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SECOND REPRINT

A.B. 179

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

JOINT SPONSOR: SENATOR CARLTON

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.

AN ACT relating to education; authorizing a pupil to retake those portions of the high school proficiency examination which he failed in order to receive a standard high school diploma; 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; revising the minimum qualifications for receipt of a millennium scholarship; providing that pupils who are seniors in high school during the 2002-2003 school year and who failed the mathematics portion of the high school proficiency examination must receive a standard high school diploma if the requirements for graduation from high school are otherwise satisfied; providing that the mathematics portion of the high school proficiency examination must not be required as a condition to the receipt of a standard



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high school diploma for the 2003-2005 biennium; requiring the Department of Education to conduct a study of the mathematics portion of the high school proficiency examination and to submit the results of its study to the Legislature; and providing other matters properly relating thereto.

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



1 difference in the number of pupils who took the examinations and
2 the number of pupils who are enrolled in the school.

3 In addition, the board shall also report the results of other
4 examinations of pupil achievement administered to pupils in the
5 school district in grades other than 4, 8, 10 and 11. The results of
6 these examinations for the current school year must be compared
7 with those of previous school years.

8 (c) The ratio of pupils to teachers in kindergarten and at each
9 grade level for each elementary school in the district and the district
10 as a whole, including, without limitation, each charter school in the
11 district, the average class size for each required course of study for
12 each secondary school in the district and the district as a whole,
13 including, without limitation, each charter school in the district, and
14 other data concerning licensed and unlicensed employees of the
15 school district.

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

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

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

25 (1) Any special programs for pupils at an individual school;
26 and

27 (2) The curriculum used by each charter school in the
28 district.

29 (g) Records of the attendance and truancy of pupils in all grades,
30 including, without limitation, the average daily attendance of pupils,
31 for each school in the district and the district as a whole, including,
32 without limitation, each charter school in the district.

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

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

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

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

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



- 1 (j) Efforts made by the school district and by each school in the
2 district, including, without limitation, each charter school in the
3 district, to increase:
- 4 (1) Communication with the parents of pupils in the district;
5 and
- 6 (2) The participation of parents in the educational process
7 and activities relating to the school district and each school,
8 including, without limitation, the existence of parent organizations
9 and school advisory committees.
- 10 (k) Records of incidents involving weapons or violence for each
11 school in the district, including, without limitation, each charter
12 school in the district.
- 13 (l) Records of incidents involving the use or possession of
14 alcoholic beverages or controlled substances for each school in the
15 district, including, without limitation, each charter school in the
16 district.
- 17 (m) Records of the suspension and expulsion of pupils required
18 or authorized pursuant to NRS 392.466 and 392.467.
- 19 (n) The number of pupils who are deemed habitual disciplinary
20 problems pursuant to NRS 392.4655, for each school in the district
21 and the district as a whole, including, without limitation, each
22 charter school in the district.
- 23 (o) The number of pupils in each grade who are retained in the
24 same grade pursuant to NRS 392.125, for each school in the district
25 and the district as a whole, including, without limitation, each
26 charter school in the district.
- 27 (p) The transiency rate of pupils for each school in the district
28 and the district as a whole, including, without limitation, each
29 charter school in the district. For the purposes of this paragraph, a
30 pupil is not transient if he is transferred to a different school within
31 the school district as a result of a change in the zone of attendance
32 by the board of trustees of the school district pursuant to
33 NRS 388.040.
- 34 (q) Each source of funding for the school district.
- 35 (r) The amount and sources of money received for remedial
36 education for each school in the district and the district as a whole,
37 including, without limitation, each charter school in the district.
- 38 (s) For each high school in the district, including, without
39 limitation, each charter school in the district, the percentage of
40 pupils who graduated from that high school or charter school in the
41 immediately preceding year and enrolled in remedial courses in
42 reading, writing or mathematics at a university or community
43 college within the University and Community College System of
44 Nevada.



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

4 (u) For each school in the district and the district as a whole,
5 including, without limitation, each charter school in the district, the
6 number and percentage of pupils who ~~graduate with:~~
7 *received:*

- 8 (1) A standard high school diploma.
- 9 (2) An adjusted diploma.
- 10 (3) A certificate of attendance.

11 (v) For each school in the district and the district as a whole,
12 including, without limitation, each charter school in the district, the
13 number and percentage of pupils who did not receive a high school
14 diploma because the pupils failed to pass the high school
15 proficiency examination.

16 (w) The number of habitual truants who are reported to a school
17 police officer or law enforcement agency pursuant to paragraph (a)
18 of subsection 2 of NRS 392.144 and the number of habitual truants
19 who are referred to an advisory board to review school attendance
20 pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each
21 school in the district and for the district as a whole.

22 (x) The amount and sources of money received for the training
23 and professional development of teachers and other educational
24 personnel for each school in the district and for the district as a
25 whole, including, without limitation, each charter school in the
26 district.

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

29 3. The records of attendance maintained by a school for
30 purposes of paragraph (i) of subsection 2 must include the number
31 of teachers who are in attendance at school and the number of
32 teachers who are absent from school. A teacher shall be deemed in
33 attendance if the teacher is excused from being present in the
34 classroom by the school in which he is employed for one of
35 the following reasons:

- 36 (a) Acquisition of knowledge or skills relating to the
37 professional development of the teacher; or
- 38 (b) Assignment of the teacher to perform duties for cocurricular
39 or extracurricular activities of pupils.

40 4. The Superintendent of Public Instruction shall:

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

43 (b) Provide statistical information and technical assistance to the
44 school districts to ensure that the reports provide comparable



1 information with respect to each school in each district and among
2 the districts.

- 3 (c) Consult with a representative of the:
4 (1) Nevada State Education Association;
5 (2) Nevada Association of School Boards;
6 (3) Nevada Association of School Administrators;
7 (4) Nevada Parent Teachers Association;
8 (5) Budget Division of the Department of Administration;
9 and
10 (6) Legislative Counsel Bureau,

11 concerning the program and consider any advice or
12 recommendations submitted by the representatives with respect to
13 the program.

14 5. The Superintendent of Public Instruction may consult with
15 representatives of parent groups other than the Nevada Parent
16 Teachers Association concerning the program and consider any
17 advice or recommendations submitted by the representatives with
18 respect to the program.

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

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

24 385.389 1. The Department shall adopt programs of remedial
25 study for each subject tested on the examinations administered
26 pursuant to NRS 389.015. In adopting these programs of remedial
27 study, the Department shall consider the recommendations
28 submitted by the Committee pursuant to NRS 218.5354 and
29 programs of remedial study that have proven to be successful in
30 improving the academic achievement of pupils.

31 2. A school that receives a designation as demonstrating need
32 for improvement pursuant to paragraph (a) of subsection 1 of NRS
33 385.367 shall adopt a program of remedial study that has been
34 adopted by the Department pursuant to subsection 1.

35 3. A school district that includes a school which receives a
36 designation of demonstrating need for improvement pursuant to
37 paragraph (a) of subsection 1 of NRS 385.367 shall ensure that each
38 of the pupils enrolled in the school who failed to demonstrate at
39 least adequate achievement on the examinations administered
40 pursuant to NRS 389.015 completes, in accordance with the
41 requirements set forth in subsection ~~5~~ 4 of NRS 389.015, remedial
42 study that is determined to be appropriate for the pupil.

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

45 **Sec. 4.** (Deleted by amendment.)



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

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

24 **3.** *The State Board shall adopt regulations prescribing, in*
25 *accordance with the Individuals with Disabilities Education Act,*
26 *20 U.S.C. §§ 1400 et seq., and the No Child Left Behind Act of*
27 *2001, 20 U.S.C. §§ 6301 et seq., the modifications and*
28 *accommodations that may be used in the administration of an*
29 *examination to a pupil with a disability who is unable to take the*
30 *examination under regular testing conditions. To the extent*
31 *authorized by the Individuals with Disabilities Education Act,*
32 *20 U.S.C. §§ 1400 et seq. and the No Child Left Behind Act of*
33 *2001, 20 U.S.C. §§ 6301 et seq., these regulations must include,*
34 *without limitation:*

35 **(a)** *Authorizing a pupil to complete an examination with*
36 *additional time;*

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

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

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



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

4 (d) *Using appropriate assistive technology devices, as defined*
5 *in 20 U.S.C. § 1401(I).*

6 4. *As used in this section:*

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

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

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

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

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

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

34 (1) *Examinations in reading required by NRS 389.015 and*
35 *389.550 in the English language; or*

36 (2) *Examinations in reading required by NRS 389.015 and*
37 *389.550 in the language most likely to yield accurate and reliable*
38 *information on what the pupil knows if the board of trustees*
39 *determines that the pupil has not reached a level of English*
40 *proficiency sufficient to yield valid and reliable information on*
41 *what the pupil knows.*

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



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

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

11 389.015 1. The board of trustees of each school district shall
12 administer examinations in all public schools of the school district.
13 The governing body of a charter school shall administer the same
14 examinations in the charter school. The examinations administered
15 by the board of trustees and governing body must determine the
16 achievement and proficiency of pupils in:

- 17 (a) Reading;
- 18 (b) Writing;
- 19 (c) Mathematics; and
- 20 (d) Science.

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

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

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

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

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

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

42 (e) Scored by the Department or a single private entity that has
43 contracted with the State Board to score the examinations. If a
44 private entity scores the examinations, it shall report the results of



1 the examinations in the form and by the date required by the
2 Department.

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

18 (a) During a conference between the teacher of the pupil or
19 administrator of the school and the parent or legal guardian of the
20 pupil; or

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

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

27 4. ~~4. Different standards of proficiency may be adopted for~~
28 ~~pupils with diagnosed learning disabilities. If a pupil with a~~
29 ~~disability is unable to take an examination created by a private entity~~
30 ~~under regular testing conditions or with modifications and~~
31 ~~accommodations that are approved by the private entity, the pupil~~
32 ~~may take the examination with modifications and accommodations~~
33 ~~that are approved by the State Board pursuant to subsection 8. If a~~
34 ~~pupil with a disability is unable to take an examination created by~~
35 ~~the Department under regular testing conditions or with~~
36 ~~modifications and accommodations that are approved by the~~
37 ~~Department, the pupil may take the examination with modifications~~
38 ~~and accommodations that are approved by the State Board pursuant~~
39 ~~to subsection 8. The results of an examination that is taken under~~
40 ~~conditions that are not approved by a private entity or the~~
41 ~~Department, as applicable, must not be reported pursuant to~~
42 ~~subsection 2 of NRS 389.017. If different standards of proficiency~~
43 ~~are adopted or other modifications or accommodations are made in~~
44 ~~the administration of the examinations for a pupil who is enrolled in~~
45 ~~a program of special education pursuant to NRS 388.440 to~~



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

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

22 ~~[6.]~~ 5. If a pupil fails to pass the *high school* proficiency
23 examination, ~~[administered before the completion of grade 11.]~~ he
24 must not be graduated until he is able, through remedial study, to
25 pass the proficiency examination, but he may be given a certificate
26 of attendance, in place of a diploma, if he has reached the age of 17
27 years. *If a pupil fails the high school proficiency examination on*
28 *the first administration and the pupil desires to receive a standard*
29 *high school diploma, he may retake the portion or portions of the*
30 *reading examination or the portion or portions of the mathematics*
31 *examination, or both, which the pupil failed. The State Board*
32 *shall prescribe by regulation the maximum number of times that a*
33 *pupil may retake the examination, or a portion of the examination,*
34 *pursuant to this subsection.*

35 6. The State Board shall prescribe standard examinations of
36 achievement and proficiency to be administered pursuant to
37 subsection 1. The high school proficiency examination must be
38 developed, printed and scored by a nationally recognized testing
39 company in accordance with the process established by the testing
40 company. The examinations on reading, mathematics and science
41 prescribed for grades 4, 8 and 10 must be selected from
42 examinations created by private entities and administered to a
43 national reference group, and must allow for a comparison of the
44 achievement and proficiency of pupils in grades 4, 8 and 10 in this
45 state to that of a national reference group of pupils in grades 4, 8 and



1 10. The questions contained in the examinations and the approved
2 answers used for grading them are confidential, and disclosure is
3 unlawful except:

4 (a) To the extent necessary for administering and evaluating the
5 examinations.

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

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

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

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

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

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

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

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

32 389.017 1. The State Board shall adopt regulations requiring
33 that each board of trustees of a school district and each governing
34 body of a charter school submit to the Superintendent of Public
35 Instruction and the Department, in the form and manner prescribed
36 by the Superintendent, the results of achievement and proficiency
37 examinations given in the 4th, 8th, 10th and 11th grades to public
38 school pupils of the district and charter schools. The State Board
39 shall not include in the regulations any provision which would
40 violate the confidentiality of the test scores of any individual pupil.

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

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



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

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

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

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

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

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

- 19 (1) Youth training center;
- 20 (2) Youth center;
- 21 (3) Juvenile forestry camp;
- 22 (4) Detention home;
- 23 (5) Youth camp;
- 24 (6) Juvenile correctional institution; or
- 25 (7) Correctional institution.

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

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

35 5. On or before November 15 of each year, each school district
36 and each charter school shall report to the Department the following
37 information for each examination administered in the public schools
38 in the school district or charter school:

39 (a) The examination administered;

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

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

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



1 On or before December 15 of each year, the Department shall
2 transmit to the Budget Division of the Department of
3 Administration and the Fiscal Analysis Division of the Legislative
4 Counsel Bureau the information submitted to the Department
5 pursuant to this subsection.

6 6. The superintendent of schools of each school district and the
7 governing body of each charter school shall certify that the number
8 of pupils who took the examinations required pursuant to NRS
9 389.015 is equal to the number of pupils who are enrolled in each
10 school in the school district or in the charter school who are required
11 to take the examinations . ~~[except for those pupils who are exempt
12 from taking the examinations. A pupil may be exempt from taking
13 the examinations if:~~

14 ~~—(a) His primary language is not English and his proficiency in
15 the English language is below the level that the State Board
16 determines is proficient, as measured by an assessment of
17 proficiency in the English language prescribed by the State Board
18 pursuant to subsection 8; or~~

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

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

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

27 (b) Reconcile the number of pupils who were required to take
28 the examinations with the number of pupils who were ~~[exempt from
29 taking the examinations or]~~ absent from school on the day that the
30 examinations were administered.

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

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

36 389.0173 1. The Department shall develop an informational
37 pamphlet concerning the high school proficiency examination for
38 pupils who are enrolled in junior high, middle school and high
39 school, and their parents and legal guardians. The pamphlet must
40 include a written explanation of the:

41 (a) Importance of passing the examination, including, without
42 limitation, an explanation that if the pupil fails the examination he is
43 not eligible to receive a standard high school diploma;

44 (b) Subject areas tested on the examination;



- 1 (c) Format for the examination, including, without limitation,
2 the range of items that are contained on the examination;
3 (d) Manner by which the scaled score, as reported to pupils and
4 their parents or legal guardians, is derived from the raw score;
5 (e) Timeline by which the results of the examination must be
6 reported to pupils and their parents or legal guardians;
7 (f) Maximum number of times that a pupil is allowed to take the
8 examination , *or a portion of the examination*, if he fails to pass the
9 examination , *or a portion of the examination*, after the first
10 administration ~~to~~ *to receive a standard high school diploma*; and
11 (g) Courses of study that the Department recommends that
12 pupils take to prepare the pupils to successfully meet the academic
13 challenges of the examination and pass the examination.
14 2. The Department shall review the pamphlet on an annual
15 basis and make such revisions to the pamphlet as it considers
16 necessary to ensure that pupils and their parents or legal guardians
17 fully understand the examination.
18 3. On or before September 1, the Department shall provide a
19 copy of the pamphlet or revised pamphlet to the board of trustees of
20 each school district and the governing body of each charter school
21 that includes pupils enrolled in a junior high, middle school or high
22 school grade level.
23 4. The board of trustees of each school district shall provide a
24 copy of the pamphlet to each junior high, middle school or high
25 school within the school district for posting. The governing body of
26 each charter school shall ensure that a copy of the pamphlet is
27 posted at the charter school. Each principal of a junior high, middle
28 school, high school or charter school shall ensure that the teachers,
29 counselors and administrators employed at the school fully
30 understand the contents of the pamphlet.
31 5. On or before January 15, the:
32 (a) Board of trustees of each school district shall provide a copy
33 of the pamphlet to each pupil who is enrolled in a junior high,
34 middle school or high school of the school district and to the parents
35 or legal guardians of such a pupil.
36 (b) Governing body of each charter school shall provide a copy
37 of the pamphlet to each pupil who is enrolled in the charter school at
38 a junior high, middle school or high school grade level and to the
39 parents or legal guardians of such a pupil.
40 **Sec. 10.** NRS 389.560 is hereby amended to read as follows:
41 389.560 1. The State Board shall adopt regulations that
42 require the board of trustees of each school district and
43 the governing body of each charter school to submit to the
44 Superintendent of Public Instruction, the Department and the
45 Council, in the form and manner prescribed by the Superintendent,



1 the results of the examinations administered pursuant to NRS
2 389.550. The State Board shall not include in the regulations any
3 provision that would violate the confidentiality of the test scores of
4 an individual pupil.

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

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

11 (b) The percentage of pupils who have demonstrated
12 proficiency, as defined by the Department, and took the
13 examinations with modifications or accommodations, ~~approved by~~
14 ~~the private entity that created the examination or, if the Department~~
15 ~~created the examination, the Department,] if such reporting does not~~
16 violate the confidentiality of the test scores of any individual pupil.

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

19 (a) ~~Took the examinations under conditions that were not~~
20 ~~approved by the private entity that created the examination or, if the~~
21 ~~Department created the examination, by the Department;~~

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

23 ~~(e)]~~ (b) Are enrolled in an alternative program for the
24 education of pupils at risk of dropping out of high school, including,
25 without limitation, a program of distance education that is provided
26 to pupils who are at risk of dropping out of high school pursuant to
27 NRS 388.820 to 388.874, inclusive; or

28 ~~(d)]~~ (c) Are detained in a:

- 29 (1) Youth training center;
- 30 (2) Youth center;
- 31 (3) Juvenile forestry camp;
- 32 (4) Detention home;
- 33 (5) Youth camp;
- 34 (6) Juvenile correctional institution; or
- 35 (7) Correctional institution.

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

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

44 5. On or before November 15 of each year, each school district
45 and each charter school shall report to the Department the following



1 information for each examination administered in the public schools
2 in the school district or charter school:

- 3 (a) The examination administered;
- 4 (b) The grade level or levels of pupils to whom the examination
5 was administered;
- 6 (c) The costs incurred by the school district or charter school in
7 administering each examination; and
- 8 (d) The purpose, if any, for which the results of the examination
9 are used by the school district or charter school.

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

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

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

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

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

32 (a) Report the number of pupils who were not exempt from
33 taking the examinations but were absent from school on the day that
34 the examinations were administered; and

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

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



1 **Sec. 11.** NRS 396.930 is hereby amended to read as follows:
2 396.930 1. Except as otherwise provided in subsections 2 and
3 3, a student may apply to the Board of Regents for a millennium
4 scholarship if he:

5 (a) Has been a resident of this state for at least 2 years before he
6 applies for the scholarship;

7 (b) Except as otherwise provided in paragraph (c), graduated
8 from a public or private high school in this state:

9 (1) After May 1, 2000 ~~[- and~~
10 ~~— (2) Not], but not later than May 1, 2003; or~~
11 (2) *After May 1, 2003, and, except as otherwise provided in*
12 *paragraph (c) of subsection 2, not* more than ~~[8]~~ 6 years before he
13 applies for the scholarship;

14 (c) Does not satisfy the requirements of paragraph (b) and:

15 (1) Was enrolled as a pupil in a public or private high school
16 in this state with a class of pupils who were regularly scheduled to
17 graduate after May 1, 2000;

18 (2) Received his high school diploma within ~~[5]~~ 4 years after
19 he was regularly scheduled to graduate; and

20 (3) Applies for the scholarship not more than ~~[8]~~ 6 years after
21 he was regularly scheduled to graduate from high school;

22 (d) Maintained ~~{at least a 3.0 grade point average on a 4.0~~
23 ~~grading scale}~~ in high school in the ~~{core curriculum, as determined}~~
24 ~~courses designated~~ by the Board of Regents pursuant to *paragraph*
25 *(b) of subsection 2 [5], at least:*

26 (1) *A 3.0 grade-point average on a 4.0 grading scale, if he*
27 *was a member of the graduating class of 2003 or 2004;*

28 (2) *A 3.1 grade-point average on a 4.0 grading scale, if he*
29 *was a member of the graduating class of 2005 or 2006; or*

30 (3) *A 3.25 grade-point average on a 4.0 grading scale, if he*
31 *was a member of the graduating class of 2007 or a later*
32 *graduating class; and*

33 (e) Is enrolled in at least:

34 (1) Six semester credit hours in a community college within
35 the System; or

36 (2) Twelve semester credit hours in another eligible
37 institution.

38 2. The Board of Regents ~~{shall:~~

39 ~~— (a) Define} :~~

40 (a) *Shall define* the core curriculum that a student must
41 complete in high school to be eligible for a millennium scholarship.

42 (b) ~~{Develop a plan to ensure that needy students and students~~
43 ~~from families that otherwise could not afford to send their children~~
44 ~~to college receive millennium scholarships.}~~ *Shall designate the*



1 *courses in which a student must earn the minimum grade-point*
2 *averages set forth in paragraph (d) of subsection 1.*

3 *(c) May establish criteria with respect to students who have*
4 *been on active duty serving in the Armed Forces of the United*
5 *States to exempt such students from the 6-year limitation on*
6 *applications that is set forth in subparagraph (2) of paragraph (b)*
7 *of subsection 1.*

8 3. Except as otherwise provided in paragraph (c) of subsection
9 1, for students who did not graduate from a public or private high
10 school in this state and who have been residents of this state for at
11 least 2 years, the Board of Regents shall establish:

12 (a) The minimum score on a standardized test that such students
13 must receive; or

14 (b) Other criteria that students must meet,
15 to be eligible for millennium scholarships.

16 4. In awarding scholarships, the Board of Regents shall
17 enhance its outreach to students who:

18 (a) Are pursuing a career in education or health care;

19 (b) Come from families who lack sufficient financial resources
20 to pay for the costs of sending their children to an eligible
21 institution; or

22 (c) Substantially participated in an antismoking, antidrug or
23 antialcohol program during high school.

24 **Sec. 12.** NRS 396.934 is hereby amended to read as follows:

25 396.934 1. Within the limits of money available in the Trust
26 Fund, a student who is eligible for a millennium scholarship is
27 entitled to receive:

28 (a) If he is enrolled in a community college within the System,
29 \$40 per credit for each lower division course and \$60 per credit for
30 each upper division course in which the student is enrolled, or the
31 amount of money that is necessary for the student to pay the costs of
32 attending the community college that are not otherwise satisfied by
33 other grants or scholarships, whichever is less. The Board of
34 Regents shall provide for the designation of upper and lower
35 division courses for the purposes of this paragraph.

36 (b) If he is enrolled in a state college within the System, \$60 per
37 credit for which the student is enrolled, or the amount of money that
38 is necessary for the student to pay the costs of attending the state
39 college that are not otherwise satisfied by other grants or
40 scholarships, whichever is less.

41 (c) If he is enrolled in another eligible institution, \$80 per credit
42 for which the student is enrolled, or the amount of money that is
43 necessary for the student to pay the costs of attending the university
44 that are not otherwise satisfied by other grants or scholarships,
45 whichever is less.



1 No student may be awarded a scholarship for a total amount in
2 excess of \$10,000.

3 2. A student who receives a millennium scholarship shall:

4 (a) Make satisfactory academic progress toward a recognized
5 degree or certificate, as determined by the Board of Regents
6 pursuant to subsection 5; and

7 (b) ~~maintain~~ *If the student graduated from high school after*
8 *May 1, 2003, maintain* at least a ~~2.0~~ 2.6 grade-point average on a
9 4.0 grading scale.

10 3. A millennium scholarship must be used only:

11 (a) For the payment of registration fees and laboratory fees and
12 expenses;

13 (b) To purchase required textbooks and course materials; and

14 (c) For other costs related to the attendance of the student at the
15 eligible institution.

16 4. The Board of Regents shall certify a list of eligible students
17 to the State Treasurer. The State Treasurer shall disburse a
18 millennium scholarship for each semester on behalf of an eligible
19 student directly to the eligible institution in which the student is
20 enrolled, upon certification from the eligible institution of the
21 number of credits for which the student is enrolled, which must
22 meet or exceed the minimum number of credits required for
23 eligibility and certification that the student is in good standing and
24 making satisfactory academic progress toward a recognized degree
25 or certificate, as determined by the Board of Regents pursuant to
26 subsection 5. The scholarship must be administered by the eligible
27 institution as other similar scholarships are administered and may be
28 used only for the expenditures authorized pursuant to subsection 3.

29 5. The Board of Regents shall establish criteria for determining
30 whether a student is making satisfactory academic progress toward a
31 recognized degree or certificate for purposes of subsection 4.

32 **Sec. 13.** Notwithstanding the provisions of NRS 389.015 to
33 the contrary, if a pupil who is a senior in high school during the
34 2002-2003 school year failed the mathematics portion of the high
35 school proficiency examination but received a passing score on all
36 other portions of the examination, the pupil must be allowed to
37 participate in the graduation ceremony of his high school in 2003
38 and must receive a standard high school diploma if he has otherwise
39 satisfied the requirements for graduation from high school.

40 **Sec. 14.** Notwithstanding the provisions of NRS 389.015 to
41 the contrary, the mathematics portion of the high school proficiency
42 examination must not be required as a condition to the receipt of a
43 standard high school diploma for the 2003-2004 school year and the
44 2004-2005 school year.



1 **Sec. 15.** 1. The Department of Education shall conduct a
2 study of the mathematics portion of the high school proficiency
3 examination. The study must include, without limitation:

4 (a) An assessment of the alignment of the questions on the
5 mathematics portion of the high school proficiency examination
6 with the academic content standards for mathematics in grades 10,
7 11 and 12;

8 (b) A review of the courses of study in mathematics that middle
9 schools, junior high schools and high schools are required to offer
10 and that pupils enrolled in those schools are required to take,
11 including, without limitation, an assessment of whether:

12 (1) Those courses of study adequately prepare a pupil for the
13 mathematics portion of the high school proficiency examination;
14 and

15 (2) There is sufficient time during the school year for
16 teachers to provide instruction in those courses of study in a manner
17 that will ensure pupils are prepared for the mathematics portion of
18 the high school proficiency examination;

19 (c) An audit of the questions on the mathematics portion of the
20 high school proficiency examination, including, without limitation,
21 a determination of whether there are certain questions on that
22 portion of the examination that pupils repeatedly fail to pass;

23 (d) A determination of whether the mathematics portion of the
24 high school proficiency examination assists with accurately
25 predicting the academic performance of a pupil as he matriculates
26 through a postsecondary educational institution;

27 (e) A determination of the basic proficiencies that every pupil
28 needs to graduate, including, without limitation, the basic
29 proficiencies in mathematics such as addition, subtraction, division,
30 multiplication, fractions and decimals; and

31 (f) A determination of the courses of study in mathematics that
32 are not courses of study necessary for graduation from high school
33 and a determination of whether the subject area of those courses of
34 study are included within the mathematics portion of the high school
35 proficiency examination.

36 The Department may contract with a consultant to assist the
37 Department with conducting the study required by this subsection to
38 the extent that money is available for such a purpose.

39 2. On or before February 1, 2005, the Department of Education
40 shall submit to the Director of the Legislative Counsel Bureau for
41 transmission to the 73rd Session of the Nevada Legislature a written
42 report of the study conducted pursuant to subsection 1.



1 **Sec. 16.** 1. This section and sections 11, 12 and 13 of this act
2 become effective upon passage and approval.
3 2. Sections 1 to 10, inclusive, 14 and 15 of this act become
4 effective on July 1, 2003.

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