38 body of a charter school submit to the Superintendent of Public  
39 Instruction and the Department, in the form and manner prescribed  
40 by the Superintendent, the results of achievement and proficiency  
41 examinations given in the 4th, 8th, 10th and 11th grades to public  
42 school pupils of the district and charter schools. The State Board  
43 shall not include in the regulations any provision which would  
44 violate the confidentiality of the test scores of any individual pupil.



1 2. The results of examinations must be reported for each  
2 school, including, without limitation, each charter school, school  
3 district and this state, as follows:

4 (a) The average score, as defined by the Department, of pupils  
5 who took the examinations under regular testing conditions; and

6 (b) The average score, as defined by the Department, of pupils  
7 who took the examinations with modifications or accommodations ,  
8 ~~[approved by the private entity that created the examination or, if~~  
9 ~~the Department created the examination, the Department,]~~ if such  
10 reporting does not violate the confidentiality of the test scores of any  
11 individual pupil.

12 3. The Department shall adopt regulations prescribing the  
13 requirements for reporting the scores of pupils who:

14 (a) ~~[Took the examinations under conditions that were not~~  
15 ~~approved by the private entity that created the examination or, if the~~  
16 ~~Department created the examination, by the Department;~~

17 ~~—(b)]~~ Are enrolled in special schools for children with disabilities;

18 ~~[(e)]~~ (b) Are enrolled in an alternative program for the  
19 education of pupils at risk of dropping out of high school, including,  
20 without limitation, a program of distance education that is provided  
21 to pupils who are at risk of dropping out of high school pursuant to  
22 NRS 388.820 to 388.874, inclusive; or

23 ~~[(d)]~~ (c) Are detained in a:

- 24 (1) Youth training center;
- 25 (2) Youth center;
- 26 (3) Juvenile forestry camp;
- 27 (4) Detention home;
- 28 (5) Youth camp;
- 29 (6) Juvenile correctional institution; or
- 30 (7) Correctional institution.

31 ~~[The scores reported pursuant to this subsection must not be~~  
32 ~~included in the average scores reported pursuant to subsection 2.]~~

33 4. Not later than 10 days after the Department receives the  
34 results of the achievement and proficiency examinations, the  
35 Department shall transmit a copy of the results of the examinations  
36 administered pursuant to NRS 389.015 to the Legislative Bureau of  
37 Educational Accountability and Program Evaluation in a manner  
38 that does not violate the confidentiality of the test scores of any  
39 individual pupil.

40 5. On or before November 15 of each year, each school district  
41 and each charter school shall report to the Department the following  
42 information for each examination administered in the public schools  
43 in the school district or charter school:

44 (a) The examination administered;



1 (b) The grade level or levels of pupils to whom the examination  
2 was administered;

3 (c) The costs incurred by the school district or charter school in  
4 administering each examination; and

5 (d) The purpose, if any, for which the results of the examination  
6 are used by the school district or charter school.

7 On or before December 15 of each year, the Department shall  
8 transmit to the Budget Division of the Department of  
9 Administration and the Fiscal Analysis Division of the Legislative  
10 Counsel Bureau the information submitted to the Department  
11 pursuant to this subsection.

12 6. The superintendent of schools of each school district and the  
13 governing body of each charter school shall certify that the number  
14 of pupils who took the examinations required pursuant to NRS  
15 389.015 is equal to the number of pupils who are enrolled in each  
16 school in the school district or in the charter school who are required  
17 to take the examinations . ~~[except for those pupils who are exempt  
18 from taking the examinations. A pupil may be exempt from taking  
19 the examinations if:~~

20 ~~—(a) His primary language is not English and his proficiency in  
21 the English language is below the level that the State Board  
22 determines is proficient, as measured by an assessment of  
23 proficiency in the English language prescribed by the State Board  
24 pursuant to subsection 8; or~~

25 ~~—(b) He is enrolled in a program of special education pursuant to  
26 NRS 388.440 to 388.520, inclusive, and his program of special  
27 education specifies that he is exempt from taking the examinations.]~~

28 7. In addition to the information required by subsection 5, the  
29 Superintendent of Public Instruction shall:

30 (a) Report the number of pupils who were ~~[not exempt from  
31 taking the examinations but were]~~ absent from school on the day  
32 that the examinations were administered; and

33 (b) Reconcile the number of pupils who were required to take  
34 the examinations with the number of pupils who were ~~[exempt from  
35 taking the examinations or]~~ absent from school on the day that the  
36 examinations were administered.

37 ~~[8. The State Board shall prescribe an assessment of  
38 proficiency in the English language for pupils whose primary  
39 language is not English to determine which pupils are exempt from  
40 the examinations pursuant to paragraph (a) of subsection 6.]~~

41 **Sec. 9.** NRS 389.0173 is hereby amended to read as follows:

42 389.0173 1. The Department shall develop an informational  
43 pamphlet concerning the high school proficiency examination for  
44 pupils who are enrolled in junior high, middle school and high



- 1 school, and their parents and legal guardians. The pamphlet must  
2 include a written explanation of the:
- 3 (a) Importance of passing the examination, including, without  
4 limitation, an explanation that if the pupil fails the examination he is  
5 not eligible to receive ~~fa standard high school diploma;~~ *an*  
6 *endorsement on his diploma indicating that he passed the high*  
7 *school proficiency examination;*
  - 8 (b) Subject areas tested on the examination;
  - 9 (c) Format for the examination, including, without limitation,  
10 the range of items that are contained on the examination;
  - 11 (d) Manner by which the scaled score, as reported to pupils and  
12 their parents or legal guardians, is derived from the raw score;
  - 13 (e) Timeline by which the results of the examination must be  
14 reported to pupils and their parents or legal guardians; *and*
  - 15 (f) Maximum number of times that a pupil is allowed to take the  
16 examination , *or a portion of the examination*, if he fails to pass the  
17 examination , *or a portion of the examination*, after the first  
18 administration ~~to~~ *to receive an endorsement on his diploma*  
19 *indicating that he passed the examination;* and
  - 20 (g) Courses of study that the Department recommends that  
21 pupils take to prepare the pupils to successfully meet the academic  
22 challenges of the examination and pass the examination.
- 23 2. The Department shall review the pamphlet on an annual  
24 basis and make such revisions to the pamphlet as it considers  
25 necessary to ensure that pupils and their parents or legal guardians  
26 fully understand the examination.
- 27 3. On or before September 1, the Department shall provide a  
28 copy of the pamphlet or revised pamphlet to the board of trustees of  
29 each school district and the governing body of each charter school  
30 that includes pupils enrolled in a junior high, middle school or high  
31 school grade level.
- 32 4. The board of trustees of each school district shall provide a  
33 copy of the pamphlet to each junior high, middle school or high  
34 school within the school district for posting. The governing body of  
35 each charter school shall ensure that a copy of the pamphlet is  
36 posted at the charter school. Each principal of a junior high, middle  
37 school, high school or charter school shall ensure that the teachers,  
38 counselors and administrators employed at the school fully  
39 understand the contents of the pamphlet.
- 40 5. On or before January 15, the:
- 41 (a) Board of trustees of each school district shall provide a copy  
42 of the pamphlet to each pupil who is enrolled in a junior high,  
43 middle school or high school of the school district and to the parents  
44 or legal guardians of such a pupil.





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

5 **Sec. 10.** NRS 389.560 is hereby amended to read as follows:

6 389.560 1. The State Board shall adopt regulations that  
7 require the board of trustees of each school district and  
8 the governing body of each charter school to submit to the  
9 Superintendent of Public Instruction, the Department and the  
10 Council, in the form and manner prescribed by the Superintendent,  
11 the results of the examinations administered pursuant to NRS  
12 389.550. The State Board shall not include in the regulations any  
13 provision that would violate the confidentiality of the test scores of  
14 an individual pupil.

15 2. The results of the examinations must be reported for each  
16 school, including, without limitation, each charter school, school  
17 district and this state, as follows:

18 (a) The percentage of pupils who have demonstrated  
19 proficiency, as defined by the Department, and took the  
20 examinations under regular testing conditions; and

21 (b) The percentage of pupils who have demonstrated  
22 proficiency, as defined by the Department, and took the  
23 examinations with modifications or accommodations, ~~approved by~~  
24 ~~the private entity that created the examination or, if the Department~~  
25 ~~created the examination, the Department,~~ if such reporting does not  
26 violate the confidentiality of the test scores of any individual pupil.

27 3. The Department shall adopt regulations prescribing the  
28 requirements for reporting the results of pupils who:

29 (a) ~~Took the examinations under conditions that were not~~  
30 ~~approved by the private entity that created the examination or, if the~~  
31 ~~Department created the examination, by the Department;~~

32 ~~(b)~~ Are enrolled in special schools for children with disabilities;

33 ~~(c)~~ (b) Are enrolled in an alternative program for the  
34 education of pupils at risk of dropping out of high school, including,  
35 without limitation, a program of distance education that is provided  
36 to pupils who are at risk of dropping out of high school pursuant to  
37 NRS 388.820 to 388.874, inclusive; or

38 ~~(d)~~ (c) Are detained in a:

- 39 (1) Youth training center;  
40 (2) Youth center;  
41 (3) Juvenile forestry camp;  
42 (4) Detention home;  
43 (5) Youth camp;  
44 (6) Juvenile correctional institution; or  
45 (7) Correctional institution.





1 ~~[The results reported pursuant to this subsection must not~~  
2 ~~be included in the percentage of pupils reported pursuant to~~  
3 ~~subsection 2.]~~

4 4. Not later than 10 days after the Department receives the  
5 results of the examinations, the Department shall transmit a copy of  
6 the results to the Legislative Bureau of Educational Accountability  
7 and Program Evaluation in a manner that does not violate the  
8 confidentiality of the test scores of any individual pupil.

9 5. On or before November 15 of each year, each school district  
10 and each charter school shall report to the Department the following  
11 information for each examination administered in the public schools  
12 in the school district or charter school:

- 13 (a) The examination administered;
- 14 (b) The grade level or levels of pupils to whom the examination  
15 was administered;
- 16 (c) The costs incurred by the school district or charter school in  
17 administering each examination; and
- 18 (d) The purpose, if any, for which the results of the examination  
19 are used by the school district or charter school.

20 On or before December 15 of each year, the Department shall  
21 transmit to the Budget Division of the Department of  
22 Administration and the Fiscal Analysis Division of the Legislative  
23 Counsel Bureau the information submitted to the Department  
24 pursuant to this subsection.

25 6. The superintendent of schools of each school district and the  
26 governing body of each charter school shall certify that the number  
27 of pupils who took the examinations is equal to the number of pupils  
28 who are enrolled in each school in the school district or in the  
29 charter school who are required to take the examinations . ~~[, except~~  
30 ~~for those pupils who are exempt from taking the examinations. A~~  
31 ~~pupil may be exempt from taking the examinations if:~~

- 32 ~~—(a) His primary language is not English and his proficiency in~~  
33 ~~the English language is below the level that the State Board~~  
34 ~~determines is proficient, as measured by an assessment of~~  
35 ~~proficiency in the English language prescribed by the State Board~~  
36 ~~pursuant to subsection 8; or~~
- 37 ~~—(b) He is enrolled in a program of special education pursuant to~~  
38 ~~NRS 388.440 to 388.520, inclusive, and his program of special~~  
39 ~~education specifies that he is exempt from taking the examinations.]~~

40 7. In addition to the information required by subsection 5, the  
41 Superintendent of Public Instruction shall:

- 42 (a) Report the number of pupils who were not exempt from  
43 taking the examinations but were absent from school on the day that  
44 the examinations were administered; and



1 (b) Reconcile the number of pupils who were required to take  
2 the examinations with the number of pupils who were ~~[exempt from~~  
3 ~~taking the examinations or]~~ absent from school on the day that the  
4 examinations were administered.

5 ~~[8. The State Board shall prescribe an assessment of~~  
6 ~~proficiency in the English language for pupils whose primary~~  
7 ~~language is not English to determine which pupils are exempt from~~  
8 ~~the examinations pursuant to paragraph (a) of subsection 6.]~~

9 **Sec. 11.** This act becomes effective on July 1, 2003.

