
SENATE BILL NO. 191—COMMITTEE ON FINANCE

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON
EDUCATION (NRS 218.5352))

FEBRUARY 21, 2003

Referred to Committee on Finance

SUMMARY—Makes various changes governing education to facilitate implementation of federal No Child Left Behind Act of 2001. (BDR 34-635)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: Contains Appropriation not included in Executive Budget.

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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; requiring the State Board of Education to define the measurement for determining whether this state, each school district and each public school has made adequate yearly progress in accordance with the federal No Child Left Behind Act of 2001; requiring the State Board to prepare an annual report of accountability; requiring the State Board, each school district and each public school to develop a plan to improve the achievement of pupils; revising provisions governing the designations of public schools; requiring the Department of Education to designate school districts based upon the achievement of pupils enrolled in the school district; prescribing the consequences for public schools and school districts that are designated as demonstrating need for improvement; revising provisions governing accountability and reporting; revising provisions governing the examinations that are administered to pupils in public schools; establishing a license to teach middle school or junior high school education; revising provisions governing the qualifications of certain teachers who provide instruction



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in a junior high school or middle school; requiring certification of certain paraprofessionals employed by school districts and charter schools; requiring the Central Repository for Nevada Records of Criminal History to investigate the criminal history of an applicant for certification as a paraprofessional; revising provisions governing the regional training programs for the professional development of teachers and administrators and the Statewide Council for the Coordination of the Regional Training Programs; making appropriations; revising various other provisions governing education to comply with the federal No Child Left Behind Act of 2001; providing a penalty; and providing other matters properly relating thereto.

1 WHEREAS, In 1997, the Nevada Legislature adopted the Nevada
2 Education Reform Act which set forth a sound structure of
3 accountability for the public schools in the State of Nevada; and

4 WHEREAS, Since the enactment of the Nevada Education
5 Reform Act of 1997, this state has implemented sweeping reforms
6 to its system of public education, including, without limitation, the
7 adoption of rigorous academic standards of content and performance
8 that demand a high level of quality and performance by pupils and
9 the provision of professional development for teachers and
10 administrators to help pupils meet the challenging new standards;
11 and

12 WHEREAS, On January 8, 2002, the President of the United
13 States signed into law the No Child Left Behind Act of 2001, which
14 contained sweeping changes to the Elementary and Secondary
15 Education Act of 1965; and

16 WHEREAS, The No Child Left Behind Act requires each state to
17 have a single, statewide system of accountability applicable to all
18 pupils, challenging academic content standards and periodic
19 examinations on those challenging academic standards so that all
20 children, including, without limitation, children with disabilities,
21 children who are limited English proficient, children who are
22 economically disadvantaged and children from major racial and
23 ethnic groups will meet or exceed, not later than 2014, the minimum
24 level of proficiency on the examinations; and

25 WHEREAS, Although certain provisions of the No Child Left
26 Behind Act pertain only to those school districts and public schools,
27 including, without limitation, charter schools, receiving money
28 pursuant to that federal law, the Nevada Legislature acknowledges
29 that by applying some of those provisions statewide to all school
30 districts and all public schools, including, without limitation, charter



1 schools, Nevada’s system of accountability will be further
2 strengthened; and

3 WHEREAS, While the Nevada Education Reform Act of 1997
4 made a significant contribution toward accomplishing the system of
5 accountability required by the No Child Left Behind Act of 2001,
6 the Nevada Legislature recognizes that there is a need for further
7 reform to ensure that the State of Nevada fully complies with the No
8 Child Left Behind Act; and

9 WHEREAS, The Nevada Education Reform Act of 1997 provides
10 a sound cornerstone from which to launch a new era of
11 accountability in this state; now, therefore,

12
13
14 THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
15 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:
16

17 **Section 1.** Chapter 385 of NRS is hereby amended by adding
18 thereto the provisions set forth as sections 2 to 37, inclusive, of this
19 act.

20 **Sec. 2.** *“Title I school” means a public school that receives*
21 *money pursuant to the No Child Left Behind Act of 2001, 20*
22 *U.S.C. §§ 6301 et seq., and is obligated to comply with the*
23 *provisions of that federal law.*

24 **Sec. 3.** *“Title I school district” means a school district that*
25 *receives money pursuant to the No Child Left Behind Act of 2001,*
26 *20 U.S.C. §§ 6301 et seq., and is obligated to comply with the*
27 *provisions of that federal law.*

28 **Sec. 4. 1.** *The State Board shall define the measurement*
29 *for determining whether each public school, each school district*
30 *and this state are making adequate yearly progress. The definition*
31 *of adequate yearly progress must:*

32 *(a) Comply with 20 U.S.C. § 6311(b)(2) and the regulations*
33 *adopted pursuant thereto;*

34 *(b) Be designed to ensure that all pupils, including, without*
35 *limitation, the pupils in each subgroup identified in paragraph (d),*
36 *will meet or exceed the minimum level of proficiency set by the*
37 *State Board;*

38 *(c) Except as otherwise provided in subsections 2 and 3, be*
39 *based primarily upon the measurement of the progress of pupils*
40 *on the examinations administered pursuant to NRS 389.015 and*
41 *389.550;*

42 *(d) Include annual measurable objectives established pursuant*
43 *to 20 U.S.C. § 6311(b)(2)(G) and the regulations adopted pursuant*
44 *thereto, including, without limitation, separate annual measurable*
45 *objectives for each of the following subgroups of pupils:*



- 1 (1) Pupils who are economically disadvantaged, as defined
2 by the State Board;
3 (2) Pupils from major racial and ethnic groups, as defined
4 by the State Board;
5 (3) Pupils with disabilities; and
6 (4) Pupils who are limited English proficient;
7 (e) For high schools, include the rate of graduation; and
8 (f) For elementary schools, junior high schools and middle
9 schools, include the rate of attendance.
- 10 2. The examination in writing administered to pupils in grade
11 4 must not be included in the definition of adequate yearly
12 progress.
- 13 3. The examination in science must not be included in the
14 definition of adequate yearly progress.
- 15 **Sec. 5. 1. The State Board shall adopt regulations that**
16 **prescribe, consistent with 20 U.S.C. §§ 6301 et seq. and the**
17 **regulations adopted pursuant thereto, the manner in which pupils**
18 **enrolled in:**
- 19 (a) A program of distance education pursuant to NRS 388.820
20 to 388.874, inclusive;
21 (b) An alternative program for the education of pupils at risk
22 of dropping out of high school; or
23 (c) A program of education that:
24 (1) Primarily serves pupils with disabilities; or
25 (2) Is operated within a:
26 (I) Youth training center;
27 (II) Youth center;
28 (III) Juvenile forestry camp;
29 (IV) Detention home;
30 (V) Youth camp;
31 (VI) Juvenile correctional institution; or
32 (VII) Correctional institution,
33 will be included within the statewide system of accountability set
34 forth in sections 2 to 37, inclusive, of this act.
- 35 2. The regulations adopted pursuant to subsection 1 must
36 also set forth the manner in which:
37 (a) The progress of pupils enrolled in a program of distance
38 education, an alternative program or a program of education
39 described in subsection 1 will be accounted for within the
40 statewide system of accountability; and
41 (b) The results of pupils enrolled in a program of distance
42 education, an alternative program or a program of education
43 described in subsection 1 on the examinations administered
44 pursuant to NRS 389.015 and 389.550 will be reported.



1 **Sec. 6. 1.** *The State Board shall prepare an annual report*
2 *of accountability that includes, without limitation:*
3 (a) *Information on the achievement of all pupils based upon*
4 *the results of the examinations administered pursuant to NRS*
5 *389.015 and 389.550, reported for each school district, including,*
6 *without limitation, each charter school in the district, and for this*
7 *state as a whole.*
8 (b) *Except as otherwise provided in subsection 2, pupil*
9 *achievement, reported separately by gender and reported*
10 *separately for the following subgroups of pupils:*
11 (1) *Pupils who are economically disadvantaged, as defined*
12 *by the State Board;*
13 (2) *Pupils from major racial and ethnic groups, as defined*
14 *by the State Board;*
15 (3) *Pupils with disabilities;*
16 (4) *Pupils who are limited English proficient; and*
17 (5) *Pupils who are migratory children, as defined by the*
18 *State Board.*
19 (c) *A comparison of the achievement of pupils in each*
20 *subgroup identified in paragraph (d) of subsection 1 of section 4*
21 *of this act with the annual measurable objectives of the State*
22 *Board for that subgroup established pursuant to that section.*
23 (d) *The percentage of all pupils who were not tested, reported*
24 *for each school district, including, without limitation, each charter*
25 *school in the district, and for this state as a whole.*
26 (e) *Except as otherwise provided in subsection 2, the*
27 *percentage of pupils who were not tested, reported separately by*
28 *gender and reported separately for the subgroups identified in*
29 *paragraph (b).*
30 (f) *The most recent 3-year trend in the achievement of pupils*
31 *in each subject area tested and each grade level tested pursuant to*
32 *NRS 389.015 and 389.550, reported for each school district,*
33 *including, without limitation, each charter school in the district,*
34 *and for this state as a whole, which may include information*
35 *regarding the trend in the achievement of pupils for more than 3*
36 *years, if such information is available.*
37 (g) *Information on whether each school district has made*
38 *adequate yearly progress, including, without limitation, the name*
39 *of each school district, if any, designated as demonstrating need*
40 *for improvement pursuant to section 32 of this act and the number*
41 *of consecutive years that the school district has carried that*
42 *designation.*
43 (h) *Information on whether each public school, including,*
44 *without limitation, each charter school, has made adequate yearly*
45 *progress, including, without limitation, the name of each public*



1 *school, if any, designated as demonstrating need for improvement*
2 *pursuant to section 14 of this act and the number of consecutive*
3 *years that the school has carried that designation.*

4 *(i) Information on the results of pupils who participated in the*
5 *examinations of the National Assessment of Educational Progress*
6 *required pursuant to NRS 389.012.*

7 *(j) The ratio of pupils to teachers in kindergarten and at each*
8 *grade level for all elementary schools, reported for each school*
9 *district, including, without limitation, each charter school in the*
10 *district, and for this state as a whole, and the average class size for*
11 *each core academic subject, as set forth in NRS 389.018, for each*
12 *secondary school, reported for each school district and for this*
13 *state as a whole.*

14 *(k) Information on the professional qualifications of teachers*
15 *employed by school districts and charter schools, including,*
16 *without limitation:*

17 *(1) The percentage of teachers who are:*

18 *(I) Providing instruction pursuant to NRS 391.125;*

19 *(II) Providing instruction pursuant to a waiver of the*
20 *requirements for licensure for the grade level or subject area in*
21 *which the teachers are employed; or*

22 *(III) Otherwise providing instruction without an*
23 *endorsement for the subject area in which the teachers are*
24 *employed;*

25 *(2) The percentage of classes in the core academic subjects,*
26 *as set forth in NRS 389.018, in this state that are not taught by*
27 *highly qualified teachers; and*

28 *(3) The percentage of classes in the core academic subjects,*
29 *as set forth in NRS 389.018, in this state that are not taught by*
30 *highly qualified teachers in schools that are:*

31 *(I) In the top quartile of poverty in this state; and*

32 *(II) In the bottom quartile of poverty in this state.*

33 *(l) The total expenditure per pupil for each school district in*
34 *this state, including, without limitation, each charter school in the*
35 *district.*

36 *(m) The total statewide expenditure per pupil.*

37 *(n) For all elementary schools, junior high schools and middle*
38 *schools, the rate of attendance, reported for each school district,*
39 *including, without limitation, each charter school in the district,*
40 *and for this state as a whole.*

41 *(o) The annual rate of pupils who drop out of school in grades*
42 *9 to 12, inclusive, reported for each school district, including,*
43 *without limitation, each charter school in the district, and for this*
44 *state as a whole, excluding pupils who:*



- 1 (1) Provide proof to the school district of successful
2 completion of the examinations of general educational
3 development.
- 4 (2) Are enrolled in courses that are approved by the
5 Department as meeting the requirements for an adult standard
6 diploma.
- 7 (3) Withdraw from school to attend another school.
- 8 (p) The attendance of teachers who provide instruction,
9 reported for each school district, including, without limitation,
10 each charter school in the district, and for this state as a whole.
- 11 (q) Incidents involving weapons or violence, reported for each
12 school district, including, without limitation, each charter school
13 in the district, and for this state as a whole.
- 14 (r) Incidents involving the use or possession of alcoholic
15 beverages or controlled substances, reported for each school
16 district, including, without limitation, each charter school in the
17 district, and for this state as a whole.
- 18 (s) The suspension and expulsion of pupils required or
19 authorized pursuant to NRS 392.466 and 392.467, reported for
20 each school district, including, without limitation, each charter
21 school in the district, and for this state as a whole.
- 22 (t) The number of pupils who are deemed habitual disciplinary
23 problems pursuant to NRS 392.4655, reported for each school
24 district, including, without limitation, each charter school in the
25 district, and for this state as a whole.
- 26 (u) The number of pupils in each grade who are retained in
27 the same grade pursuant to NRS 392.033 or 392.125, reported for
28 each school district, including, without limitation, each charter
29 school in the district, and for this state as a whole.
- 30 (v) The transiency rate of pupils, reported for each school
31 district, including, without limitation, each charter school in the
32 district, and for this state as a whole. For the purposes of this
33 paragraph, a pupil is not a transient if he is transferred to a
34 different school within the school district as a result of a change in
35 the zone of attendance by the board of trustees of the school
36 district pursuant to NRS 388.040.
- 37 (w) Each source of funding for this state to be used for the
38 system of public education.
- 39 (x) The amount and sources of money received by this state for
40 remedial education.
- 41 (y) The percentage of pupils who graduated from a high
42 school or charter school in the immediately preceding year and
43 enrolled in remedial courses in reading, writing or mathematics at
44 a university or community college within the University and
45 Community College System of Nevada, reported for each school



1 *district, including, without limitation, each charter school in the*
2 *district, and for this state as a whole.*
3 *(z) The technological facilities and equipment available for*
4 *educational purposes, reported for each school district, including,*
5 *without limitation, each charter school in the district, and for this*
6 *state as a whole.*
7 *(aa) For each school district, including, without limitation,*
8 *each charter school in the district, and for this state as a whole,*
9 *the number and percentage of pupils who received:*
10 *(1) A standard high school diploma.*
11 *(2) An adjusted diploma.*
12 *(3) A certificate of attendance.*
13 *(bb) The number and percentage of pupils who did not receive*
14 *a high school diploma because the pupils failed to pass the high*
15 *school proficiency examination, reported for each school district,*
16 *including, without limitation, each charter school in the district,*
17 *and for this state as a whole.*
18 *(cc) The number of habitual truants who are reported to a*
19 *school police officer or local law enforcement agency pursuant to*
20 *paragraph (a) of subsection 2 of NRS 392.144 and the number of*
21 *habitual truants who are referred to an advisory board to review*
22 *school attendance pursuant to paragraph (b) of subsection 2 of*
23 *NRS 392.144, reported for each school district, including, without*
24 *limitation, each charter school in the district, and for this state as*
25 *a whole.*
26 *(dd) Information on the paraprofessionals employed at public*
27 *schools in this state, including, without limitation, the charter*
28 *schools in this state. The information must include:*
29 *(1) The number of paraprofessionals employed, reported*
30 *for each school district, including, without limitation, each charter*
31 *school in the district, and for this state as a whole; and*
32 *(2) Whether each paraprofessional employed holds a*
33 *certificate issued pursuant to section 88 of this act, reported for*
34 *each school district, including, without limitation, each charter*
35 *school in the district, and for this state as a whole.*
36 *(ee) An identification of appropriations made by the*
37 *Legislature to improve the academic achievement of pupils and*
38 *programs approved by the Legislature to improve the academic*
39 *achievement of pupils.*
40 *2. A separate reporting for a subgroup of pupils must not be*
41 *made pursuant to this section if the number of pupils in that*
42 *subgroup is insufficient to yield statistically reliable information*
43 *or the results would reveal personally identifiable information*
44 *about an individual pupil. The State Board shall prescribe a*
45 *mechanism for determining the minimum number of pupils that*



- 1 *must be in a subgroup for that subgroup to yield statistically*
2 *reliable information.*
- 3 *3. The annual report of accountability must:*
- 4 *(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations*
5 *adopted pursuant thereto;*
6 *(b) Be prepared in a concise manner; and*
7 *(c) Be presented in an understandable and uniform format*
8 *and, to the extent practicable, provided in a language that parents*
9 *can understand.*
- 10 *4. On or before August 1 of each year, the State Board shall*
11 *provide for public dissemination of the annual report of*
12 *accountability and submit a copy of the report to the:*
- 13 *(a) Governor;*
14 *(b) Committee;*
15 *(c) Bureau;*
16 *(d) Board of Regents of the University of Nevada;*
17 *(e) Board of trustees of each school district; and*
18 *(f) Governing body of each charter school.*
- 19 *5. As used in this section, "highly qualified" has the meaning*
20 *ascribed to it in 20 U.S.C. § 7801(23).*
- 21 **Sec. 7. 1. The State Board shall prepare a plan to improve**
22 **the achievement of pupils enrolled in the public schools in this**
23 **state. The plan:**
- 24 *(a) Must be prepared in consultation with employees of the*
25 *Department and at least one representative of the Statewide*
26 *Council for the Coordination of the Regional Training Programs*
27 *created by NRS 391.516; and*
- 28 *(b) May be prepared in consultation with:*
- 29 *(1) Representatives of institutions of higher education;*
30 *(2) Representatives of regional educational laboratories;*
31 *(3) Representatives of outside consultant groups;*
32 *(4) Representatives of the regional training programs for*
33 *the professional development of teachers and administrators*
34 *established pursuant to NRS 391.512;*
35 *(5) The Bureau; and*
36 *(6) Other persons who the State Board determines are*
37 *appropriate.*
- 38 *2. A plan to improve the achievement of pupils enrolled in*
39 *public schools in this state must include:*
- 40 *(a) A review and analysis of the data upon which the report*
41 *required pursuant to section 6 of this act is based and a review and*
42 *analysis of any data that is more recent than the data upon which*
43 *the report is based.*



- 1 ***(b) The identification of any problems or factors common***
2 ***among the school districts or charter schools in this state, as***
3 ***revealed by the review and analysis.***
- 4 ***(c) Strategies based upon scientifically based research, as***
5 ***defined in 20 U.S.C. § 7801(37), that will strengthen the core***
6 ***academic subjects, as set forth in NRS 389.018.***
- 7 ***(d) Strategies to improve the academic achievement of pupils***
8 ***enrolled in public schools in this state, including, without***
9 ***limitation, strategies to:***
- 10 ***(1) Instruct pupils who are not achieving to their fullest***
11 ***potential;***
- 12 ***(2) Increase the rate of attendance of pupils and reduce the***
13 ***number of pupils who drop out of school;***
- 14 ***(3) Integrate technology into the instructional and***
15 ***administrative programs of the school districts;***
- 16 ***(4) Manage effectively the discipline of pupils; and***
- 17 ***(5) Enhance the professional development offered for the***
18 ***teachers and administrators employed at public schools in this***
19 ***state to include the activities set forth in 20 U.S.C. § 7801(34), as***
20 ***deemed appropriate by the State Board.***
- 21 ***(e) Strategies designed to provide to the pupils enrolled in***
22 ***middle school, junior high school and high school, the teachers***
23 ***and counselors who provide instruction to those pupils, and the***
24 ***parents and guardians of those pupils information concerning:***
- 25 ***(1) The requirements for admission to an institution of***
26 ***higher education and the opportunities for financial aid;***
- 27 ***(2) The availability of millennium scholarships pursuant to***
28 ***NRS 396.911 to 396.938, inclusive; and***
- 29 ***(3) The need for a pupil to make informed decisions about***
30 ***his curriculum in middle school, junior high school and high***
31 ***school in preparation for success after graduation.***
- 32 ***(f) An identification, by category, of the employees of the***
33 ***Department who are responsible for ensuring that each provision***
34 ***of the plan is carried out effectively.***
- 35 ***(g) For each provision of the plan, a timeline for carrying out***
36 ***that provision, including, without limitation, a timeline for***
37 ***monitoring whether the provision is carried out effectively.***
- 38 ***(h) For each provision of the plan, measurable criteria for***
39 ***determining whether the provision has contributed toward***
40 ***improving the academic achievement of pupils, increasing the rate***
41 ***of attendance of pupils and reducing the number of pupils who***
42 ***drop out of school.***
- 43 ***(i) Strategies to improve the allocation of resources from this***
44 ***state, by program and by school district, in a manner that will***
45 ***improve the academic achievement of pupils. If this state has a***



1 *financial analysis program that is designed to track educational*
2 *expenditures and revenues to individual schools, the State Board*
3 *shall use that statewide program in complying with this*
4 *paragraph. If a statewide program is not available, the State Board*
5 *shall use the Department's own financial analysis program in*
6 *complying with this paragraph.*

7 *(j) Based upon the reallocation of resources set forth in*
8 *paragraph (i), the resources available to the State Board and the*
9 *Department to carry out the plan.*

10 *(k) A summary of the effectiveness of appropriations made by*
11 *the Legislature to improve the academic achievement of pupils*
12 *and programs approved by the Legislature to improve the*
13 *academic achievement of pupils.*

14 **3. The State Board shall:**

15 *(a) Review the plan prepared pursuant to this section annually*
16 *to evaluate the effectiveness of the plan; and*

17 *(b) Based upon the evaluation of the plan, make revisions, as*
18 *necessary, to ensure that the plan is designed to improve the*
19 *academic achievement of pupils enrolled in public schools in this*
20 *state.*

21 **4. On or before August 15 of each year, the State Board shall**
22 **submit the plan or the revised plan, as applicable, to the:**

23 *(a) Governor;*

24 *(b) Committee;*

25 *(c) Bureau;*

26 *(d) Board of Regents of the University of Nevada;*

27 *(e) Council to Establish Academic Standards for Public*
28 *Schools created by NRS 389.510;*

29 *(f) Board of trustees of each school district; and*

30 *(g) Governing body of each charter school.*

31 **Sec. 8. 1. The board of trustees of each school district shall**
32 **prepare a plan to improve the achievement of pupils enrolled in**
33 **the school district, excluding pupils who are enrolled in charter**
34 **schools located in the school district. The plan:**

35 *(a) Must be prepared in consultation with:*

36 *(1) Employees of the school district; and*

37 *(2) Parents and guardians of pupils enrolled in the school*
38 *district; and*

39 *(b) May be prepared in consultation with:*

40 *(1) Representatives of institutions of higher education;*

41 *(2) Representatives of regional educational laboratories;*

42 *(3) Representatives of outside consultant groups;*

43 *(4) Representatives of the regional training program for the*
44 *professional development of teachers and administrators*



1 *established pursuant to NRS 391.512 that provides services to the*
2 *school district;*

3 *(5) The Bureau; and*
4 *(6) Other persons who the board of trustees of the school*
5 *district determines are appropriate.*

6 *2. Except as otherwise provided in this subsection, the plan*
7 *must include the items set forth in 20 U.S.C. § 6316(c)(7) and the*
8 *regulations adopted pursuant thereto. If a school district has not*
9 *been designated as demonstrating need for improvement pursuant*
10 *to section 32 of this act, the board of trustees of the school district*
11 *is not required to include those items set forth in 20 U.S.C. §*
12 *6316(c)(7) and the regulations adopted pursuant thereto that*
13 *directly relate to the status of a school district as needing*
14 *improvement.*

15 *3. In addition to the requirements of subsection 2, a plan to*
16 *improve the achievement of pupils enrolled in a school district*
17 *must include:*

18 *(a) A review and analysis of the data upon which the report*
19 *required pursuant to subsection 2 of NRS 385.347 is based and a*
20 *review and analysis of any data that is more recent than the data*
21 *upon which the report is based.*

22 *(b) The identification of any problems or factors at individual*
23 *schools that are revealed by the review and analysis.*

24 *(c) Strategies based upon scientifically based research, as*
25 *defined in 20 U.S.C. § 7801(37), that will strengthen the core*
26 *academic subjects, as set forth in NRS 389.018.*

27 *(d) Strategies to improve the academic achievement of pupils*
28 *enrolled in the school district including, without limitation,*
29 *strategies to:*

30 *(1) Instruct pupils who are not achieving to their fullest*
31 *potential;*

32 *(2) Increase the rate of attendance of pupils and reduce the*
33 *number of pupils who drop out of school;*

34 *(3) Integrate technology into the instructional and*
35 *administrative programs of the school district;*

36 *(4) Manage effectively the discipline of pupils; and*

37 *(5) Enhance the professional development offered for the*
38 *teachers and administrators employed by the school district to*
39 *include the activities set forth in 20 U.S.C. § 7801(34), as deemed*
40 *appropriate by the board of trustees of the school district.*

41 *(e) Strategies designed to provide to the pupils enrolled in*
42 *middle school, junior high school and high school, the teachers*
43 *and counselors who provide instruction to those pupils, and the*
44 *parents and guardians of those pupils information concerning:*



- 1 (1) *The requirements for admission to an institution of*
2 *higher education and the opportunities for financial aid;*
3 (2) *The availability of millennium scholarships pursuant to*
4 *NRS 396.911 to 396.938, inclusive; and*
5 (3) *The need for a pupil to make informed decisions about*
6 *his curriculum in middle school, junior high school and high*
7 *school in preparation for success after graduation.*
8 (f) *An identification, by category, of the employees of the*
9 *school district who are responsible for ensuring that each*
10 *provision of the plan is carried out effectively.*
11 (g) *In consultation with the Department, an identification, by*
12 *category, of the employees of the Department, if any, who are*
13 *responsible for overseeing and monitoring whether the plan is*
14 *carried out effectively.*
15 (h) *For each provision of the plan, a timeline for carrying out*
16 *that provision, including, without limitation, a timeline for*
17 *monitoring whether the provision is carried out effectively.*
18 (i) *For each provision of the plan, measurable criteria for*
19 *determining whether the provision has contributed toward*
20 *improving the academic achievement of pupils, increasing the rate*
21 *of attendance of pupils and reducing the number of pupils who*
22 *drop out of school.*
23 (j) *Strategies to improve the allocation of resources from the*
24 *school district, by program and by school, in a manner that will*
25 *improve the academic achievement of pupils. If this state has a*
26 *financial analysis program that is designed to track educational*
27 *expenditures and revenues to individual schools, each school*
28 *district shall use that statewide program in complying with this*
29 *paragraph. If a statewide program is not available, each school*
30 *district shall use its own financial analysis program in complying*
31 *with this paragraph.*
32 (k) *Based upon the reallocation of resources set forth in*
33 *paragraph (j), the resources available to the school district to carry*
34 *out the plan.*
35 (l) *A summary of the effectiveness of appropriations made by*
36 *the Legislature that are available to the school district or the*
37 *schools within the school district to improve the academic*
38 *achievement of pupils and programs approved by the Legislature*
39 *to improve the academic achievement of pupils.*
40 4. *The board of trustees of each school district shall:*
41 (a) *Review the plan prepared pursuant to this section annually*
42 *to evaluate the effectiveness of the plan; and*
43 (b) *Based upon the evaluation of the plan, make revisions, as*
44 *necessary, to ensure that the plan is designed to improve the*
45 *academic achievement of pupils enrolled in the school district.*



- 1 5. *On or before June 15 of each year, the board of trustees of*
2 *each school district shall submit the plan or the revised plan, as*
3 *applicable, to the:*
4 (a) *Superintendent of Public Instruction;*
5 (b) *Governor;*
6 (c) *State Board;*
7 (d) *Department;*
8 (e) *Committee; and*
9 (f) *Bureau.*
- 10 **Sec. 9. 1.** *The principal of each school, including, without*
11 *limitation, each charter school, shall prepare a plan to improve the*
12 *achievement of pupils enrolled in the school. The plan:*
13 (a) *Must be prepared in consultation with:*
14 (1) *Employees of the school;*
15 (2) *Parents or legal guardians of pupils enrolled in the*
16 *school; and*
17 (3) *Except for a charter school, employees of the school*
18 *district in which the school is located.*
19 (b) *May be prepared in consultation with:*
20 (1) *Representatives of institutions of higher education;*
21 (2) *Representatives of regional educational laboratories;*
22 (3) *Representatives of outside consultant groups;*
23 (4) *Representatives of the regional training program for the*
24 *professional development of teachers and administrators*
25 *established pursuant to NRS 391.512 that provides services to the*
26 *school district in which the school is located;*
27 (5) *The Bureau; and*
28 (6) *Other persons who the principal determines are*
29 *appropriate.*
- 30 2. *The plan developed pursuant to subsection 1 must include:*
31 (a) *A review and analysis of the data pertaining to the school*
32 *upon which the report required pursuant to subsection 2 of NRS*
33 *385.347 is based and a review and analysis of any data that is*
34 *more recent than the data upon which the report is based.*
35 (b) *The identification of any problems or factors at the school*
36 *that are revealed by the review and analysis.*
37 (c) *Strategies based upon scientifically based research, as*
38 *defined in 20 U.S.C. § 7801(37), that will strengthen the core*
39 *academic subjects, as defined in NRS 389.018.*
40 (d) *Policies and practices concerning the core academic*
41 *subjects which have the greatest likelihood of ensuring that each*
42 *subgroup of pupils identified in paragraph (d) of subsection 1 of*
43 *section 4 of this act who are enrolled in the school will make*
44 *adequate yearly progress and meet the minimum level of*
45 *proficiency prescribed by the State Board.*



1 (e) Annual measurable objectives, consistent with the annual
2 measurable objectives established by the State Board pursuant to
3 section 4 of this act, for the continuous and substantial progress
4 by each subgroup of pupils identified in paragraph (d) of
5 subsection 1 of that section who are enrolled in the school to
6 ensure that each subgroup will make adequate yearly progress and
7 meet the level of proficiency prescribed by the State Board.

8 (f) Strategies, consistent with the policy adopted pursuant to
9 NRS 392.457 by the board of trustees of the school district in
10 which the school is located, to promote effective involvement by
11 parents and families of pupils enrolled in the school in the
12 education of their children.

13 (g) As appropriate, programs of remedial education or tutoring
14 to be offered before and after school, during the summer, or
15 between sessions if the school operates on a year-round calendar
16 for pupils enrolled in the school who need additional instructional
17 time to pass or to reach a level considered proficient.

18 (h) A mentoring program for teachers and other educational
19 personnel who are employed at the school.

20 (i) Strategies to improve the academic achievement of pupils
21 enrolled in the school, including, without limitation, strategies to:

22 (1) Instruct pupils who are not achieving to their fullest
23 potential;

24 (2) Increase the rate of attendance of pupils and reduce the
25 number of pupils who drop out of school;

26 (3) Integrate technology into the instructional and
27 administrative programs of the school;

28 (4) Manage effectively the discipline of pupils; and

29 (5) Enhance the professional development offered for the
30 teachers and administrators employed at the school to include the
31 activities set forth in 20 U.S.C. § 7801(34), as deemed appropriate
32 by the principal and other persons and entities responsible for the
33 development of the plan.

34 (j) If the school is a middle school, junior high school or high
35 school, strategies designed to provide to the pupils enrolled in the
36 school, the teachers and counselors employed at the school, and
37 the parents and guardians of pupils enrolled in the school
38 information concerning:

39 (1) The requirements for admission to an institution of
40 higher education and the opportunities for financial aid;

41 (2) The availability of millennium scholarships pursuant to
42 NRS 396.911 to 396.938, inclusive; and

43 (3) The need for a pupil to make informed decisions about
44 his curriculum in preparation for success after graduation.



1 (k) *An identification, by category, of the employees of the*
2 *school who are responsible for ensuring that the plan is carried*
3 *out effectively.*

4 (l) *Except as otherwise provided in this paragraph, in*
5 *consultation with the school district, an identification, by category,*
6 *of the employees of the school district, if any, who are responsible*
7 *for ensuring that the plan is carried out effectively or for*
8 *overseeing and monitoring whether the plan is carried out*
9 *effectively. If a charter school is sponsored by the State Board, the*
10 *charter school shall not identify employees of the school district*
11 *pursuant to this paragraph but shall comply with paragraph (m).*

12 (m) *In consultation with the Department, an identification, by*
13 *category, of the employees of the Department, if any, who are*
14 *responsible for overseeing and monitoring whether the plan is*
15 *carried out effectively.*

16 (n) *For each provision of the plan, a timeline for carrying out*
17 *that provision, including, without limitation, a timeline for*
18 *monitoring whether the provision is carried out effectively.*

19 (o) *For each provision of the plan, measurable criteria for*
20 *determining whether the provision has contributed toward*
21 *improving the academic achievement of pupils, increasing the rate*
22 *of attendance of pupils and reducing the number of pupils who*
23 *drop out of school.*

24 (p) *The resources available to the school to carry out the plan.*
25 *If this state has a financial analysis program that is designed to*
26 *track educational expenditures and revenues to individual schools,*
27 *each school shall use that statewide program in complying with*
28 *this paragraph. If a statewide program is not available, each*
29 *school shall use the financial analysis program used by the school*
30 *district in which the school is located in complying with this*
31 *paragraph.*

32 (q) *A summary of the effectiveness of appropriations made by*
33 *the Legislature that are available to the school to improve the*
34 *academic achievement of pupils and programs approved by the*
35 *Legislature to improve the academic achievement of pupils.*

36 3. *In addition to the requirements of subsection 2, if a school*
37 *has been designated as demonstrating need for improvement*
38 *pursuant to section 14 of this act for 2 or more consecutive years,*
39 *the plan must comply with 20 U.S.C. § 6316(b)(3) and the*
40 *regulations adopted pursuant thereto.*

41 4. *Except as otherwise provided in subsection 5, the principal*
42 *of each school shall, in consultation with the persons and entities*
43 *prescribed in subsection 1:*

44 (a) *Review the plan prepared pursuant to this section annually*
45 *to evaluate the effectiveness of the plan; and*



1 ***(b) Based upon the evaluation of the plan, make revisions, as***
2 ***necessary, to ensure that the plan is designed to improve the***
3 ***academic achievement of pupils enrolled in the school.***

4 ***5. If a school has been designated as demonstrating need for***
5 ***improvement pursuant to section 14 of this act for 2 or more***
6 ***consecutive years, the support team established for the school***
7 ***shall review the plan and make revisions to the most recent plan***
8 ***for improvement of the school pursuant to section 18 of this act.***

9 ***6. On or before April 1 of each year, the principal of each***
10 ***school or the support team established for the school, as***
11 ***applicable, shall submit the plan or the revised plan, as applicable,***
12 ***to:***

13 ***(a) If the school is a public school of the school district or a***
14 ***charter school sponsored by the board of trustees, the***
15 ***superintendent of schools of the school district.***

16 ***(b) If the school is a charter school sponsored by the State***
17 ***Board, the Department.***

18 ***7. If a Title I school is designated as demonstrating need for***
19 ***improvement pursuant to section 14 of this act, the superintendent***
20 ***of schools of the school district or the Department, as applicable,***
21 ***shall carry out a process for peer review of the plan or the revised***
22 ***plan, as applicable, in accordance with 20 U.S.C. § 6316(b)(3)(E)***
23 ***and the regulations adopted pursuant thereto. Not later than 45***
24 ***days after receipt of the plan, the superintendent of schools of the***
25 ***school district or the Department, as applicable, shall approve the***
26 ***plan or the revised plan, as applicable, if it meets the requirements***
27 ***of 20 U.S.C. § 6316(b)(3) and the regulations adopted pursuant***
28 ***thereto and the requirements of this section. The superintendent of***
29 ***schools of the school district or the Department, as applicable,***
30 ***may condition approval of the plan or the revised plan, as***
31 ***applicable, in the manner set forth in 20 U.S.C. § 6316(b)(3)(B)***
32 ***and the regulations adopted pursuant thereto. The State Board***
33 ***shall prescribe the requirements for the process of peer review,***
34 ***including, without limitation, the qualifications of persons who***
35 ***may serve as peer reviewers.***

36 ***8. If a school is designated as demonstrating exemplary***
37 ***achievement, high achievement or adequate achievement, or if a***
38 ***school that is not a Title I school is designated as demonstrating***
39 ***need for improvement, not later than 45 days after receipt of the***
40 ***plan or the revised plan, as applicable, the superintendent of***
41 ***schools of the school district or the Department, as applicable,***
42 ***shall approve the plan or the revised plan if it meets the***
43 ***requirements of this section.***

44 ***9. On or before June 15 of each year, the principal of each***
45 ***school or the support team established for the school, as***



1 applicable, shall submit the final plan or the final revised plan, as
2 applicable, to the:

- 3 (a) Superintendent of Public Instruction;
- 4 (b) Governor;
- 5 (c) State Board;
- 6 (d) Department;
- 7 (e) Committee;
- 8 (f) Bureau; and
- 9 (g) Board of trustees of the school district in which the school
10 is located.

11 10. Except as otherwise provided in this subsection, a plan for
12 the improvement of a school must be carried out by the school
13 expeditiously, but not later than the beginning of the next school
14 year after the plan is approved pursuant to subsection 7 or 8.

15 **Sec. 10.** 1. On or before January 1 of each year, the
16 Department shall determine whether each public school is making
17 adequate yearly progress, as defined by the State Board pursuant
18 to section 4 of this act. The determination for a public school,
19 including, without limitation, a charter school sponsored by the
20 board of trustees of the school district, must be made in
21 consultation with the board of trustees of the school district in
22 which the public school is located. If a charter school is sponsored
23 by the State Board, the Department shall make a determination for
24 the charter school in consultation with the State Board. On or
25 before January 1 of each year, the Department shall transmit:

26 (a) Except as otherwise provided in paragraph (b), the
27 determination made for each public school to the board of trustees
28 of the school district in which the public school is located.

29 (b) To the State Board the determination made for each
30 charter school that is sponsored by the State Board.

31 2. Except as otherwise provided in this subsection, the
32 Department shall determine that a public school has failed to
33 make adequate yearly progress if any subgroup identified in
34 paragraph (d) of subsection 1 of section 4 of this act does not
35 satisfy the annual measurable objectives established by the State
36 Board pursuant to that section. To comply with 20 U.S.C. §
37 6311(b)(2)(I) and the regulations adopted pursuant thereto, the
38 State Board shall prescribe by regulation the conditions under
39 which a school shall be deemed to have made adequate yearly
40 progress even though a subgroup identified in paragraph (d) of
41 subsection 1 of section 4 of this act did not satisfy the annual
42 measurable objectives of the State Board.

43 3. In addition to the provisions of subsection 2, the
44 Department shall determine that a public school has failed to
45 make adequate yearly progress if:



1 (a) *The number of pupils enrolled in the school who took the*
2 *examinations administered pursuant to NRS 389.015 and 389.550*
3 *is less than 95 percent of all pupils enrolled in the school who*
4 *were required to take the examinations; or*

5 (b) *Except as otherwise provided in subsection 4, for each*
6 *subgroup of pupils identified in paragraph (d) of subsection 1 of*
7 *section 4 of this act, the number of pupils in the subgroup enrolled*
8 *in the school who took the examinations administered pursuant to*
9 *NRS 389.015 and 389.550 is less than 95 percent of all pupils in*
10 *that subgroup enrolled in the school who were required to take the*
11 *examinations.*

12 4. *If the number of pupils in a particular subgroup who are*
13 *enrolled in a public school is insufficient to yield statistically*
14 *reliable information:*

15 (a) *The Department shall not determine that the school has*
16 *failed to make adequate yearly progress pursuant to paragraph (b)*
17 *of subsection 3 based solely upon that particular subgroup.*

18 (b) *The pupils in such a subgroup must be included in the*
19 *overall count of pupils enrolled in the school who took the*
20 *examinations.*

21 *The State Board shall prescribe the mechanism for determining*
22 *the number of pupils that must be in a subgroup for that subgroup*
23 *to yield statistically reliable information.*

24 5. *If an irregularity in testing administration or an*
25 *irregularity in testing security occurs at a school and the*
26 *irregularity invalidates the test scores of pupils, those test scores*
27 *must not be included in the scores of pupils reported for the school*
28 *and the attendance of those pupils must not be counted towards*
29 *the total number of pupils who took the examinations, but must be*
30 *included in the total number of pupils who were required to take*
31 *the examinations. If the pupils take an additional administration*
32 *of the examinations during the same school year, the scores of*
33 *pupils on those examinations must not be included in the scores of*
34 *pupils reported for the school.*

35 6. *As used in this section:*

36 (a) *“Irregularity in testing administration” has the meaning*
37 *ascribed to it in NRS 389.604.*

38 (b) *“Irregularity in testing security” has the meaning ascribed*
39 *to it in NRS 389.608.*

40 **Sec. 11.** *1. Except as otherwise provided in subsection 3, if*
41 *the number of pupils enrolled in a school who took the*
42 *examinations administered pursuant to NRS 389.015 and 389.550,*
43 *excluding the high school proficiency examination, is less than 95*
44 *percent of all pupils enrolled in the school who were required to*
45 *take the examinations, the Department shall notify the school and*



1 *the school district in which the school is located that the school is*
2 *required to provide, in the same school year, for an additional*
3 *administration of examinations, excluding the high school*
4 *proficiency examination, as prescribed by the State Board*
5 *pursuant to subsection 2. Except as otherwise provided in this*
6 *subsection, the school district shall pay for all costs related to the*
7 *administration of the examinations pursuant to this subsection. If*
8 *a charter school is required to administer examinations pursuant*
9 *to this subsection, the charter school shall pay for all costs related*
10 *to the administration of the examinations to pupils enrolled in the*
11 *charter school.*

12 2. *The State Board shall prescribe by regulation the*
13 *examinations that a school must administer pursuant to*
14 *subsection 1.*

15 3. *The Department may, for good cause shown, grant a*
16 *waiver to a school from the requirements of subsection 1.*

17 **Sec. 12.** *If the Department determines that a public school*
18 *has failed to make adequate yearly progress pursuant to*
19 *subsection 3 of section 10 of this act:*

20 1. *The Department or its designee shall monitor at the school*
21 *the administration of the examinations that are required pursuant*
22 *to NRS 389.015 and 389.550 and ensure that all eligible pupils*
23 *who are in attendance on the day of the administration of the*
24 *examinations are given an opportunity to take the examinations*
25 *until the percentage of pupils who take the examinations is 95*
26 *percent or more of all pupils enrolled in the school who are*
27 *required to take the examinations.*

28 2. *The school is not required to adopt a program of remedial*
29 *study pursuant to NRS 385.389 and is not eligible to receive*
30 *money for remedial programs made available by legislative*
31 *appropriation for the purposes of NRS 385.389.*

32 **Sec. 13.** 1. *Based upon the information received from the*
33 *Department pursuant to section 10 of this act, the board of trustees*
34 *of each school district shall designate, on or before January 5 of*
35 *each year, each public school in the school district pursuant to*
36 *section 14 of this act, excluding charter schools sponsored by the*
37 *State Board. The board of trustees shall make designations for all*
38 *charter schools that are sponsored by the board of trustees. The*
39 *Department shall make designations for all charter schools that*
40 *are sponsored by the State Board.*

41 2. *If the board of trustees of a school district or the*
42 *Department, as applicable, determines that a public school is*
43 *demonstrating need for improvement, the board of trustees or the*
44 *Department shall issue a preliminary designation for that school*
45 *on January 5. Before making a final designation for the school,*



1 *the board of trustees of the school district or the Department, as*
2 *applicable, shall provide the school an opportunity to review the*
3 *data upon which the proposed designation is based and to present*
4 *evidence as set forth in 20 U.S.C. § 6316(b)(2) and the regulations*
5 *adopted pursuant thereto. Not later than 30 days after providing*
6 *the school an opportunity to review the data:*

7 (a) *If the school is a public school of the school district or a*
8 *charter school sponsored by the board of trustees, the board of*
9 *trustees of the school district shall, in consultation with the*
10 *Department, make a final determination concerning the*
11 *designation for the school.*

12 (b) *If the school is a charter school sponsored by the State*
13 *Board, the Department shall make a final determination*
14 *concerning the designation for the school.*

15 3. *On or before February 5 of each year, the Department*
16 *shall provide written notice of the determinations made pursuant*
17 *to section 10 of this act and the designations made pursuant to*
18 *section 14 of this act as follows:*

19 (a) *The determinations and designations made for all schools*
20 *in this state to the:*

- 21 (1) *Governor;*
- 22 (2) *State Board;*
- 23 (3) *Committee; and*
- 24 (4) *Bureau.*

25 (b) *The determinations and designations made for all schools*
26 *within a school district to the:*

- 27 (1) *Superintendent of schools of the school district; and*
- 28 (2) *Board of trustees of the school district.*

29 (c) *The determination and designation made for each school to*
30 *the principal of the school.*

31 **Sec. 14. 1.** *Except as otherwise provided in paragraph (b)*
32 *of subsection 4, a school must be designated as demonstrating*
33 *exemplary achievement if:*

34 (a) *The school makes adequate yearly progress, as determined*
35 *by the Department pursuant to section 10 of this act; and*

36 (b) *At least 50 percent of all pupils in all grades enrolled at the*
37 *school who took the examinations administered pursuant to NRS*
38 *389.015 received an average score on those examinations that is at*
39 *least equal to the 76th percentile of the national reference group*
40 *to which the examinations were compared.*

41 2. *Except as otherwise provided in paragraph (b) of*
42 *subsection 4, a school must be designated as demonstrating high*
43 *achievement if:*

44 (a) *The school makes adequate yearly progress, as determined*
45 *by the Department pursuant to section 10 of this act; and*



1 (b) *At least 40 percent of all pupils in all grades enrolled at the*
2 *school who took the examinations administered pursuant to NRS*
3 *389.015 received an average score on those examinations that is at*
4 *least equal to the 76th percentile of the national reference group*
5 *to which the examinations were compared.*
6 3. *Except as otherwise provided in paragraph (b) of*
7 *subsection 4, a school must be designated as demonstrating*
8 *adequate achievement if:*
9 (a) *The school makes adequate yearly progress, as determined*
10 *by the Department pursuant to section 10 of this act; and*
11 (b) *At least 60 percent of all pupils in all grades enrolled at the*
12 *school who took the examinations administered pursuant to NRS*
13 *389.015 received an average score on those examinations that is at*
14 *least equal to the 26th percentile of the national reference group*
15 *to which the examinations were compared.*
16 4. *A school must be designated as demonstrating need for*
17 *improvement if:*
18 (a) *The school fails to make adequate yearly progress, as*
19 *determined by the Department pursuant to section 10 of this act,*
20 *or less than 60 percent of all pupils in all grades enrolled at the*
21 *school who took the examinations administered pursuant to NRS*
22 *389.015 received an average score on those examinations that is at*
23 *least equal to the 26th percentile of the national reference group*
24 *to which the examinations were compared; or*
25 (b) *The school makes adequate yearly progress, as determined*
26 *by the Department pursuant to section 10 of this act, but was*
27 *designated as demonstrating need for improvement pursuant to*
28 *paragraph (a) in the immediately preceding year for failing to*
29 *make adequate yearly progress.*
30 5. *If a public school is designated as demonstrating need for*
31 *improvement pursuant to paragraph (a) of subsection 4, the*
32 *designation of the school as demonstrating need for improvement*
33 *must not be removed until:*
34 (a) *The school has made adequate yearly progress for 2*
35 *consecutive years; and*
36 (b) *At least 60 percent of all pupils in all grades enrolled at the*
37 *school who take the examinations administered pursuant to NRS*
38 *389.015 receive an average score on those examinations that is at*
39 *least equal to the 26th percentile of the national reference group*
40 *to which the examinations were compared.*
41 **Sec. 15. 1. If a public school is designated as**
42 **demonstrating need for improvement pursuant to section 14 of this**
43 **act and the school is a public school of the school district or a**
44 **charter school sponsored by the board of trustees, the board of**
45 **trustees of the school district shall provide notice of the**



1 *designation to the parents and guardians of pupils enrolled in the*
2 *school on the form prescribed by the Department pursuant to*
3 *section 36 of this act. If the public school is a charter school*
4 *sponsored by the State Board, the Department shall provide notice*
5 *to the parents and guardians of pupils enrolled in the school on*
6 *the form prescribed by the Department pursuant to section 36 of*
7 *this act. The State Board shall prescribe by regulation the time by*
8 *which such notice must be provided.*

9 *2. If a public school is designated as demonstrating need for*
10 *improvement pursuant to section 14 of this act:*

11 *(a) Except as otherwise provided in paragraph (b), the board*
12 *of trustees of the school district in which the school is located shall*
13 *ensure that the school receives technical assistance in the manner*
14 *set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted*
15 *pursuant thereto.*

16 *(b) For a charter school sponsored by the State Board, the*
17 *Department shall ensure that the school receives technical*
18 *assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and*
19 *the regulations adopted pursuant thereto.*

20 **Sec. 16. 1.** *If a public school is designated as*
21 *demonstrating need for improvement pursuant to section 14 of this*
22 *act for a second consecutive year, the support team established for*
23 *the school pursuant to this section shall revise the most recent*
24 *plan for improvement of the school for submission to:*

25 *(a) Except as otherwise provided in paragraph (b), the*
26 *superintendent of schools of the school district.*

27 *(b) For a charter school sponsored by the State Board, the*
28 *Department.*

29 *The revision, submission and approval of the revised plan must*
30 *comply with sections 9 and 18 of this act.*

31 *2. Except as otherwise provided in subsection 3, if a public*
32 *school is designated as demonstrating need for improvement*
33 *pursuant to section 14 of this act for a second consecutive year,*
34 *the board of trustees of the school district shall:*

35 *(a) Provide notice of the designation to the parents and*
36 *guardians of pupils enrolled in the school on the form prescribed*
37 *by the Department pursuant to section 36 of this act.*

38 *(b) Ensure that the school receives technical assistance in the*
39 *manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations*
40 *adopted pursuant thereto.*

41 *(c) Establish a support team for the school, with the*
42 *membership prescribed pursuant to section 17 of this act.*

43 *3. If a charter school sponsored by the State Board is*
44 *designated as demonstrating need for improvement pursuant to*



1 *section 14 of this act for a second consecutive year, the*
2 *Department shall:*

3 *(a) Provide notice of the designation to the parents and*
4 *guardians of pupils enrolled in the school on the form prescribed*
5 *by the Department pursuant to section 36 of this act;*

6 *(b) Ensure that the school receives technical assistance in the*
7 *manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations*
8 *adopted pursuant thereto; and*

9 *(c) Establish a support team for the school, with the*
10 *membership prescribed pursuant to section 17 of this act.*

11 *4. In addition to the requirements of subsection 2 or 3, as*
12 *applicable, if a Title I school is designated as demonstrating need*
13 *for improvement pursuant to section 14 of this act for a second*
14 *consecutive year:*

15 *(a) Except as otherwise provided in paragraph (b), the board*
16 *of trustees of the school district shall provide school choice to the*
17 *parents and guardians of pupils enrolled in the school in*
18 *accordance with 20 U.S.C. § 6316(b)(1) and the regulations*
19 *adopted pursuant thereto.*

20 *(b) For a charter school sponsored by the State Board, the*
21 *Department shall work cooperatively with the board of trustees of*
22 *the school district in which the charter school is located to provide*
23 *school choice to the parents and guardians of pupils enrolled in*
24 *the school in accordance with 20 U.S.C. § 6316(b)(1) and the*
25 *regulations adopted pursuant thereto.*

26 **Sec. 17.** *The membership of each support team established*
27 *for a public school pursuant to section 16 of this act:*

28 *1. Must consist of, without limitation:*

29 *(a) Teachers and principals who are considered highly*
30 *qualified;*

31 *(b) Employees of the public school for which the support team*
32 *is established who provide services to pupils; and*

33 *(c) Parents or guardians of pupils who are enrolled in the*
34 *public school for which the support team is established.*

35 *2. May consist of, without limitation:*

36 *(a) Except for a charter school, administrators at the district*
37 *level employed by the board of trustees of the school district in*
38 *which the school is located;*

39 *(b) Except for a charter school, one or more members of the*
40 *board of trustees of the school district in which the school is*
41 *located;*

42 *(c) Representatives of the Department;*

43 *(d) Representatives of institutions of higher education;*

44 *(e) Representatives of regional educational laboratories;*

45 *(f) Representatives of outside consultant groups;*



1 (g) *Representatives of the regional training program for the*
2 *professional development of teachers and administrators*
3 *established pursuant to NRS 391.512 that provides services to the*
4 *school district in which the school is located;*

5 (h) *The Bureau; and*

6 (i) *Other persons who the board of trustees of the school*
7 *district or the Department, as applicable, determines are*
8 *appropriate.*

9 **Sec. 18. 1.** *Each support team established for a public*
10 *school shall:*

11 (a) *Review and analyze the operation of the school, including,*
12 *without limitation, the design and operation of the instructional*
13 *program of the school.*

14 (b) *Review and analyze the data pertaining to the school upon*
15 *which the report required pursuant to subsection 2 of NRS*
16 *385.347 is based and review and analyze any data that is more*
17 *recent than the data upon which the report is based.*

18 (c) *Review the most recent plan to improve the achievement of*
19 *the school's pupils prepared pursuant to section 9 of this act.*

20 (d) *Identify and investigate the problems and factors at the*
21 *school that contributed to the designation of the school as*
22 *demonstrating need for improvement.*

23 (e) *Assist the school in developing recommendations for*
24 *improving the performance of pupils who are enrolled in the*
25 *school.*

26 (f) *Except as otherwise provided in this paragraph, make*
27 *recommendations to the board of trustees of the school district, the*
28 *State Board and the Department concerning additional assistance*
29 *for the school and the support team in carrying out the plan for*
30 *improvement of the school. For a charter school sponsored by the*
31 *State Board, the support team shall make the recommendations to*
32 *the State Board and the Department.*

33 (g) *In accordance with its findings pursuant to this subsection*
34 *and section 19 of this act, adopt written revisions to the most*
35 *recent plan to improve the achievement of the school's pupils. The*
36 *written revisions must:*

37 (1) *Comply with section 9 of this act;*

38 (2) *Include the data and findings of the support team that*
39 *provide support for the revisions;*

40 (3) *Set forth goals and objectives for the school that are:*

41 (I) *Designed to improve the achievement of the school's*
42 *pupils;*

43 (II) *Specific;*

44 (III) *Measurable; and*

45 (IV) *Conducive to reliable evaluation;*



- 1 (4) *Set forth a timeline to carry out the revisions;*
- 2 (5) *Set forth priorities for the school in carrying out the*
- 3 *revisions; and*
- 4 (6) *Set forth the duties of each person who is responsible*
- 5 *for carrying out the revisions.*

6 (h) *Except as otherwise provided in this subsection, work*
7 *cooperatively with the board of trustees of the school district in*
8 *which the school is located, the employees of the school, and the*
9 *parents and guardians of pupils enrolled in the school to carry out*
10 *and monitor the plan for improvement of the school. If a charter*
11 *school is sponsored by the State Board, the Department shall assist*
12 *the school with carrying out and monitoring the plan for*
13 *improvement of the school.*

14 2. *A support team established for a school may hold a public*
15 *meeting to discuss the actions that the school will need to take to*
16 *assist the school with receiving a designation of demonstrating*
17 *exemplary achievement, high achievement or adequate*
18 *achievement.*

19 **Sec. 19. 1.** *In addition to the duties prescribed in section 18*
20 *of this act, a support team established for a school shall prepare*
21 *an annual written report that includes:*

22 (a) *Information concerning the most recent plan to improve*
23 *the achievement of the school's pupils, including, without*
24 *limitation, an evaluation of:*

- 25 (1) *The appropriateness of the plan for the school; and*
- 26 (2) *Whether the school has achieved the goals and*
- 27 *objectives set forth in the plan;*

28 (b) *The written revisions to the plan to improve the*
29 *achievement of the school's pupils adopted by the support team*
30 *pursuant to section 18 of this act;*

31 (c) *A summary of each program for remediation, if any,*
32 *purchased for the school with money that is available from the*
33 *Federal Government, this state and the school district in which the*
34 *school is located, including, without limitation:*

- 35 (1) *The name of the program;*
- 36 (2) *The date on which the program was purchased and the*
- 37 *date on which the program was carried out by the school;*
- 38 (3) *The percentage of personnel at the school who were*
- 39 *trained regarding the use of the program;*
- 40 (4) *The satisfaction of the personnel at the school with the*
- 41 *program; and*
- 42 (5) *An evaluation of whether the program has improved the*
- 43 *academic achievement of the pupils enrolled in the school who*
- 44 *participated in the program;*



- 1 (d) *An analysis of the problems and factors at the school*
2 *which contributed to the designation of the school as*
3 *demonstrating need for improvement, including, without*
4 *limitation, issues relating to:*
5 (1) *The financial resources of the school;*
6 (2) *The administrative and educational personnel of the*
7 *school;*
8 (3) *The curriculum of the school;*
9 (4) *The facilities available at the school, including the*
10 *availability and accessibility of educational technology; and*
11 (5) *Any other factors that the support team believes*
12 *contributed to the designation of the school as demonstrating need*
13 *for improvement; and*
14 (e) *Other information concerning the school, including,*
15 *without limitation:*
16 (1) *The results of the pupils who are enrolled in the school*
17 *on the examinations that are administered pursuant to NRS*
18 *389.015 and 389.550;*
19 (2) *Records of the attendance and truancy of pupils who*
20 *are enrolled in the school;*
21 (3) *The transiency rate of pupils who are enrolled in the*
22 *school;*
23 (4) *A description of the number of years that each teacher*
24 *has provided instruction at the school and the rate of turnover of*
25 *teachers and other educational personnel employed at the school;*
26 (5) *A description of the participation of parents and legal*
27 *guardians in the educational process and other activities relating*
28 *to the school;*
29 (6) *A description of each source of money for the*
30 *remediation of pupils who are enrolled in the school; and*
31 (7) *A description of the disciplinary problems of the pupils*
32 *who are enrolled in the school, including, without limitation, the*
33 *information contained in paragraphs (k) to (n), inclusive, of*
34 *subsection 2 of NRS 385.347.*
35 2. *On or before April 15, the support team shall submit a copy*
36 *of the final written report to the:*
37 (a) *Principal of the school;*
38 (b) *Board of trustees of the school district in which the school*
39 *is located;*
40 (c) *Superintendent of schools of the school district in which*
41 *the school is located;*
42 (d) *Department; and*
43 (e) *Bureau.*



1 *The support team shall make the written report available, upon*
2 *request, to each parent or legal guardian of a pupil who is*
3 *enrolled in the school.*

4 **Sec. 20. 1.** *If a public school is designated as*
5 *demonstrating need for improvement pursuant to section 14 of this*
6 *act for a third consecutive year, the support team established for*
7 *the school pursuant to section 16 of this act shall revise the most*
8 *recent plan for improvement of the school for submission to:*

9 (a) *Except as otherwise provided in paragraph (b), the*
10 *superintendent of schools of the school district.*

11 (b) *For a charter school sponsored by the State Board, the*
12 *Department.*

13 *The revision, submission and approval of the revised plan must*
14 *comply with sections 9 and 18 of this act.*

15 2. *Except as otherwise provided in subsection 3, if a public*
16 *school is designated as demonstrating need for improvement*
17 *pursuant to section 14 of this act for a third consecutive year, the*
18 *board of trustees of the school district shall:*

19 (a) *Provide notice of the designation to the parents and*
20 *guardians of pupils enrolled in the school on the form prescribed*
21 *by the Department pursuant to section 36 of this act;*

22 (b) *Ensure that the school receives technical assistance in the*
23 *manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations*
24 *adopted pursuant thereto; and*

25 (c) *Continue the support team for the school, with membership*
26 *prescribed pursuant to section 17 of this act.*

27 3. *If a charter school sponsored by the State Board is*
28 *designated as demonstrating need for improvement pursuant to*
29 *section 14 of this act for a third consecutive year, the Department*
30 *shall:*

31 (a) *Provide notice of the designation to the parents and*
32 *guardians of pupils enrolled in the school on the form prescribed*
33 *by the Department pursuant to section 36 of this act;*

34 (b) *Ensure that the school receives technical assistance in the*
35 *manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations*
36 *adopted pursuant thereto; and*

37 (c) *Continue a support team for the school, with the*
38 *membership prescribed pursuant to section 17 of this act.*

39 4. *Except as otherwise provided in section 21 of this act, in*
40 *addition to the requirements of subsection 2 or 3, as applicable, if*
41 *a Title I school is designated as demonstrating need for*
42 *improvement pursuant to section 14 of this act for a third*
43 *consecutive year:*

44 (a) *Except as otherwise provided in paragraph (b), the board*
45 *of trustees of the school district shall:*



1 (1) *Provide school choice to the parents and guardians of*
2 *pupils enrolled in the school in accordance with 20 U.S.C. §*
3 *6316(b)(1) and the regulations adopted pursuant thereto.*

4 (2) *Provide supplemental educational services in*
5 *accordance with 20 U.S.C. § 6316(e) and the regulations adopted*
6 *pursuant thereto from a provider approved pursuant to section 37*
7 *of this act, unless a waiver is granted pursuant to that provision of*
8 *federal law.*

9 (b) *For a charter school sponsored by the State Board:*

10 (1) *The Department shall work cooperatively with the board*
11 *of trustees of the school district in which the charter school is*
12 *located to provide school choice to the parents and guardians of*
13 *pupils enrolled in the school in accordance with 20 U.S.C. §*
14 *6316(b)(1) and the regulations adopted pursuant thereto.*

15 (2) *The governing body of the charter school shall provide*
16 *supplemental educational services in accordance with 20 U.S.C. §*
17 *6316(e) and the regulations adopted pursuant thereto from a*
18 *provider approved pursuant to section 37 of this act, unless a*
19 *waiver is granted pursuant to that provision of federal law.*

20 **Sec. 21. 1.** *The requirements of subsection 4 of section 20*
21 *of this act do not apply to a Title I school designated as*
22 *demonstrating need for improvement for a third consecutive year*
23 *if:*

24 (a) *The school was designated as demonstrating need for*
25 *improvement for a third consecutive year pursuant to paragraph*
26 *(b) of subsection 4 of section 14 of this act; or*

27 (b) *The school was designated as demonstrating need for*
28 *improvement for a third consecutive year pursuant to paragraph*
29 *(a) of subsection 4 of section 14 of this act for failing to make*
30 *adequate yearly progress but the Department determines that the*
31 *failure is attributable to exceptional or uncontrollable*
32 *circumstances.*

33 2. *If an exception applies to a Title I school pursuant to*
34 *subsection 1 and:*

35 (a) *The school makes adequate yearly progress for a second*
36 *consecutive year and at least 60 percent of all pupils in all grades*
37 *enrolled at the school who took the examinations administered*
38 *pursuant to NRS 389.015 received an average score on those*
39 *examinations that is at least equal to the 26th percentile of the*
40 *national reference group to which the examinations were*
41 *compared, the designation of the school as demonstrating need for*
42 *improvement must be removed.*

43 (b) *The school fails to make adequate yearly progress in the*
44 *year immediately following the year in which the exception*
45 *applied or less than 60 percent of all pupils in all grades enrolled*



1 *at the school who took the examinations administered pursuant to*
2 *NRS 389.015 received an average score on those examinations*
3 *that is at least equal to the 26th percentile of the national*
4 *reference group to which the examinations were compared, the*
5 *Department shall designate the school as demonstrating need for*
6 *improvement for a fourth consecutive year and the provisions of*
7 *section 22 of this act apply to the school as if the exception*
8 *pursuant to subsection 1 never occurred.*

9 **Sec. 22.** *1. If a public school is designated as*
10 *demonstrating need for improvement pursuant to section 14 of this*
11 *act for a fourth consecutive year, the support team established for*
12 *the school pursuant to this section shall revise the most recent*
13 *plan for improvement of the school for submission to:*

14 *(a) Except as otherwise provided in paragraph (b), the*
15 *superintendent of schools of the school district.*

16 *(b) For a charter school sponsored by the State Board, the*
17 *Department.*

18 *The revision, submission and approval of the plan must comply*
19 *with sections 9 and 18 of this act.*

20 *2. Except as otherwise provided in subsection 3, if a public*
21 *school is designated as demonstrating need for improvement*
22 *pursuant to section 14 of this act for a fourth consecutive year:*

23 *(a) The board of trustees of the school district shall:*

24 *(1) Provide notice of the designation to the parents and*
25 *guardians of pupils enrolled in the school on the form prescribed*
26 *by the Department pursuant to section 36 of this act; and*

27 *(2) Ensure that the school receives technical assistance in*
28 *the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations*
29 *adopted pursuant thereto.*

30 *(b) The Department shall establish a support team for the*
31 *school, with the membership prescribed pursuant to section 23 of*
32 *this act.*

33 *3. If a charter school sponsored by the State Board is*
34 *designated as demonstrating need for improvement pursuant to*
35 *section 14 of this act for a fourth consecutive year, the Department*
36 *shall:*

37 *(a) Provide notice of the designation to the parents and*
38 *guardians of pupils enrolled in the school on the form prescribed*
39 *by the Department pursuant to section 36 of this act;*

40 *(b) Ensure that the school receives technical assistance in the*
41 *manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations*
42 *adopted pursuant thereto; and*

43 *(c) Establish a support team for the school, with the*
44 *membership prescribed pursuant to section 23 of this act.*



1 4. *Except as otherwise provided in section 24 of this act, in*
2 *addition to the requirements of subsections 1 and 2 or 3, as*
3 *applicable, if a Title I school is designated as demonstrating need*
4 *for improvement pursuant to section 14 of this act for a fourth*
5 *consecutive year:*

6 (a) *Except as otherwise provided in paragraph (b), the board*
7 *of trustees of the school district shall:*

8 (1) *Provide school choice to the parents and guardians of*
9 *pupils enrolled in the school in accordance with 20 U.S.C. §*
10 *6316(b)(1) and the regulations adopted pursuant thereto;*

11 (2) *Provide supplemental educational services in*
12 *accordance with 20 U.S.C. § 6316(e) and the regulations adopted*
13 *pursuant thereto from a provider approved pursuant to section 37*
14 *of this act, unless a waiver is granted pursuant to that provision of*
15 *federal law; and*

16 (3) *Take corrective action pursuant to 20 U.S.C. §*
17 *6316(b)(7) and the regulations adopted pursuant thereto.*

18 (b) *For a charter school sponsored by the State Board:*

19 (1) *The Department shall work cooperatively with the board*
20 *of trustees of the school district in which the charter school is*
21 *located to provide school choice to the parents and guardians of*
22 *pupils enrolled in the school in accordance with 20 U.S.C. §*
23 *6316(b)(1) and the regulations adopted pursuant thereto;*

24 (2) *The governing body of the charter school shall provide*
25 *supplemental educational services in accordance with 20 U.S.C. §*
26 *6316(e) and the regulations adopted pursuant thereto from a*
27 *provider approved pursuant to section 37 of this act, unless a*
28 *waiver is granted pursuant to that provision of federal law; and*

29 (3) *The Department shall take corrective action pursuant to*
30 *20 U.S.C. § 6316(b)(7) and the regulations adopted pursuant*
31 *thereto.*

32 5. *Except as otherwise provided in section 25 of this act, if a*
33 *public school that is not a Title I school is designated as*
34 *demonstrating need for improvement pursuant to section 14 of this*
35 *act for a fourth consecutive year, the support team established for*
36 *the school pursuant to this section shall consider whether*
37 *corrective action is appropriate for the school. If the support team*
38 *determines that corrective action is appropriate, the support team*
39 *shall make a recommendation to the Department for corrective*
40 *action against the school, including, without limitation, the type of*
41 *corrective action that is recommended. Regardless of whether a*
42 *support team recommends corrective action for a school, the*
43 *Department may take one or more of the following corrective*
44 *actions against the school:*



- 1 (a) *Replace employees at the school if the Department*
- 2 *determines, in consultation with the board of trustees of the school*
- 3 *district, that those employees contributed to the failure of the*
- 4 *school to make adequate yearly progress.*
- 5 (b) *Develop and carry out a new curriculum at the school,*
- 6 *including the provision of appropriate professional development*
- 7 *relating to the new curriculum.*
- 8 (c) *Decrease the number of employees at the school who carry*
- 9 *out managerial duties.*
- 10 (d) *Appoint an expert to advise the school regarding its*
- 11 *progress toward making adequate yearly progress based upon the*
- 12 *plan for improvement of the school.*
- 13 (e) *Extend the school year or the school day.*
- 14 (f) *Restructure the internal organization of the school.*
- 15 **Sec. 23. 1. The membership of each support team**
- 16 *established pursuant to section 22 of this act:*
- 17 (a) *Must consist of, without limitation:*
- 18 (1) *Teachers and principals who are considered highly*
- 19 *qualified and who are not employees of the public school for*
- 20 *which the support team is established;*
- 21 (2) *At least one representative of the Department;*
- 22 (3) *Except for a charter school, at least one administrator*
- 23 *at the district level who is employed by the board of trustees of the*
- 24 *school district; and*
- 25 (4) *At least one parent or guardian of a pupil who is*
- 26 *enrolled in the public school for which the support team is*
- 27 *established.*
- 28 (b) *May consist of, without limitation:*
- 29 (1) *Except for a charter school, one or more members of*
- 30 *the board of trustees of the school district in which the school is*
- 31 *located;*
- 32 (2) *Representatives of institutions of higher education;*
- 33 (3) *Representatives of regional educational laboratories;*
- 34 (4) *Representatives of outside consultant groups;*
- 35 (5) *Representatives of the regional training program for the*
- 36 *professional development of teachers and administrators*
- 37 *established pursuant to NRS 391.512 that provides services to the*
- 38 *school district in which the school is located;*
- 39 (6) *The Bureau; and*
- 40 (7) *Other persons who the Department determines are*
- 41 *appropriate.*
- 42 2. *In addition to the duties prescribed by sections 18 and 19*
- 43 *of this act, a support team established for a school pursuant to this*
- 44 *section shall:*



1 (a) *Hold at least one annual public meeting to discuss the*
2 *actions that the school will need to take to assist the school with*
3 *receiving a designation of demonstrating exemplary achievement,*
4 *high achievement or adequate achievement.*

5 (b) *Review, at least semiannually, the effectiveness of*
6 *educational personnel employed at the school, including, without*
7 *limitation:*

8 (1) *Identifying teachers and principals who are considered*
9 *outstanding in their profession; and*

10 (2) *Making findings and recommendations concerning the*
11 *educational personnel to the principal of the school, the board of*
12 *trustees of the school district or the governing body of the charter*
13 *school, as applicable, and, if appropriate, the Department.*

14 **Sec. 24. 1.** *The requirements of subsection 4 of section 22*
15 *of this act do not apply to a Title I school designated as*
16 *demonstrating need for improvement for a fourth consecutive year*
17 *if:*

18 (a) *The school was designated as demonstrating need for*
19 *improvement for a fourth consecutive year pursuant to paragraph*
20 *(b) of subsection 4 of section 14 of this act; or*

21 (b) *The school was designated as demonstrating need for*
22 *improvement for a fourth consecutive year pursuant to paragraph*
23 *(a) of subsection 4 of section 14 of this act for failing to make*
24 *adequate yearly progress but the Department determines that the*
25 *failure is attributable to exceptional or uncontrollable*
26 *circumstances.*

27 2. *If an exception applies to a Title I school pursuant to*
28 *subsection 1 and:*

29 (a) *The school makes adequate yearly progress for a second*
30 *consecutive year and at least 60 percent of all pupils in all grades*
31 *enrolled at the school who took the examinations administered*
32 *pursuant to NRS 389.015 received an average score on those*
33 *examinations that is at least equal to the 26th percentile of the*
34 *national reference group to which the examinations were*
35 *compared, the designation of the school as demonstrating need for*
36 *improvement must be removed.*

37 (b) *The school fails to make adequate yearly progress in the*
38 *year immediately following the year in which the exception*
39 *applied or less than 60 percent of all pupils in all grades enrolled*
40 *at the school who took the examinations administered pursuant to*
41 *NRS 389.015 received an average score on those examinations*
42 *that is at least equal to the 26th percentile of the national*
43 *reference group to which the examinations were compared, the*
44 *Department shall designate the school as demonstrating need for*
45 *improvement for a fifth consecutive year and the provisions of*



1 *section 26 of this act apply as if the exception pursuant to*
2 *subsection 1 never occurred.*

3 **Sec. 25. 1.** *The provisions of subsection 5 of section 22 of*
4 *this act do not apply to a public school designated as*
5 *demonstrating need for improvement for a fourth consecutive year*
6 *if:*

7 *(a) The school was designated as demonstrating need for*
8 *improvement for a fourth consecutive year pursuant to paragraph*
9 *(b) of subsection 4 of section 14 of this act; or*

10 *(b) The school was designated as demonstrating need for*
11 *improvement for a fourth consecutive year pursuant to paragraph*
12 *(a) of subsection 4 of section 14 of this act for failing to make*
13 *adequate yearly progress but the Department determines that the*
14 *failure is attributable to exceptional or uncontrollable*
15 *circumstances.*

16 **2.** *If an exception applies to a public school pursuant to*
17 *subsection 1 and:*

18 *(a) The school makes adequate yearly progress for a second*
19 *consecutive year and at least 60 percent of all pupils in all grades*
20 *enrolled at the school who took the examinations administered*
21 *pursuant to NRS 389.015 received an average score on those*
22 *examinations that is at least equal to the 26th percentile of the*
23 *national reference group to which the examinations were*
24 *compared, the designation of the school as demonstrating need for*
25 *improvement must be removed.*

26 *(b) The school fails to make adequate yearly progress in the*
27 *year immediately following the year in which the exception*
28 *applied or less than 60 percent of all pupils in all grades enrolled*
29 *at the school who took the examinations administered pursuant to*
30 *NRS 389.015 received an average score on those examinations*
31 *that is at least equal to the 26th percentile of the national*
32 *reference group to which the examinations were compared, the*
33 *Department shall designate the school as demonstrating need for*
34 *improvement for a fifth consecutive year and the provisions of*
35 *section 26 of this act apply as if the exception pursuant to*
36 *subsection 1 never occurred.*

37 **Sec. 26. 1.** *If a public school is designated as*
38 *demonstrating need for improvement pursuant to section 14 of this*
39 *act for a fifth consecutive year, the support team established for*
40 *the school pursuant to section 22 of this act shall revise the most*
41 *recent plan for improvement of the school for submission to:*

42 *(a) Except as otherwise provided in paragraph (b), the*
43 *superintendent of schools of the school district.*

44 *(b) For a charter school sponsored by the State Board, the*
45 *Department.*



1 *The revision, submission and approval of the plan must comply*
2 *with sections 9 and 18 of this act.*

3 *2. If a public school is designated as demonstrating need for*
4 *improvement pursuant to section 14 of this act for a fifth*
5 *consecutive year:*

6 *(a) The board of trustees of the school district shall carry out*
7 *the requirements of paragraph (a) of subsection 2 of section 22 of*
8 *this act and the Department shall continue a support team for the*
9 *school.*

10 *(b) For a charter school sponsored by the State Board, the*
11 *Department shall carry out the requirements of subsection 3 of*
12 *section 22 of this act and continue a support team for the school.*

13 *3. Except as otherwise provided in section 28 of this act, in*
14 *addition to the requirements of subsection 2, if a Title I school is*
15 *designated as demonstrating need for improvement pursuant to*
16 *section 14 of this act for a fifth consecutive year:*

17 *(a) Except as otherwise provided in paragraph (b), the board*
18 *of trustees of the school district shall:*

19 *(1) Provide school choice to the parents and guardians of*
20 *pupils enrolled in the school in accordance with 20 U.S.C. §*
21 *6316(b)(1) and the regulations adopted pursuant thereto;*

22 *(2) Provide supplemental educational services in*
23 *accordance with 20 U.S.C. § 6316(e) and the regulations adopted*
24 *pursuant thereto from a provider approved pursuant to section 37*
25 *of this act, unless a waiver is granted pursuant to that provision of*
26 *federal law; and*

27 *(3) Proceed with a plan for restructuring the school if*
28 *required by 20 U.S.C. § 6316(b)(8) and the regulations adopted*
29 *pursuant thereto.*

30 *(b) For a charter school sponsored by the State Board:*

31 *(1) The Department shall work cooperatively with the board*
32 *of trustees of the school district in which the charter school is*
33 *located to provide school choice to the parents and guardians of*
34 *pupils enrolled in the school in accordance with 20 U.S.C. §*
35 *6316(b)(1) and the regulations adopted pursuant thereto;*

36 *(2) The governing body of the charter school shall provide*
37 *supplemental educational services in accordance with 20 U.S.C. §*
38 *6316(e) and the regulations adopted pursuant thereto from a*
39 *provider approved pursuant to section 37 of this act, unless a*
40 *waiver is granted pursuant to that provision of federal law; and*

41 *(3) The Department shall proceed with a plan for*
42 *restructuring the school if required by 20 U.S.C. § 6316(b)(8) and*
43 *the regulations adopted pursuant thereto.*

44 *4. Except as otherwise provided in section 29 of this act, if a*
45 *public school that is not a Title I school is designated as*



1 *demonstrating need for improvement pursuant to section 14 of this*
2 *act for a fifth consecutive year, the support team for the school*
3 *shall:*

4 *(a) If corrective action was not taken against the school*
5 *pursuant to subsection 5 of section 22 of this act, consider whether*
6 *corrective action is appropriate for the school.*

7 *(b) If corrective action was taken against the school pursuant*
8 *to subsection 5 of section 22 of this act, consider whether further*
9 *corrective action is appropriate or whether a plan for*
10 *restructuring the school is appropriate.*

11 *Regardless of whether a support team recommends corrective*
12 *action or restructuring for a school, the Department may take*
13 *corrective action as set forth in subsection 5 of section 22 of this*
14 *act or proceed with a plan for restructuring the school as set forth*
15 *in section 27 of this act.*

16 *5. Before the board of trustees of a school district or the*
17 *Department proceeds with a plan for restructuring pursuant to*
18 *subsection 3 or 4, the board of trustees or the Department, as*
19 *applicable, shall provide to the administrators, teachers and other*
20 *educational personnel employed at that school, and parents and*
21 *guardians of pupils enrolled in the school:*

22 *(a) Notice that the board of trustees or the Department, as*
23 *applicable, will develop a plan for restructuring the school;*

24 *(b) An opportunity to comment before the plan to restructure is*
25 *developed; and*

26 *(c) An opportunity to participate in the development of the*
27 *plan to restructure.*

28 **Sec. 27. 1.** *If restructuring for a school is required*
29 *pursuant to 20 U.S.C. § 6316(b)(8) or if the Department*
30 *determines that restructuring is appropriate for a school pursuant*
31 *to subsection 4 of section 26 of this act, the board of trustees of the*
32 *school district or the Department, as applicable, shall carry out a*
33 *plan for restructuring that includes:*

34 *(a) Reopening the school as a charter school pursuant to NRS*
35 *386.500 to 386.610, inclusive, and section 46 of this act;*

36 *(b) Replacing those employees at the school who contributed to*
37 *the failure of the school to make adequate yearly progress;*

38 *(c) Entering into a contract with an entity, including, without*
39 *limitation, a private management company, with a demonstrated*
40 *record of effectiveness to operate the public school;*

41 *(d) If the board of trustees is responsible for restructuring,*
42 *requesting that the Department oversee the operation of the public*
43 *school;*



1 (e) If the Department is responsible for restructuring,
2 designating the Department as responsible for overseeing the
3 operation of the school; or

4 (f) Taking any other action to restructure the governance of
5 the school if the action is designed to improve the academic
6 achievement of pupils enrolled in the school and has substantial
7 promise of ensuring that the school makes adequate yearly
8 progress.

9 2. Before the board of trustees of a school district or the
10 Department takes action pursuant to subsection 1, the board of
11 trustees or the Department, as applicable, shall provide to the
12 administrators, teachers and other educational personnel
13 employed at that school, and the parents and guardians of pupils
14 enrolled in the school:

15 (a) Notice that a plan for restructuring will be carried out at
16 the school; and

17 (b) An opportunity to comment on the appropriate action that
18 should be carried out pursuant to subsection 1.

19 **Sec. 28. 1.** The requirements of subsection 3 of section 26
20 of this act do not apply to a Title I school designated as
21 demonstrating need for improvement for a fifth consecutive year
22 if:

23 (a) The school was designated as demonstrating need for
24 improvement for a fifth consecutive year pursuant to paragraph
25 (b) of subsection 4 of section 14 of this act; or

26 (b) The school was designated as demonstrating need for
27 improvement for a fifth consecutive year pursuant to paragraph
28 (a) of subsection 4 of section 14 of this act for failing to make
29 adequate yearly progress but the Department determines that the
30 failure is attributable to exceptional or uncontrollable
31 circumstances.

32 2. If an exception applies to a Title I school pursuant to
33 subsection 1 and:

34 (a) The school makes adequate yearly progress for a second
35 consecutive year and at least 60 percent of all pupils in all grades
36 enrolled at the school who took the examinations administered
37 pursuant to NRS 389.015 received an average score on those
38 examinations that is at least equal to the 26th percentile of the
39 national reference group to which the examinations were
40 compared, the designation of the school as demonstrating need for
41 improvement must be removed.

42 (b) The school fails to make adequate yearly progress in the
43 year immediately following the year in which the exception
44 applied or less than 60 percent of all pupils in all grades enrolled
45 at the school who took the examinations administered pursuant to



1 *NRS 389.015 received an average score on those examinations*
2 *that is at least equal to the 26th percentile of the national*
3 *reference group to which the examinations were compared, the*
4 *Department shall designate the school as demonstrating need for*
5 *improvement for a sixth consecutive year and the school district or*
6 *the Department, as applicable, shall proceed with restructuring as*
7 *if the exception pursuant to subsection 1 never occurred.*

8 **Sec. 29. 1.** *The provisions of subsection 4 of section 26 of*
9 *this act do not apply to a public school designated as*
10 *demonstrating need for improvement for a fifth consecutive year*
11 *if:*

12 *(a) The school was designated as demonstrating need for*
13 *improvement for a fifth consecutive year pursuant to paragraph*
14 *(b) of subsection 4 of section 14 of this act; or*

15 *(b) The school was designated as demonstrating need for*
16 *improvement for a fifth consecutive year pursuant to paragraph*
17 *(a) of subsection 4 of section 14 of this act for failing to make*
18 *adequate yearly progress but the Department determines that the*
19 *failure is attributable to exceptional or uncontrollable*
20 *circumstances.*

21 **2.** *If an exception applies to a public school pursuant to*
22 *subsection 1 and:*

23 *(a) The school makes adequate yearly progress for a second*
24 *consecutive year and at least 60 percent of all pupils in all grades*
25 *enrolled at the school who took the examinations administered*
26 *pursuant to NRS 389.015 received an average score on those*
27 *examinations that is at least equal to the 26th percentile of the*
28 *national reference group to which the examinations were*
29 *compared, the designation of the school as demonstrating need for*
30 *improvement must be removed.*

31 *(b) The school fails to make adequate yearly progress in the*
32 *year immediately following the year in which the exception*
33 *applied or less than 60 percent of all pupils in all grades enrolled*
34 *at the school who took the examinations administered pursuant to*
35 *NRS 389.015 received an average score on those examinations*
36 *that is at least equal to the 26th percentile of the national*
37 *reference group to which the examinations were compared, the*
38 *Department shall designate the school as demonstrating need for*
39 *improvement for a sixth consecutive year and the school district or*
40 *the Department, as applicable, may proceed with restructuring as*
41 *if the exception pursuant to subsection 1 never occurred.*

42 **Sec. 30. 1.** *On or before January 1 of each year, the*
43 *Department shall determine whether each school district is*
44 *making adequate yearly progress, as defined by the State Board*
45 *pursuant to section 4 of this act. If a charter school is sponsored*



1 *by the board of trustees of a school district, the pupils who are*
2 *enrolled in the charter school must be included in the*
3 *determination made for that school district.*

4 *2. Except as otherwise provided in this subsection, the*
5 *Department shall determine that a school district has failed to*
6 *make adequate yearly progress if any subgroup of pupils identified*
7 *in paragraph (d) of subsection 1 of section 4 of this act who are*
8 *enrolled in the school district does not satisfy the annual*
9 *measurable objectives established by the State Board pursuant to*
10 *that section. To comply with 20 U.S.C. § 6311(b)(2)(I) and the*
11 *regulations adopted pursuant thereto, the State Board shall*
12 *prescribe by regulation the conditions under which a school*
13 *district shall be deemed to have made adequate yearly progress*
14 *even though a subgroup of pupils identified in paragraph (d) of*
15 *subsection 1 of section 4 of this act who are enrolled in the school*
16 *district did not satisfy the annual measurable objectives of the*
17 *State Board.*

18 *3. In addition to the provisions of subsection 2, the*
19 *Department shall determine that a school district has failed to*
20 *make adequate yearly progress if:*

21 *(a) The number of pupils enrolled in the school district who*
22 *took the examinations administered pursuant to NRS 389.015 and*
23 *389.550 is less than 95 percent of all pupils enrolled in the school*
24 *district who were required to take the examinations; or*

25 *(b) Except as otherwise provided in subsection 4, for each*
26 *subgroup of pupils identified in paragraph (d) of subsection 1 of*
27 *section 4 of this act, the number of pupils enrolled in the school*
28 *district who took the examinations administered pursuant to NRS*
29 *389.015 and 389.550 is less than 95 percent of all pupils in the*
30 *subgroup who were required to take the examinations.*

31 *4. If the number of pupils in a particular subgroup who are*
32 *enrolled in a school district is insufficient to yield statistically*
33 *reliable information:*

34 *(a) The Department shall not determine that the school district*
35 *has failed to make adequate yearly progress pursuant to*
36 *paragraph (b) of subsection 3 based solely upon that particular*
37 *subgroup.*

38 *(b) The pupils in such a subgroup must be included in the*
39 *overall count of pupils enrolled in the school district who took the*
40 *examinations.*

41 *The State Board shall prescribe the mechanism for determining*
42 *the minimum number of pupils that must be in a subgroup for that*
43 *subgroup to yield statistically reliable information.*



1 **Sec. 31. 1.** *The Department shall designate, on or before*
2 *January 1 of each year, each school district pursuant to section 32*
3 *of this act.*

4 2. *If the Department determines that a school district is*
5 *demonstrating need for improvement, the Department shall issue a*
6 *preliminary designation for that school district on January 1.*
7 *Before making a final designation for a school district, the*
8 *Department shall provide the school district an opportunity to*
9 *review the data upon which the proposed designation is based and*
10 *to present evidence as set forth in 20 U.S.C. § 6316(c)(5) and the*
11 *regulations adopted pursuant thereto. Not later than 30 days after*
12 *providing the school district an opportunity to review the data, the*
13 *Department shall make a final determination concerning the*
14 *designation of the school district.*

15 3. *On or before February 1 of each year, the Department*
16 *shall provide written notice of the determinations made pursuant*
17 *to section 30 of this act and the final designations made pursuant*
18 *to section 32 of this act as follows:*

19 (a) *The determinations made for all school districts in this*
20 *state to the:*

- 21 (1) *Governor;*
- 22 (2) *State Board;*
- 23 (3) *Committee; and*
- 24 (4) *Bureau.*

25 (b) *The determination made for a school district to the:*

- 26 (1) *Superintendent of schools of the school district; and*
- 27 (2) *Board of trustees of the school district.*

28 4. *On or before February 1 of each year, the Department*
29 *shall make public the results of the review of school districts*
30 *pursuant to this section and disseminate the results to school*
31 *personnel, parents and guardians, pupils and members of the*
32 *general public. The publication and distribution must be made in*
33 *the manner set forth in 20 U.S.C. § 6316(c)(1) and the regulations*
34 *adopted pursuant thereto.*

35 **Sec. 32. 1.** *Except as otherwise provided in paragraph (b)*
36 *of subsection 4, a school district must be designated as*
37 *demonstrating exemplary achievement if:*

38 (a) *The school district makes adequate yearly progress, as*
39 *determined by the Department pursuant to section 30 of this act;*
40 *and*

41 (b) *At least 50 percent of all pupils in all grades enrolled in*
42 *public schools in the school district who took the examinations*
43 *administered pursuant to NRS 389.015 received an average score*
44 *on those examinations that is at least equal to the 76th percentile*



1 of the national reference group to which the examinations were
2 compared.

3 2. Except as otherwise provided in paragraph (b) of
4 subsection 4, a school district must be designated as demonstrating
5 high achievement if:

6 (a) The school district makes adequate yearly progress, as
7 determined by the Department pursuant to section 30 of this act;
8 and

9 (b) At least 40 percent of all pupils in all grades enrolled in
10 public schools in the school district who took the examinations
11 administered pursuant to NRS 389.015 received an average score
12 on those examinations that is at least equal to the 76th percentile
13 of the national reference group to which the examinations were
14 compared.

15 3. Except as otherwise provided in paragraph (b) of
16 subsection 4, a school district must be designated as demonstrating
17 adequate achievement if:

18 (a) The school district makes adequate yearly progress, as
19 determined by the Department pursuant to section 30 of this act;
20 and

21 (b) At least 60 percent of all pupils in all grades enrolled in
22 public schools in the school district who took the examinations
23 administered pursuant to NRS 389.015 received an average score
24 on those examinations that is at least equal to the 26th percentile
25 of the national reference group to which the examinations were
26 compared.

27 4. A school district must be designated as demonstrating need
28 for improvement if:

29 (a) The school district fails to make adequate yearly progress,
30 as determined by the Department pursuant to section 30 of this
31 act, or less than 60 percent of all pupils in all grades enrolled in
32 the school district who took the examinations administered
33 pursuant to NRS 389.015 received an average score on those
34 examinations that is at least equal to the 26th percentile of the
35 national reference group to which the examinations were
36 compared; or

37 (b) The school district makes adequate yearly progress, as
38 determined by the Department pursuant to section 30 of this act,
39 but was designated as demonstrating need for improvement
40 pursuant to paragraph (a) in the immediately preceding year for
41 failing to make adequate yearly progress.

42 5. If a school district is designated as demonstrating need for
43 improvement pursuant to paragraph (a) of subsection 4, the
44 designation of the school district as demonstrating need for
45 improvement must not be removed until:



1 (a) *The school district has made adequate yearly progress for 2*
2 *consecutive years; and*

3 (b) *At least 60 percent of all pupils in all grades enrolled in the*
4 *school who take the examinations administered pursuant to NRS*
5 *389.015 receive an average score on those examinations that is at*
6 *least equal to the 26th percentile of the national reference group*
7 *to which the examinations were compared.*

8 **Sec. 33. 1.** *If a school district is designated as*
9 *demonstrating need for improvement pursuant to section 32 of this*
10 *act, the Department shall provide notice of the designation to the*
11 *parents and guardians of pupils enrolled in the school district on*
12 *the form prescribed by the Department pursuant to section 36 of*
13 *this act. The State Board shall prescribe by regulation the time by*
14 *which such notice must be provided.*

15 2. *If a school district is designated as demonstrating need for*
16 *improvement pursuant to section 32 of this act, the Department*
17 *and any other entity authorized by the Department, including,*
18 *without limitation, the Bureau, shall provide technical assistance*
19 *to the school district in the manner set forth in 20 U.S.C. §*
20 *6316(c)(9) and the regulations adopted pursuant thereto.*

21 3. *Except as otherwise provided in section 35 of this act, after*
22 *providing technical assistance pursuant to subsection 2, the*
23 *Department may take corrective action in the manner set forth in*
24 *20 U.S.C. § 6316(c)(10) and the regulations adopted pursuant*
25 *thereto against a school district that is designated as*
26 *demonstrating need for improvement, including, without*
27 *limitation, a school district that is not a Title I school district.*

28 4. *Except as otherwise provided in section 35 of this act, if a*
29 *Title I school district is designated as demonstrating need for*
30 *improvement for a third consecutive year, the Department shall*
31 *take corrective action as set forth in 20 U.S.C. § 6316(c)(10) and*
32 *the regulations adopted pursuant thereto against the school*
33 *district.*

34 **Sec. 34. 1.** *If corrective action for a school district is*
35 *required pursuant to 20 U.S.C. § 6316(c)(10) or if the Department*
36 *determines that corrective action is appropriate for a school*
37 *district pursuant to subsection 3 of section 33 of this act, the*
38 *Department shall take one or more of the following corrective*
39 *actions:*

40 (a) *Deferring money for programs or reducing money for*
41 *administrative purposes.*

42 (b) *Instituting and fully carrying out a new curriculum that is*
43 *based upon the standards of content and performance adopted by*
44 *the State Board pursuant to NRS 389.520, including, without*



1 *limitation, the provision of appropriate professional development*
2 *relating to the new curriculum.*

3 (c) *Replacing employees of the school district if the*
4 *Department determines that those employees contributed to the*
5 *failure of the school district to make adequate yearly progress.*

6 (d) *Removing particular schools within the school district from*
7 *the jurisdiction of the school district and establishing an*
8 *alternative system of governance and supervision for those*
9 *schools.*

10 (e) *Appointing a receiver or trustee to administer the affairs of*
11 *the school district.*

12 (f) *Taking appropriate steps to abolish the school district,*
13 *including, without limitation, making recommendations to the*
14 *Legislature for revisions to applicable statutes to abolish*
15 *the school district.*

16 (g) *Authorizing pupils to transfer from schools operated by the*
17 *school district to schools operated by another school district that*
18 *are not designated as demonstrating need for improvement.*

19 2. *Before carrying out corrective action pursuant to this*
20 *section, the Department shall provide notice to the board of*
21 *trustees of the school district and an opportunity for a hearing.*
22 *The Department shall continue to provide technical assistance*
23 *pursuant to subsection 2 of section 33 of this act during the time*
24 *that the corrective action is carried out.*

25 3. *If corrective action is taken against a school district*
26 *pursuant to this section, the Department shall, not later than 10*
27 *days after the corrective action is taken, provide notice to the*
28 *parents and guardians of pupils enrolled in the school district, the*
29 *Governor, the Committee, the Bureau and the general public*
30 *concerning the corrective action. The notice must comply with 20*
31 *U.S.C. § 6316(c)(10).*

32 **Sec. 35. 1.** *If a school district is designated as*
33 *demonstrating need for improvement pursuant to section 32 of this*
34 *act for a third consecutive year, the corrective action authorized by*
35 *subsection 3 of section 33 of this act and the corrective action*
36 *required by subsection 4 of section 33 of this act must not be*
37 *carried out against the school district if:*

38 (a) *The school district was designated as demonstrating need*
39 *for improvement for a third consecutive year pursuant to*
40 *paragraph (b) of subsection 4 of section 32 of this act; or*

41 (b) *The school district was designated as demonstrating need*
42 *for improvement for a third consecutive year pursuant to*
43 *paragraph (a) of subsection 4 of section 32 of this act for failing to*
44 *make adequate yearly progress but the Department determines*



1 *that the failure is attributable to exceptional or uncontrollable*
2 *circumstances.*

3 *2. If an exception applies to a school district pursuant to*
4 *subsection 1 and the school district:*

5 *(a) Makes adequate yearly progress for a second consecutive*
6 *year and at least 60 percent of all pupils in all grades enrolled in*
7 *public schools in the school district who took the examinations*
8 *administered pursuant to NRS 389.015 received an average score*
9 *on those examinations that is at least equal to the 26th percentile*
10 *of the national reference group to which the examinations were*
11 *compared, the designation of the school district as demonstrating*
12 *need for improvement must be removed.*

13 *(b) Fails to make adequate yearly progress in the year*
14 *immediately following the year in which the exception applied or*
15 *less than 60 percent of all pupils in all grades enrolled in public*
16 *schools in the school district who took the examinations*
17 *administered pursuant to NRS 389.015 received an average score*
18 *on those examinations that is at least equal to the 26th percentile*
19 *of the national reference group to which the examinations were*
20 *compared, the Department shall designate the school district as*
21 *demonstrating need for improvement for a fourth consecutive year*
22 *and:*

23 *(1) The corrective action authorized by subsection 3 of*
24 *section 33 of this act may be carried out against the school district*
25 *as if the exception pursuant to subsection 1 never occurred; or*

26 *(2) The corrective action required by subsection 4 of section*
27 *33 of this act this act must be carried out against the school*
28 *district as if the exception pursuant to subsection 1 never*
29 *occurred.*

30 **Sec. 36. 1.** *The Department shall prescribe a form for*
31 *notice to parents and guardians pursuant to section 15 of this act*
32 *concerning the designation of a public school as demonstrating*
33 *need for improvement for its first year of designation. The notice*
34 *must comply with 20 U.S.C. § 6316(b)(6) and the regulations*
35 *adopted pursuant thereto, excluding the provisions regarding*
36 *public school choice.*

37 **2.** *The Department shall prescribe a form for notice to*
38 *parents and guardians of pupils who are enrolled in Title I schools*
39 *and a form for notice to parents and guardians of pupils who are*
40 *not enrolled in Title I schools concerning the designation of a*
41 *public school as demonstrating need for improvement for 2 or*
42 *more consecutive years. The form prescribed for parents and*
43 *guardians of pupils enrolled in Title I schools must include the*
44 *provisions required by 20 U.S.C. § 6316(b)(6) concerning school*
45 *choice.*



1 3. *The Department shall prescribe a form for notice to*
2 *parents and guardians pursuant to section 33 of this act*
3 *concerning the designation of a school district as demonstrating*
4 *need for improvement. The notice must comply with 20 U.S.C. §*
5 *6316(b)(6) and the regulations adopted pursuant thereto.*

6 **Sec. 37. 1.** *The Department shall select, in the manner set*
7 *forth in 20 U.S.C. § 6316(e) and the regulations adopted pursuant*
8 *thereto, providers of supplemental educational services that must*
9 *be used by Title I schools designated as demonstrating need for*
10 *improvement pursuant to sections 20, 22 and 26 of this act. In*
11 *making a selection of providers, the Department shall consider the*
12 *recommendations submitted by the Committee pursuant to*
13 *NRS 218.5354.*

14 2. *The Department shall maintain an updated list of approved*
15 *providers throughout this state, categorized by the school districts*
16 *in which the supplemental educational services are offered.*

17 **Sec. 38.** NRS 385.007 is hereby amended to read as follows:

18 385.007 As used in this title, unless the context otherwise
19 requires:

20 1. "Charter school" means a public school that is formed
21 pursuant to the provisions of NRS 386.500 to 386.610, inclusive ~~4~~,
22 *and section 46 of this act.*

23 2. "Department" means the Department of Education.

24 3. *"Limited English proficient" has the meaning ascribed to*
25 *it in 20 U.S.C. § 7801(25).*

26 4. "Public schools" means all kindergartens and elementary
27 schools, junior high schools and middle schools, high schools,
28 charter schools and any other schools, classes and educational
29 programs which receive their support through public taxation and,
30 except for charter schools, whose textbooks and courses of study are
31 under the control of the State Board.

32 ~~4~~ 5. "State Board" means the State Board of Education.

33 **Sec. 39.** NRS 385.230 is hereby amended to read as follows:

34 385.230 1. The Superintendent of Public Instruction shall
35 report to the Governor biennially, on or before December 1, in the
36 year immediately preceding a regular session of the Legislature
37 concerning matters relating to education in this state ~~4~~, *including,*
38 *without limitation, an analysis of each annual report of*
39 *accountability prepared by the State Board pursuant to section 6*
40 *of this act in the immediately preceding 2 years.*

41 2. The Superintendent of Public Instruction shall report to the
42 Legislature during each regular session of the Legislature
43 concerning matters relating to education in this state ~~4~~, *including,*
44 *without limitation, an analysis of each annual report of*



1 *accountability prepared by the State Board pursuant to section 6*
2 *of this act in the immediately preceding 2 years.*

3 **Sec. 40.** NRS 385.3455 is hereby amended to read as follows:
4 385.3455 As used in NRS 385.3455 to 385.391, inclusive, *and*
5 *sections 2 to 37, inclusive, of this act*, unless the context otherwise
6 requires, the words and terms defined in NRS 385.346 and 385.3465
7 *and sections 2 and 3 of this act* have the meanings ascribed to them
8 in those sections.

9 **Sec. 41.** NRS 385.347 is hereby amended to read as follows:
10 385.347 1. The board of trustees of each school district in
11 this state, in cooperation with associations recognized by the State
12 Board as representing licensed personnel in education in the district,
13 shall adopt a program providing for the accountability of the school
14 district to the residents of the district and to the State Board for the
15 quality of the schools and the educational achievement of the pupils
16 in the district, including, without limitation, pupils enrolled in
17 charter schools in the school district. The board of trustees of a
18 school district shall report the information required by subsection 2
19 for each charter school within the school district, regardless of the
20 sponsor of the charter school.

21 2. The board of trustees of each school district shall, on or
22 before ~~[March 31]~~ *April 1* of each year, ~~[report to the residents of~~
23 ~~the district]~~ *prepare an annual report of accountability* concerning:

24 (a) The educational goals and objectives of the school district.

25 (b) Pupil achievement for ~~[grades 4, 8, 10 and 11 for]~~ each
26 school in the district and the district as a whole, including, without
27 limitation, each charter school in the district. ~~[Unless otherwise~~
28 ~~directed by the Department, the]~~ *The* board of trustees of the district
29 shall base its report on the results of the examinations administered
30 pursuant to NRS 389.015 *and 389.550* and shall compare the results
31 of those examinations for the current school year with those of
32 previous school years. The report must include, for each school in
33 the district, including, without limitation, each charter school in the
34 district, and each grade in which the examinations were
35 administered:

36 (1) The number of pupils who took the examinations;

37 (2) An explanation of instances in which a school was
38 exempt from administering or a pupil was exempt from taking an
39 examination; ~~[and]~~

40 (3) A record of attendance for the period in which the
41 examinations were administered, including an explanation of any
42 difference in the number of pupils who took the examinations and
43 the number of pupils who are enrolled in the school ~~[-~~

44 ~~In addition, the board shall also report the results of other~~
45 ~~examinations of pupil achievement administered to pupils in the~~



1 ~~school district in grades other than 4, 8, 10 and 11. The results of~~
2 ~~these examinations for the current school year must be compared~~
3 ~~with those of previous school years.];~~

4 (4) Except as otherwise provided in this paragraph, pupil
5 achievement, reported separately by gender and reported
6 separately for the following subgroups of pupils:

7 (I) Pupils who are economically disadvantaged, as
8 defined by the State Board;

9 (II) Pupils from major racial and ethnic groups, as
10 defined by the State Board;

11 (III) Pupils with disabilities;

12 (IV) Pupils who are limited English proficient; and

13 (V) Pupils who are migratory children, as defined by the
14 State Board;

15 (5) A comparison of the achievement of pupils in each
16 subgroup identified in paragraph (d) of subsection 1 of section 4
17 of this act with the annual measurable objectives of the State
18 Board for that subgroup established pursuant to that section;

19 (6) The percentage of pupils who were not tested;

20 (7) Except as otherwise provided in this paragraph, the
21 percentage of pupils who were not tested, reported separately by
22 gender and reported separately for the subgroups identified in
23 subparagraph (4);

24 (8) The most recent 3-year trend in pupil achievement in
25 each subject area tested and each grade level tested pursuant to
26 NRS 389.015 and 389.550, which may include information
27 regarding the trend in the achievement of pupils for more than 3
28 years, if such information is available;

29 (9) Information that compares the results of pupils in the
30 school district, including, without limitation, pupils enrolled in
31 charter schools in the district, with the results of pupils
32 throughout this state. The information required by this
33 subparagraph must be provided in consultation with the
34 Department to ensure the accuracy of the comparison; and

35 (10) For each school in the district, including, without
36 limitation, each charter school in the district, information that
37 compares the results of pupils in the school with the results of
38 pupils throughout the school district and throughout this state.
39 The information required by this subparagraph must be provided
40 in consultation with the Department to ensure the accuracy of the
41 comparison.

42 A separate reporting for a subgroup of pupils must not be made
43 pursuant to this paragraph if the number of pupils in that
44 subgroup is insufficient to yield statistically reliable information
45 or the results would reveal personally identifiable information



1 *about an individual pupil. The State Board shall prescribe the*
2 *mechanism for determining the minimum number of pupils that*
3 *must be in a subgroup for that subgroup to yield statistically*
4 *reliable information.*

5 (c) The ratio of pupils to teachers in kindergarten and at each
6 grade level for each elementary school in the district and the district
7 as a whole, including, without limitation, each charter school in the
8 district, *and* the average class size for each ~~[required course of~~
9 ~~study]~~ *core academic subject, as set forth in NRS 389.018*, for each
10 secondary school in the district and the district as a whole,
11 including, without limitation, each charter school in the district . ~~†~~
12 ~~and other data concerning licensed and unlicensed employees of the~~
13 ~~school district.~~

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

19 (d) *Information on the professional qualifications of teachers*
20 *employed by each school in the district, including, without*
21 *limitation, each charter school in the district. The information*
22 *must include, without limitation:*

23 (1) *The percentage of teachers who are:*

24 (I) *Providing instruction pursuant to NRS 391.125;*

25 (II) *Providing instruction pursuant to a waiver of the*
26 *requirements for licensure for the grade level or subject area in*
27 *which the teachers are employed; or*

28 (III) *Otherwise providing instruction without an*
29 *endorsement for the subject area in which the teachers are*
30 *employed;*

31 (2) *The percentage of classes in the core academic subjects,*
32 *as set forth in NRS 389.018, that are not taught by highly qualified*
33 *teachers; and*

34 (3) *The percentage of classes in the core academic subjects,*
35 *as set forth in NRS 389.018, that are not taught by highly qualified*
36 *teachers in schools that are:*

37 (I) *In the top quartile of poverty in the district; and*

38 (II) *In the bottom quartile of poverty in the district.*

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

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

43 (1) Any special programs for pupils at an individual school;
44 and



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

3 (g) Records of the attendance and truancy of pupils in all grades,
4 including, without limitation ~~[, the]~~ :

5 (1) *The* average daily attendance of pupils, for each school in
6 the district and the district as a whole, including, without limitation,
7 each charter school in the district.

8 (2) *For each elementary school, middle school and junior*
9 *high school in the district, including, without limitation, each*
10 *charter school in the district that provides instruction to pupils*
11 *enrolled in a grade level other than high school, information that*
12 *compares the attendance of the pupils enrolled in the school with*
13 *the attendance of pupils throughout the district and throughout*
14 *this state. The information required by this subparagraph must be*
15 *provided in consultation with the Department to ensure the*
16 *accuracy of the comparison.*

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

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

22 (2) Are enrolled in courses that are approved by the
23 Department as meeting the requirements for an adult standard
24 diploma.

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

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

29 (j) Efforts made by the school district and by each school in the
30 district, including, without limitation, each charter school in the
31 district, to increase:

32 (1) Communication with the parents of pupils in the district;
33 and

34 (2) The participation of parents in the educational process
35 and activities relating to the school district and each school,
36 including, without limitation, the existence of parent organizations
37 and school advisory committees.

38 (k) Records of incidents involving weapons or violence for each
39 school in the district, including, without limitation, each charter
40 school in the district.

41 (l) Records of incidents involving the use or possession of
42 alcoholic beverages or controlled substances for each school in the
43 district, including, without limitation, each charter school in the
44 district.



- 1 (m) Records of the suspension and expulsion of pupils required
2 or authorized pursuant to NRS 392.466 and 392.467.
- 3 (n) The number of pupils who are deemed habitual disciplinary
4 problems pursuant to NRS 392.4655, for each school in the district
5 and the district as a whole, including, without limitation, each
6 charter school in the district.
- 7 (o) The number of pupils in each grade who are retained in the
8 same grade pursuant to NRS ~~392.033~~ or 392.125, for each school in
9 the district and the district as a whole, including, without limitation,
10 each charter school in the district.
- 11 (p) The transiency rate of pupils for each school in the district
12 and the district as a whole, including, without limitation, each
13 charter school in the district. For the purposes of this paragraph, a
14 pupil is not transient if he is transferred to a different school within
15 the school district as a result of a change in the zone of attendance
16 by the board of trustees of the school district pursuant to
17 NRS 388.040.
- 18 (q) Each source of funding for the school district.
- 19 (r) The amount and sources of money received for remedial
20 education for each school in the district and the district as a whole,
21 including, without limitation, each charter school in the district.
- 22 (s) For each high school in the district, including, without
23 limitation, each charter school in the district, the percentage of
24 pupils who graduated from that high school or charter school in the
25 immediately preceding year and enrolled in remedial courses in
26 reading, writing or mathematics at a university or community
27 college within the University and Community College System of
28 Nevada.
- 29 (t) The technological facilities and equipment available at each
30 school, including, without limitation, each charter school, and the
31 district's plan to incorporate educational technology at each school.
- 32 (u) For each school in the district and the district as a whole,
33 including, without limitation, each charter school in the district, the
34 number and percentage of pupils who ~~[graduate with:]~~ **received:**
- 35 (1) A standard high school diploma.
36 (2) An adjusted diploma.
37 (3) A certificate of attendance.
- 38 (v) For each school in the district and the district as a whole,
39 including, without limitation, each charter school in the district, the
40 number and percentage of pupils who did not receive a high school
41 diploma because the pupils failed to pass the high school
42 proficiency examination.
- 43 (w) The number of habitual truants who are reported to a school
44 police officer or law enforcement agency pursuant to paragraph (a)
45 of subsection 2 of NRS 392.144 and the number of habitual truants



1 who are referred to an advisory board to review school attendance
2 pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each
3 school in the district and for the district as a whole.

4 (x) The amount and sources of money received for the training
5 and professional development of teachers and other educational
6 personnel for each school in the district and for the district as a
7 whole, including, without limitation, each charter school in the
8 district.

9 (y) *Whether the school district has made adequate yearly*
10 *progress. If the school district has been designated as*
11 *demonstrating need for improvement pursuant to section 32 of this*
12 *act, the report must include a statement indicating the number of*
13 *consecutive years the school district has carried that designation.*

14 (z) *Information on whether each public school in the district,*
15 *including, without limitation, each charter school in the district,*
16 *has made adequate yearly progress, including, without limitation:*

17 (1) *The number and percentage of schools in the district, if*
18 *any, that have been designated as needing improvement pursuant*
19 *to section 14 of this act; and*

20 (2) *The name of each school, if any, in the district that has*
21 *been designated as needing improvement pursuant to section 14 of*
22 *this act and the number of consecutive years that the school has*
23 *carried that designation.*

24 (aa) *Information on the paraprofessionals employed by each*
25 *public school in the district, including, without limitation, each*
26 *charter school in the district. The information must include:*

27 (1) *The number of paraprofessionals employed at the*
28 *school; and*

29 (2) *Whether each paraprofessional employed at the school*
30 *holds a certificate issued pursuant to section 88 of this act.*

31 (bb) *For each high school in the district, including, without*
32 *limitation, each charter school that operates as a high school,*
33 *information that provides a comparison of the rate of graduation*
34 *of pupils enrolled in the high school with the rate of graduation of*
35 *pupils throughout the district and throughout this state. The*
36 *information required by this paragraph must be provided in*
37 *consultation with the Department to ensure the accuracy of the*
38 *comparison.*

39 (cc) *An identification of the appropriations made by the*
40 *Legislature that are available to the school district or the schools*
41 *within the district and programs approved by the Legislature to*
42 *improve the academic achievement of pupils.*

43 (dd) Such other information as is directed by the Superintendent
44 of Public Instruction.



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

8 (a) Acquisition of knowledge or skills relating to the
9 professional development of the teacher; or

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

12 4. *The annual report of accountability prepared pursuant to*
13 *subsection 2 must:*

14 (a) *Comply with 20 U.S.C. § 6311(h)(2) and the regulations*
15 *adopted pursuant thereto;*

16 (b) *Be prepared in a concise manner; and*

17 (c) *Be presented in an understandable and uniform format*
18 *and to the extent practicable, provided in a language that parents*
19 *can understand.*

20 5. The Superintendent of Public Instruction shall:

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

23 (b) Provide statistical information and technical assistance to the
24 school districts to ensure that the reports provide comparable
25 information with respect to each school in each district and among
26 the districts ~~{ }~~ *throughout this state.*

27 (c) Consult with a representative of the:

- 28 (1) Nevada State Education Association;
- 29 (2) Nevada Association of School Boards;
- 30 (3) Nevada Association of School Administrators;
- 31 (4) Nevada Parent ~~{ Teachers }~~ *Teacher* Association;
- 32 (5) Budget Division of the Department of Administration;

33 and

34 (6) Legislative Counsel Bureau,
35 concerning the program and consider any advice or
36 recommendations submitted by the representatives with respect to
37 the program.

38 ~~{5}~~ 6. The Superintendent of Public Instruction may consult
39 with representatives of parent groups other than the Nevada Parent
40 Teachers Association concerning the program and consider any
41 advice or recommendations submitted by the representatives with
42 respect to the program.

43 ~~{6}~~ 7. On or before April ~~{15}~~ 1 of each year, the board of
44 trustees of each school district shall submit to ~~{each}~~ :



1 (a) *Each* advisory board to review school attendance created in
2 the county pursuant to NRS 392.126 the information required in
3 paragraph (g) of subsection 2.

4 (b) *The Commission on Educational Technology created by*
5 *NRS 388.790 the information prepared by the board of trustees*
6 *pursuant to paragraph (t) of subsection 2.*

7 8. *On or before April 1 of each year, the board of trustees of*
8 *each school district shall:*

9 (a) *Submit the report required pursuant to subsection 2 to the:*

- 10 (1) *Governor;*
- 11 (2) *State Board;*
- 12 (3) *Department;*
- 13 (4) *Committee; and*
- 14 (5) *Bureau.*

15 (b) *Provide for public dissemination of the annual report of*
16 *accountability prepared pursuant to subsection 2 in the manner*
17 *set forth in 20 U.S.C. § 6311(h)(2)(E) to the schools in the school*
18 *district, including, without limitation, each charter school in the*
19 *district, the residents of the district, and the parents and guardians*
20 *of pupils enrolled in schools in the district, including, without*
21 *limitation, each charter school in the district.*

22 9. *As used in this section, "highly qualified" has the meaning*
23 *ascribed to it in 20 U.S.C. § 7801(23).*

24 **Sec. 42.** NRS 385.347 is hereby amended to read as follows:

25 385.347 1. The board of trustees of each school district in
26 this state, in cooperation with associations recognized by the State
27 Board as representing licensed personnel in education in the district,
28 shall adopt a program providing for the accountability of the school
29 district to the residents of the district and to the State Board for the
30 quality of the schools and the educational achievement of the pupils
31 in the district, including, without limitation, pupils enrolled in
32 charter schools in the school district. The board of trustees of a
33 school district shall report the information required by subsection 2
34 for each charter school within the school district, regardless of the
35 sponsor of the charter school.

36 2. The board of trustees of each school district shall, on or
37 before April 1 of each year, prepare an annual report of
38 accountability concerning:

- 39 (a) The educational goals and objectives of the school district.
- 40 (b) Pupil achievement for each school in the district and the
41 district as a whole, including, without limitation, each charter school
42 in the district. The board of trustees of the district shall base its
43 report on the results of the examinations administered pursuant to
44 NRS 389.015 ~~and 389.550~~ and shall compare the results of those
45 examinations for the current school year with those of previous



1 school years. The report must include, for each school in the district,
2 including, without limitation, each charter school in the district, and
3 each grade in which the examinations were administered:

4 (1) The number of pupils who took the examinations;

5 (2) An explanation of instances in which a school was
6 exempt from administering or a pupil was exempt from taking an
7 examination;

8 (3) A record of attendance for the period in which the
9 examinations were administered, including an explanation of any
10 difference in the number of pupils who took the examinations and
11 the number of pupils who are enrolled in the school;

12 (4) Except as otherwise provided in this paragraph, pupil
13 achievement, reported separately by gender and reported separately
14 for the following subgroups of pupils:

15 (I) Pupils who are economically disadvantaged, as
16 defined by the State Board;

17 (II) Pupils from major racial and ethnic groups, as defined
18 by the State Board;

19 (III) Pupils with disabilities;

20 (IV) Pupils who are limited English proficient; and

21 (V) Pupils who are migratory children, as defined by the
22 State Board;

23 (5) A comparison of the achievement of pupils in each
24 subgroup identified in paragraph (d) of subsection 1 of section 4 of
25 this act with the annual measurable objectives of the State Board for
26 that subgroup established pursuant to that section;

27 (6) The percentage of pupils who were not tested;

28 (7) Except as otherwise provided in this paragraph, the
29 percentage of pupils who were not tested, reported separately by
30 gender and reported separately for the subgroups identified in
31 subparagraph (4);

32 (8) The most recent 3-year trend in pupil achievement in
33 each subject area tested and each grade level tested pursuant to NRS
34 389.015, ~~and 389.550,~~ which may include information regarding
35 the trend in the achievement of pupils for more than 3 years, if such
36 information is available;

37 (9) Information that compares the results of pupils in the
38 school district, including, without limitation, pupils enrolled in
39 charter schools in the district, with the results of pupils throughout
40 this state. The information required by this subparagraph must be
41 provided in consultation with the Department to ensure the accuracy
42 of the comparison; and

43 (10) For each school in the district, including, without
44 limitation, each charter school in the district, information that
45 compares the results of pupils in the school with the results of pupils



1 throughout the school district and throughout this state. The
2 information required by this subparagraph must be provided in
3 consultation with the Department to ensure the accuracy of the
4 comparison.

5 A separate reporting for a subgroup of pupils must not be made
6 pursuant to this paragraph if the number of pupils in that subgroup is
7 insufficient to yield statistically reliable information or the results
8 would reveal personally identifiable information about an individual
9 pupil. The State Board shall prescribe the mechanism for
10 determining the minimum number of pupils that must be in a
11 subgroup for that subgroup to yield statistically reliable information.

12 (c) The ratio of pupils to teachers in kindergarten and at each
13 grade level for each elementary school in the district and the district
14 as a whole, including, without limitation, each charter school in the
15 district, and the average class size for each core academic subject, as
16 set forth in NRS 389.018, for each secondary school in the district
17 and the district as a whole, including, without limitation, each
18 charter school in the district.

19 (d) Information on the professional qualifications of teachers
20 employed by each school in the district, including, without
21 limitation, each charter school in the district. The information must
22 include, without limitation:

23 (1) The percentage of teachers who are:

24 (I) Providing instruction pursuant to NRS 391.125;

25 (II) Providing instruction pursuant to a waiver of the
26 requirements for licensure for the grade level or subject area in
27 which the teachers are employed; or

28 (III) Otherwise providing instruction without an
29 endorsement for the subject area in which the teachers are
30 employed;

31 (2) The percentage of classes in the core academic subjects,
32 as set forth in NRS 389.018, that are not taught by highly qualified
33 teachers; and

34 (3) The percentage of classes in the core academic subjects,
35 as set forth in NRS 389.018, that are not taught by highly qualified
36 teachers in schools that are:

37 (I) In the top quartile of poverty in the district; and

38 (II) In the bottom quartile of poverty in the district.

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

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

43 (1) Any special programs for pupils at an individual school;
44 and



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

3 (g) Records of the attendance and truancy of pupils in all grades,
4 including, without limitation:

5 (1) The average daily attendance of pupils, for each school in
6 the district and the district as a whole, including, without limitation,
7 each charter school in the district.

8 (2) For each elementary school, middle school and junior
9 high school in the district, including, without limitation, each charter
10 school in the district that provides instruction to pupils enrolled in a
11 grade level other than high school, information that compares the
12 attendance of the pupils enrolled in the school with the attendance of
13 pupils throughout the district and throughout this state. The
14 information required by this subparagraph must be provided in
15 consultation with the Department to ensure the accuracy of the
16 comparison.

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

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

22 (2) Are enrolled in courses that are approved by the
23 Department as meeting the requirements for an adult standard
24 diploma.

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

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

29 (j) Efforts made by the school district and by each school in the
30 district, including, without limitation, each charter school in the
31 district, to increase:

32 (1) Communication with the parents of pupils in the district;
33 and

34 (2) The participation of parents in the educational process
35 and activities relating to the school district and each school,
36 including, without limitation, the existence of parent organizations
37 and school advisory committees.

38 (k) Records of incidents involving weapons or violence for each
39 school in the district, including, without limitation, each charter
40 school in the district.

41 (l) Records of incidents involving the use or possession of
42 alcoholic beverages or controlled substances for each school in the
43 district, including, without limitation, each charter school in the
44 district.



- 1 (m) Records of the suspension and expulsion of pupils required
2 or authorized pursuant to NRS 392.466 and 392.467.
- 3 (n) The number of pupils who are deemed habitual disciplinary
4 problems pursuant to NRS 392.4655, for each school in the district
5 and the district as a whole, including, without limitation, each
6 charter school in the district.
- 7 (o) The number of pupils in each grade who are retained in the
8 same grade pursuant to NRS 392.033 or 392.125, for each school in
9 the district and the district as a whole, including, without limitation,
10 each charter school in the district.
- 11 (p) The transiency rate of pupils for each school in the district
12 and the district as a whole, including, without limitation, each
13 charter school in the district. For the purposes of this paragraph, a
14 pupil is not transient if he is transferred to a different school within
15 the school district as a result of a change in the zone of attendance
16 by the board of trustees of the school district pursuant to
17 NRS 388.040.
- 18 (q) Each source of funding for the school district.
- 19 (r) The amount and sources of money received for remedial
20 education for each school in the district and the district as a whole,
21 including, without limitation, each charter school in the district.
- 22 (s) For each high school in the district, including, without
23 limitation, each charter school in the district, the percentage of
24 pupils who graduated from that high school or charter school in the
25 immediately preceding year and enrolled in remedial courses in
26 reading, writing or mathematics at a university or community
27 college within the University and Community College System of
28 Nevada.
- 29 (t) The technological facilities and equipment available at each
30 school, including, without limitation, each charter school, and the
31 district's plan to incorporate educational technology at each school.
- 32 (u) For each school in the district and the district as a whole,
33 including, without limitation, each charter school in the district, the
34 number and percentage of pupils who received:
- 35 (1) A standard high school diploma.
36 (2) An adjusted diploma.
37 (3) A certificate of attendance.
- 38 (v) For each school in the district and the district as a whole,
39 including, without limitation, each charter school in the district, the
40 number and percentage of pupils who did not receive a high
41 school diploma because the pupils failed to pass the high school
42 proficiency examination.
- 43 (w) The number of habitual truants who are reported to a school
44 police officer or law enforcement agency pursuant to paragraph (a)
45 of subsection 2 of NRS 392.144 and the number of habitual truants



1 who are referred to an advisory board to review school attendance
2 pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each
3 school in the district and for the district as a whole.

4 (x) The amount and sources of money received for the training
5 and professional development of teachers and other educational
6 personnel for each school in the district and for the district as a
7 whole, including, without limitation, each charter school in the
8 district.

9 (y) Whether the school district has made adequate yearly
10 progress. If the school district has been designated as demonstrating
11 need for improvement pursuant to section 32 of this act, the report
12 must include a statement indicating the number of consecutive years
13 the school district has carried that designation.

14 (z) Information on whether each public school in the district,
15 including, without limitation, each charter school in the district, has
16 made adequate yearly progress, including, without limitation:

17 (1) The number and percentage of schools in the district, if
18 any, that have been designated as needing improvement pursuant to
19 section 14 of this act; and

20 (2) The name of each school, if any, in the district that has
21 been designated as needing improvement pursuant to section 14 of
22 this act and the number of consecutive years that the school has
23 carried that designation.

24 (aa) Information on the paraprofessionals employed by each
25 public school in the district, including, without limitation, each
26 charter school in the district. The information must include:

27 (1) The number of paraprofessionals employed at the school;
28 and

29 (2) Whether each paraprofessional employed at the school
30 holds a certificate issued pursuant to section 88 of this act.

31 (bb) For each high school in the district, including, without
32 limitation, each charter school that operates as a high school,
33 information that provides a comparison of the rate of graduation of
34 pupils enrolled in the high school with the rate of graduation of
35 pupils throughout the district and throughout this state. The
36 information required by this paragraph must be provided in
37 consultation with the Department to ensure the accuracy of the
38 comparison.

39 (cc) An identification of the appropriations made by the
40 Legislature that are available to the school district or the schools
41 within the district and programs approved by the Legislature to
42 improve the academic achievement of pupils.

43 (dd) Such other information as is directed by the Superintendent
44 of Public Instruction.



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

8 (a) Acquisition of knowledge or skills relating to the
9 professional development of the teacher; or

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

12 4. The annual report of accountability prepared pursuant to
13 subsection 2 must:

14 (a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations
15 adopted pursuant thereto;

16 (b) Be prepared in a concise manner; and

17 (c) Be presented in an understandable and uniform format and to
18 the extent practicable, provided in a language that parents can
19 understand.

20 5. The Superintendent of Public Instruction shall:

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

23 (b) Provide statistical information and technical assistance to the
24 school districts to ensure that the reports provide comparable
25 information with respect to each school in each district and among
26 the districts throughout this state.

27 (c) Consult with a representative of the:

28 (1) Nevada State Education Association;

29 (2) Nevada Association of School Boards;

30 (3) Nevada Association of School Administrators;

31 (4) Nevada Parent Teachers Association;

32 (5) Budget Division of the Department of Administration;

33 and

34 (6) Legislative Counsel Bureau,

35 concerning the program and consider any advice or
36 recommendations submitted by the representatives with respect to
37 the program.

38 6. The Superintendent of Public Instruction may consult with
39 representatives of parent groups other than the Nevada Parent
40 Teachers Association concerning the program and consider any
41 advice or recommendations submitted by the representatives with
42 respect to the program.

43 7. On or before April 1 of each year, the board of trustees of
44 each school district shall submit to:



1 (a) Each advisory board to review school attendance created in
2 the county pursuant to NRS 392.126 the information required in
3 paragraph (g) of subsection 2.

4 (b) The Commission on Educational Technology created by
5 NRS 388.790 the information prepared by the board of trustees
6 pursuant to paragraph (t) of subsection 2.

7 8. On or before April 1 of each year, the board of trustees of
8 each school district shall:

9 (a) Submit the report required pursuant to subsection 2 to the:

- 10 (1) Governor;
- 11 (2) State Board;
- 12 (3) Department;
- 13 (4) Committee; and
- 14 (5) Bureau.

15 (b) Provide for public dissemination of the annual report of
16 accountability prepared pursuant to subsection 2 in the manner set
17 forth in 20 U.S.C. § 6311(h)(2)(E) to the schools in the school
18 district, including, without limitation, each charter school in the
19 district, the residents of the district, and the parents and guardians of
20 pupils enrolled in schools in the district, including, without
21 limitation, each charter school in the district.

22 9. As used in this section, "highly qualified" has the meaning
23 ascribed to it in 20 U.S.C. § 7801(23).

24 **Sec. 43.** NRS 385.359 is hereby amended to read as follows:

25 385.359 1. The Bureau shall contract with a person or entity
26 to:

27 (a) Review and analyze , ~~[the information submitted to the~~
28 ~~Bureau pursuant to NRS 385.351]~~ in accordance with *the* standards
29 prescribed by the Committee pursuant to subsection 2 of NRS
30 218.5354 ~~]~~, *the:*

- 31 (I) *Annual report of accountability prepared by:*
- 32 (I) *The State Board pursuant to section 6 of this act;*
- 33 *and*
- 34 (II) *The board of trustees of each school district*
- 35 *pursuant to NRS 385.347.*

- 36 (2) *Plan to improve the achievement of pupils prepared by:*
- 37 (I) *The State Board pursuant to section 7 of this act;*
- 38 (II) *The board of trustees of each school district*
- 39 *pursuant to section 8 of this act; and*
- 40 (III) *Each school pursuant to section 9 of this act*
- 41 *identified by the Bureau for review, if any.*

42 (b) *Submit a written report to and consult with the State Board*
43 *and the Department regarding any methods by which the State*
44 *Board may improve the accuracy of the report of accountability*
45 *required pursuant to section 6 of this act and the plan to improve*



1 *the achievement of pupils required pursuant to section 7 of this*
2 *act, and the purposes for which the report and plan to improve are*
3 *used.*

4 (c) Submit a written report to and consult with each school
5 district regarding any methods by which the district may improve
6 the accuracy of the report required pursuant to subsection 2 of NRS
7 385.347 and the ~~written report and written procedure required~~
8 ~~pursuant to NRS 385.351,]~~ *plan to improve the achievement of*
9 *pupils required pursuant to section 8 of this act, and the purposes*
10 *for which the ~~reports and written procedure are used; and~~*
11 *~~(c)] report and plan to improve are used.~~*

12 (d) *If requested by the Bureau, submit a written report to and*
13 *consult with individual schools identified by the Bureau regarding*
14 *any methods by which the school may improve the accuracy of the*
15 *information required to be reported for the school pursuant to*
16 *subsection 2 of NRS 385.347 and the plan to improve the*
17 *achievement of pupils required pursuant to section 9 of this act.*

18 (e) Submit written reports and any recommendations to the
19 Committee and the Bureau concerning:

20 (1) The effectiveness of the provisions of NRS 385.3455 to
21 385.391, inclusive, *and sections 2 to 37, inclusive, of this act* in
22 improving the accountability of the schools of this state;

23 (2) The status of each *school district that is designated as*
24 *demonstrating need for improvement pursuant to section 32 of this*
25 *act and each* school that is designated as demonstrating need for
26 improvement pursuant to ~~[NRS 385.367 and 385.368;]~~ *section 14 of*
27 *this act; and*

28 (3) Any other matter related to the accountability of the
29 public schools of this state, as deemed necessary by the Bureau.

30 2. The consultant with whom the Bureau contracts to perform
31 the duties required pursuant to subsection 1 ~~]:~~

32 ~~—(a) Must]~~ *must* possess the experience and knowledge necessary
33 to perform those duties, as determined by the Committee. ~~]; and~~

34 ~~—(b) Shall complete those duties within 6 months after the Bureau~~
35 ~~provides to the consultant the report required pursuant to subsection~~
36 ~~2 of NRS 385.347 and the written report and written procedure~~
37 ~~required pursuant to NRS 385.351.]~~

38 **Sec. 44.** NRS 385.389 is hereby amended to read as follows:

39 385.389 1. The Department shall adopt programs of remedial
40 study for each subject tested on the examinations administered
41 pursuant to NRS 389.015 ~~];~~ *, including, without limitation,*
42 *programs that are designed for pupils who are limited English*
43 *proficient. The programs adopted for pupils who are limited*
44 *English proficient must be designed to:*

45 (a) *Improve the academic achievement of those pupils; or*



1 ***(b) Assist those pupils with attaining proficiency in the English***
2 ***language.***

3 In adopting these programs of remedial study, the Department shall
4 consider the recommendations submitted by the Committee pursuant
5 to NRS 218.5354 and programs of remedial study that have proven
6 to be successful in improving the academic achievement of pupils.

7 2. ~~[A]~~ ***Except as otherwise provided in section 12 of this act, a***
8 school that receives a designation as demonstrating need for
9 improvement pursuant to ~~[paragraph (a) of subsection 1 of NRS~~
10 ~~385.367]~~ ***section 14 of this act*** shall adopt a program of remedial
11 study that has been adopted by the Department pursuant to
12 subsection 1.

13 3. ~~[A]~~ ***Except as otherwise provided in section 12 of this act, a***
14 school district that includes a school which receives a designation of
15 demonstrating need for improvement pursuant to ~~[paragraph (a) of~~
16 ~~subsection 1 of NRS 385.367]~~ ***section 14 of this act*** shall ensure
17 that each of the pupils enrolled in the school who failed to
18 demonstrate at least adequate achievement on the examinations
19 administered pursuant to NRS 389.015 completes, in accordance
20 with the requirements set forth in subsection ~~[5]~~ 4 of NRS 389.015,
21 remedial study that is determined to be appropriate for the pupil.

22 **Sec. 45.** NRS 385.391 is hereby amended to read as follows:

23 385.391 ***1.*** The Department shall adopt:

24 ~~[1.]~~ ***(a)*** Regulations to provide for the recognition of schools
25 that ~~[receive]~~:

26 ***(1) Receive*** a designation as demonstrating exemplary
27 achievement or high achievement pursuant to ~~[NRS 385.365;-~~

28 ~~—2.— Regulations which prescribe the factors that the Department~~
29 ~~will consider in determining whether to grant a waiver from the~~
30 ~~establishment of a panel to supervise the academic probation of a~~
31 ~~school pursuant to NRS 385.378, including, without limitation,~~
32 ~~criteria for determining whether:~~

33 ~~—(a) A school has significantly improved for the purpose of~~
34 ~~subsection 3 of NRS 385.378; and~~

35 ~~—(b) The number of pupils enrolled in a school who take the~~
36 ~~examinations required pursuant to NRS 389.015 has significantly~~
37 ~~increased for the purpose of subsection 4 of NRS 385.378; and~~
38 ~~—3.] section 14 of this act.~~

39 ***(2) Significantly improve the academic achievement of***
40 ***subgroups of pupils identified in paragraph (d) of subsection 1 of***
41 ***section 4 of this act.***

42 ***(3) Exceed adequate yearly progress, as determined by the***
43 ***Department pursuant to section 10 of this act, for 2 or more***
44 ***consecutive years.***



1 (b) Such regulations as it deems necessary to carry out the
2 provisions of this section and NRS 385.3455 to ~~385.386,~~ 385.391,
3 inclusive, *and sections 2 to 37 inclusive, of this act*, including,
4 without limitation, uniform standards for the type and format of data
5 that must be submitted by the school districts and the time by which
6 such data must be submitted.

7 *2. The Department may work in consultation with the Bureau*
8 *for identifying and publicizing the achievement of schools that are*
9 *recognized pursuant to paragraph (a) of subsection 1.*

10 **Sec. 46.** Chapter 386 of NRS is hereby amended by adding
11 thereto a new section to read as follows:

12 *A person who is initially hired by a charter school on or after*
13 *July 1, 2004, to perform a duty of a paraprofessional, as defined in*
14 *section 84 of this act, must hold a certificate as a paraprofessional*
15 *issued pursuant to section 88 of this act. For the purposes of this*
16 *section, a person is not “initially hired” if he has been employed*
17 *as a paraprofessional by another school district or charter school*
18 *in this state without an interruption in employment before the date*
19 *of hire by his current employer.*

20 **Sec. 47.** NRS 386.500 is hereby amended to read as follows:

21 386.500 For the purposes of NRS 386.500 to 386.610,
22 inclusive, *and section 46 of this act*, a pupil is “at risk” if he has an
23 economic or academic disadvantage such that he requires special
24 services and assistance to enable him to succeed in educational
25 programs. The term includes, without limitation, pupils who are
26 members of economically disadvantaged families, pupils ~~with~~
27 ~~limited proficiency in the English language,~~ *who are limited*
28 *English proficient*, pupils who are at risk of dropping out of high
29 school and pupils who do not meet minimum standards of academic
30 proficiency. The term does not include a pupil with a disability.

31 **Sec. 48.** NRS 386.505 is hereby amended to read as follows:

32 386.505 The Legislature declares that by authorizing the
33 formation of charter schools it is not authorizing:

34 1. ~~The~~ *Except as otherwise provided in section 27 of this*
35 *act, the* conversion of an existing public school, home school or
36 other program of home study to a charter school.

37 2. A means for providing financial assistance for private
38 schools or programs of home study. The provisions of this
39 subsection do not preclude a private school from ceasing to operate
40 as a private school and reopening as a charter school in compliance
41 with the provisions of NRS 386.500 to 386.610, inclusive ~~1~~, *and*
42 *section 46 of this act.*

43 3. The formation of charter schools on the basis of a single
44 race, religion or ethnicity.



1 **Sec. 49.** NRS 386.506 is hereby amended to read as follows:
2 386.506 ~~[[The]~~ *Except as otherwise provided in section 27 of*
3 *this act, the* provisions of NRS 386.500 to 386.610, inclusive, *and*
4 *section 46 of this act* do not authorize an existing public school,
5 home school or other program of home study to convert to a charter
6 school.

7 **Sec. 50.** NRS 386.520 is hereby amended to read as follows:
8 386.520 1. A committee to form a charter school must
9 consist of at least three teachers, as defined in subsection 4. In
10 addition to the teachers who serve, the committee may consist of:

- 11 (a) Members of the general public;
12 (b) Representatives of nonprofit organizations and businesses;
13 or
14 (c) Representatives of a college or university within the
15 University and Community College System of Nevada.

16 A majority of the persons described in paragraphs (a), (b) and (c)
17 who serve on the committee must be residents of this state at the
18 time that the application to form the charter school is submitted to
19 the Department.

20 2. Before a committee to form a charter school may submit an
21 application to the board of trustees of a school district, the
22 Subcommittee on Charter Schools or the State Board, it must submit
23 the application to the Department. The application must include all
24 information prescribed by the Department by regulation and:

25 (a) A written description of how the charter school will carry out
26 the provisions of NRS 386.500 to 386.610, inclusive ~~[[~~ , *and*
27 *section 46 of this act.*

28 (b) A written description of the mission and goals for the charter
29 school. A charter school must have as its stated purpose at least one
30 of the following goals:

- 31 (1) Improving the opportunities for pupils to learn;
32 (2) Encouraging the use of effective methods of teaching;
33 (3) Providing an accurate measurement of the educational
34 achievement of pupils;
35 (4) Establishing accountability of public schools;
36 (5) Providing a method for public schools to measure
37 achievement based upon the performance of the schools; or
38 (6) Creating new professional opportunities for teachers.

39 (c) The projected enrollment of pupils in the charter school.

40 (d) The proposed dates of enrollment for the charter school.

41 (e) The proposed system of governance for the charter
42 school, including, without limitation, the number of persons who
43 will govern, the method of selecting the persons who will govern
44 and the term of office for each person.



1 (f) The method by which disputes will be resolved between the
2 governing body of the charter school and the sponsor of the charter
3 school.

4 (g) The proposed curriculum for the charter school and, if
5 applicable to the grade level of pupils who are enrolled in the
6 charter school, the requirements for the pupils to receive a high
7 school diploma, including, without limitation, whether those pupils
8 will satisfy the requirements of the school district in which the
9 charter school is located for receipt of a high school diploma.

10 (h) The textbooks that will be used at the charter school.

11 (i) The qualifications of the persons who will provide instruction
12 at the charter school.

13 (j) Except as otherwise required by NRS 386.595, the process by
14 which the governing body of the charter school will negotiate
15 employment contracts with the employees of the charter school.

16 (k) A financial plan for the operation of the charter school. The
17 plan must include, without limitation, procedures for the audit of the
18 programs and finances of the charter school and guidelines for
19 determining the financial liability if the charter school is
20 unsuccessful.

21 (l) A statement of whether the charter school will provide for the
22 transportation of pupils to and from the charter school. If the charter
23 school will provide transportation, the application must include the
24 proposed plan for the transportation of pupils. If the charter school
25 will not provide transportation, the application must include a
26 statement that the charter school will work with the parents and
27 guardians of pupils enrolled in the charter school to develop a plan
28 for transportation to ensure that pupils have access to transportation
29 to and from the charter school.

30 (m) The procedure for the evaluation of teachers of the charter
31 school, if different from the procedure prescribed in NRS 391.3125.
32 If the procedure is different from the procedure prescribed in NRS
33 391.3125, the procedure for the evaluation of teachers of the charter
34 school must provide the same level of protection and otherwise
35 comply with the standards for evaluation set forth in NRS 391.3125.

36 (n) The time by which certain academic or educational results
37 will be achieved.

38 (o) The kind of school, as defined in subsections 1 to 4,
39 inclusive, of NRS 388.020, for which the charter school intends to
40 operate.

41 3. The Department shall review an application to form a charter
42 school to determine whether it is complete. ~~HH~~ *Except as otherwise*
43 *provided in section 27 of this act, if* an application proposes to
44 convert an existing public school, home school or other program of
45 home study into a charter school, the Department shall deny the



1 application. The Department shall provide written notice to
2 the applicant of its approval or denial of the application. If the
3 Department denies an application, the Department shall include in
4 the written notice the reason for the denial and the deficiencies in
5 the application. The applicant must be granted 30 days after receipt
6 of the written notice to correct any deficiencies identified in the
7 written notice and resubmit the application.

8 4. As used in subsection 1, "teacher" means a person who:

9 (a) Holds a current license to teach issued pursuant to chapter
10 391 of NRS; and

11 (b) Has at least 2 years of experience as an employed
12 teacher.

13 The term does not include a person who is employed as a substitute
14 teacher.

15 **Sec. 51.** NRS 386.550 is hereby amended to read as follows:

16 386.550 1. A charter school shall:

17 (a) Comply with all laws and regulations relating to
18 discrimination and civil rights.

19 (b) Remain nonsectarian, including, without limitation, in its
20 educational programs, policies for admission and employment
21 practices.

22 (c) Refrain from charging tuition or fees, levying taxes or
23 issuing bonds.

24 (d) Comply with any plan for desegregation ordered by a court
25 that is in effect in the school district in which the charter school is
26 located.

27 (e) Comply with the provisions of chapter 241 of NRS.

28 (f) Except as otherwise provided in this paragraph, schedule and
29 provide annually at least as many days of instruction as are required
30 of other public schools located in the same school district as the
31 charter school is located. The governing body of a charter school
32 may submit a written request to the Superintendent of Public
33 Instruction for a waiver from providing the days of instruction
34 required by this paragraph. The Superintendent of Public Instruction
35 may grant such a request if the governing body demonstrates to the
36 satisfaction of the Superintendent that:

37 (1) Extenuating circumstances exist to justify the waiver; and

38 (2) The charter school will provide at least as many hours or
39 minutes of instruction as would be provided under a program
40 consisting of 180 days.

41 (g) Cooperate with the board of trustees of the school district in
42 the administration of the achievement and proficiency examinations
43 administered pursuant to NRS 389.015 ~~and the examinations~~
44 ~~required pursuant to NRS 389.550~~ to the pupils who are enrolled in
45 the charter school.



- 1 (h) Comply with applicable statutes and regulations governing
2 the achievement and proficiency of pupils in this state.
- 3 (i) Provide instruction in the core academic subjects set forth in
4 subsection 1 of NRS 389.018, as applicable for the grade levels of
5 pupils who are enrolled in the charter school, and provide at least
6 the courses of study that are required of pupils by statute or
7 regulation for promotion to the next grade or graduation from a
8 public high school and require the pupils who are enrolled in the
9 charter school to take those courses of study. This paragraph does
10 not preclude a charter school from offering, or requiring the pupils
11 who are enrolled in the charter school to take, other courses of study
12 that are required by statute or regulation.
- 13 (j) If the parent or legal guardian of a child submits an
14 application to enroll in kindergarten, first grade or second grade at
15 the charter school, comply with NRS 392.040 regarding the ages for
16 enrollment in those grades.
- 17 (k) Refrain from using public money to purchase real property
18 or buildings without the approval of the sponsor.
- 19 (l) Hold harmless, indemnify and defend the sponsor of the
20 charter school against any claim or liability arising from an act or
21 omission by the governing body of the charter school or an
22 employee or officer of the charter school. An action at law may not
23 be maintained against the sponsor of a charter school for any cause
24 of action for which the charter school has obtained liability
25 insurance.
- 26 (m) Provide written notice to the parents or legal guardians of
27 pupils in grades 9 to 12, inclusive, who are enrolled in the charter
28 school of whether the charter school is accredited by the
29 Commission on Schools of the Northwest Association of Schools
30 and Colleges.
- 31 (n) Adopt a final budget in accordance with the regulations
32 adopted by the Department. A charter school is not required to adopt
33 a final budget pursuant to NRS 354.598 or otherwise comply with
34 the provisions of chapter 354 of NRS.
- 35 (o) If the charter school provides a program of distance
36 education pursuant to NRS 388.820 to 388.874, inclusive, comply
37 with all statutes and regulations that are applicable to a program of
38 distance education for purposes of the operation of the program.
- 39 2. A charter school shall not provide instruction through a
40 program of distance education to children who are exempt from
41 compulsory attendance authorized by the State Board pursuant to
42 subsection 1 of NRS 392.070. As used in this subsection, "distance
43 education" has the meaning ascribed to it in NRS 388.826.



1 **Sec. 52.** NRS 386.560 is hereby amended to read as follows:
2 386.560 1. The governing body of a charter school may
3 contract with the board of trustees of the school district in which the
4 charter school is located or the University and Community College
5 System of Nevada for the provision of facilities to operate the
6 charter school or to perform any service relating to the operation of
7 the charter school, including, without limitation, transportation and
8 the provision of health services for the pupils who are enrolled in
9 the charter school.
10 2. A charter school may use any public facility located within
11 the school district in which the charter school is located. ~~[A]~~ *Except*
12 *as otherwise provided in this subsection, a* charter school may use
13 school buildings owned by the school district only upon approval of
14 the board of trustees of the school district and during times that are
15 not regular school hours. *The approval of the board of trustees is*
16 *not required and the restrictions on time do not apply to a charter*
17 *school that is opened pursuant to section 27 of this act.*
18 3. The board of trustees of a school district may donate surplus
19 personal property of the school district to a charter school that is
20 located within the school district.
21 4. Except as otherwise provided in this subsection, upon the
22 request of a parent or legal guardian of a pupil who is enrolled in a
23 charter school, the board of trustees of the school district in which
24 the charter school is located shall authorize the pupil to participate
25 in a class that is not available to the pupil at the charter school or
26 participate in an extracurricular activity, excluding sports, at a
27 public school within the school district if:
28 (a) Space for the pupil in the class or extracurricular activity is
29 available; and
30 (b) The parent or legal guardian demonstrates to the satisfaction
31 of the board of trustees that the pupil is qualified to participate in the
32 class or extracurricular activity.
33 If the board of trustees of a school district authorizes a pupil to
34 participate in a class or extracurricular activity, excluding sports,
35 pursuant to this subsection, the board of trustees is not required to
36 provide transportation for the pupil to attend the class or activity.
37 The provisions of this subsection do not apply to a pupil who is
38 enrolled in a charter school and who desires to participate on a part-
39 time basis in a program of distance education provided by the board
40 of trustees of a school district pursuant to NRS 388.820 to 388.874,
41 inclusive. Such a pupil must comply with NRS 388.858.
42 5. Upon the request of a parent or legal guardian of a pupil who
43 is enrolled in a charter school, the board of trustees of the school
44 district in which the charter school is located shall authorize the
45 pupil to participate in sports at the public school that he would



1 otherwise be required to attend within the school district, or upon
2 approval of the board of trustees, any public school within the same
3 zone of attendance as the charter school if:

4 (a) Space is available for the pupil to participate; and

5 (b) The parent or legal guardian demonstrates to the satisfaction
6 of the board of trustees that the pupil is qualified to
7 participate.

8 If the board of trustees of a school district authorizes a pupil to
9 participate in sports pursuant to this subsection, the board of trustees
10 is not required to provide transportation for the pupil to participate.

11 6. The board of trustees of a school district may revoke its
12 approval for a pupil to participate in a class, extracurricular activity
13 or sports at a public school pursuant to subsections 4 and 5 if the
14 board of trustees or the public school determines that the pupil has
15 failed to comply with applicable statutes, or applicable rules and
16 regulations of the board of trustees, the public school or an
17 association for interscholastic activities. If the board of trustees so
18 revokes its approval, neither the board of trustees nor the public
19 school are liable for any damages relating to the denial of services to
20 the pupil.

21 **Sec. 53.** NRS 386.590 is hereby amended to read as follows:

22 386.590 1. Except as otherwise provided in this subsection,
23 at least 70 percent of the teachers who provide instruction at a
24 charter school must be licensed teachers. If a charter school is a
25 vocational school, the charter school shall, to the extent practicable,
26 ensure that at least 70 percent of the teachers who provide
27 instruction at the school are licensed teachers, but in no event may
28 more than 50 percent of the teachers who provide instruction at the
29 school be unlicensed teachers.

30 2. A governing body of a charter school shall employ:

31 (a) If the charter school offers instruction in kindergarten or
32 grade 1, 2, 3, 4 or 5, a licensed teacher to teach pupils who are
33 enrolled in those grades.

34 (b) ~~##~~ *Except as otherwise provided in subsections 3 and 4, if*
35 the charter school offers instruction in grade 6, 7, 8, 9, 10, 11 or 12,
36 a licensed teacher to teach pupils who are enrolled in those grades
37 for the following courses of study:

38 (1) English, including reading, composition and writing;

39 (2) Mathematics;

40 (3) Science; and

41 (4) Social studies, which includes only the subjects of
42 history, geography, economics and government.

43 (c) In addition to the requirements of paragraphs (a) and (b):



1 (1) If a charter school specializes in arts and humanities,
2 physical education or health education, a licensed teacher to teach
3 those courses of study.

4 (2) If a charter school specializes in the construction industry
5 or other building industry, licensed teachers to teach courses of
6 study relating to the industry if those teachers are employed full
7 time.

8 (3) If a charter school specializes in the construction industry
9 or other building industry and the school offers courses of study in
10 computer education, technology or business, licensed teachers to
11 teach those courses of study if those teachers are employed full
12 time.

13 3. *A teacher who is initially hired on or after January 1,*
14 *2006, by a charter school that operates as a middle school or*
15 *junior high school as set forth in its written charter must hold a*
16 *license to teach middle school or junior high school education, a*
17 *license to teach secondary education or otherwise possess the*
18 *qualifications required by 20 U.S.C. § 6319(a) if he teaches one or*
19 *more of the following subjects in grade 7, 8 or 9:*

- 20 (a) *English, reading or language arts;*
- 21 (b) *Mathematics;*
- 22 (c) *Science;*
- 23 (d) *Foreign language;*
- 24 (e) *Civics or government;*
- 25 (f) *Economics;*
- 26 (g) *Geography;*
- 27 (h) *History; or*
- 28 (i) *The arts.*

29 4. *A teacher who is initially hired on or after January 1,*
30 *2006, by a charter school that operates as a high school as set*
31 *forth in its written charter must hold a license to teach secondary*
32 *education or otherwise possess the qualifications required by 20*
33 *U.S.C. § 6319(a) if he teaches one or more of the subjects set forth*
34 *in subsection 3.*

35 5. A charter school may employ a person who is not licensed
36 pursuant to the provisions of chapter 391 of NRS to teach a course
37 of study for which a licensed teacher is not required pursuant to
38 ~~subsection 2~~ *subsections 2, 3 and 4* if the person has:

- 39 (a) A degree, a license or a certificate in the field for which he is
40 employed to teach at the charter school; and
- 41 (b) At least 2 years of experience in that field.

42 ~~[4.]~~ 6. A charter school may employ such administrators for
43 the school as it deems necessary. A person employed as an
44 administrator must possess:



1 (a) A master's degree in school administration, public
2 administration or business administration; or

3 (b) If the person has at least 5 years of experience in
4 administration, a baccalaureate degree.

5 ~~5.~~ 7. A charter school shall not employ a person pursuant to
6 this section if his license to teach or provide other educational
7 services has been revoked or suspended in this state or another state.

8 ~~6.~~ 8. On or before November 15 of each year, a charter
9 school shall submit to the Department, in a format prescribed by the
10 Superintendent of Public Instruction, the following information for
11 each licensed employee who is employed by the governing body on
12 October 1 of that year:

13 (a) The amount of salary of the employee; and

14 (b) The designated assignment, as that term is defined by the
15 Department, of the employee.

16 *9. For the purposes of subsections 3 and 4, a person is not*
17 *"initially hired" if he has been employed as a licensed teacher by*
18 *another school district or charter school in this state without an*
19 *interruption in employment before the date of hire by his current*
20 *employer.*

21 **Sec. 54.** NRS 386.605 is hereby amended to read as follows:

22 386.605 1. On or before January 1 of each year, the
23 governing body of each charter school shall submit the information
24 concerning the charter school that is required pursuant to subsection
25 2 of NRS 385.347 to the board of trustees of the school district in
26 which the charter school is located, regardless of the sponsor of the
27 charter school, for inclusion in the report of the school district
28 pursuant to that section. The information must be submitted by the
29 charter school in a format prescribed by the board of trustees.

30 2. On or before April ~~15~~ 1 of each year, the governing body
31 of each charter school shall submit the information applicable to the
32 charter school that is contained in the report pursuant to paragraph
33 (t) of subsection 2 of NRS 385.347 to the Commission on
34 Educational Technology created pursuant to NRS 388.790.

35 ~~3. On or before June 15 of each year, the governing body of~~
36 ~~each charter school shall prepare a:~~

37 ~~—(a) Separate written report summarizing the effectiveness of the~~
38 ~~charter school's program of accountability. The report must include:~~

39 ~~—(1) A review and analysis of the data upon which the report~~
40 ~~required pursuant to subsection 2 of NRS 385.347 is based and a~~
41 ~~review and analysis of any data that is more recent than the data~~
42 ~~upon which the report is based;~~

43 ~~—(2) The identification of any problems or factors at the~~
44 ~~charter school that are revealed by the review and analysis; and~~



1 ~~— (3) A summary of the efforts that the governing body has~~
2 ~~made or intends to make to ensure that the teachers and other~~
3 ~~educational personnel employed by the governing body receive~~
4 ~~training and other professional development in:~~
5 ~~— (I) The standards of content and performance established~~
6 ~~by the Council to Establish Academic Standards for Public Schools~~
7 ~~pursuant to NRS 389.520;~~
8 ~~— (II) The assessment and measurement of pupil~~
9 ~~achievement and the effective methods to analyze the test results~~
10 ~~and scores of pupils to improve the achievement and proficiency of~~
11 ~~pupils; and~~
12 ~~— (III) Specific content areas to enable the teachers and~~
13 ~~other educational personnel to provide a higher level of instruction~~
14 ~~in their respective fields of teaching.~~
15 ~~— (b) Written procedure to improve the achievement of pupils who~~
16 ~~are enrolled in the charter school, including, but not limited to, a~~
17 ~~description of the efforts the governing body has made to correct~~
18 ~~any deficiencies identified in the written report required pursuant to~~
19 ~~paragraph (a). The written procedure must describe sources of data~~
20 ~~that will be used by the governing body to evaluate the effectiveness~~
21 ~~of the written procedure.~~
22 ~~— 4. On or before June 15 of each year, the governing body of~~
23 ~~each charter school shall submit copies of the written report and~~
24 ~~written procedure required pursuant to subsection 3 to the:~~
25 ~~— (a) Governor;~~
26 ~~— (b) State Board;~~
27 ~~— (c) Department;~~
28 ~~— (d) Legislative Committee on Education created pursuant to~~
29 ~~NRS 218.5352;~~
30 ~~— (e) Legislative Bureau of Educational Accountability and~~
31 ~~Program Evaluation created pursuant to NRS 218.5356; and~~
32 ~~— (f) Board of trustees of the school district in which the charter~~
33 ~~school is located.~~
34 ~~— 5. The Department shall maintain a record of the information~~
35 ~~that it receives from each charter school pursuant to this section in~~
36 ~~such a manner as will allow the Department to create for each~~
37 ~~charter school a yearly profile of information.~~
38 ~~— 6. The governing body of each charter school shall ensure that~~
39 ~~a copy of the written report and written procedure required pursuant~~
40 ~~to subsection 3 is included with the final budget of the charter~~
41 ~~school adopted by the governing body of the charter school pursuant~~
42 ~~to the regulations of the Department.~~
43 ~~— 7.] The Legislative Bureau of Educational Accountability and~~
44 ~~Program Evaluation created pursuant to NRS 218.5356 may~~
45 ~~authorize a person or entity with whom it contracts pursuant to NRS~~



1 385.359 to review and analyze information submitted by charter
2 schools pursuant to this section ~~8~~ *and section 9 of this act*, consult
3 with the governing bodies of charter schools and submit written
4 reports concerning charter schools pursuant to NRS 385.359.

5 **Sec. 55.** NRS 386.650 is hereby amended to read as follows:

6 386.650 1. The Department shall establish and maintain a
7 statewide automated system of information concerning pupils. The
8 system must ~~be~~:

9 *(a) Have the capacity to provide and report information,*
10 *including, without limitation, the results of the achievement of*
11 *pupils:*

12 *(1) In the manner required by 20 U.S.C. §§ 6301 et seq.,*
13 *and the regulations adopted pursuant thereto, and NRS 385.347*
14 *and section 6 of this act; and*

15 *(2) In a separate reporting for each subgroup of pupils*
16 *identified in paragraph (d) of subsection 1 of section 4 of this act;*

17 *(b) Include a system of unique identification for each pupil to*
18 *ensure that individual pupils may be tracked over time throughout*
19 *this state;*

20 *(c) Have the capacity to provide longitudinal comparisons of*
21 *the academic achievement, rate of attendance and rate of*
22 *graduation of pupils over time throughout this state;*

23 *(d) Have the capacity to perform a variety of longitudinal*
24 *analyses of the results of individual pupils on assessments,*
25 *including, without limitation, the results of pupils by classroom*
26 *and by school; and*

27 *(e) Be* designed to improve the ability of the Department, school
28 districts and the public schools in this state, including, without
29 limitation, charter schools, to account for the pupils who are
30 enrolled in the public schools, including, without limitation, charter
31 schools.

32 2. The board of trustees of each school district shall:

33 *(a) Adopt and maintain the program prescribed by the*
34 *Superintendent of Public Instruction pursuant to subsection 3* for
35 the collection, maintenance and transfer of data from the records of
36 individual pupils to the statewide automated system of information,
37 including, without limitation, the development of plans for the
38 educational technology which is necessary to adopt and maintain the
39 program;

40 *(b) Provide to the Department electronic data concerning pupils*
41 *as required by the Superintendent of Public Instruction pursuant to*
42 *subsection 3; and*

43 *(c) Ensure that an electronic record is maintained in accordance*
44 *with subsection 3 of NRS 386.655.*

45 3. The Superintendent of Public Instruction shall:



- 1 (a) *Prescribe a uniform program throughout this state for the*
2 *collection, maintenance and transfer of data that each school*
3 *district must adopt, which may include standardized software;*
4 (b) Prescribe the data to be collected and reported to the
5 Department by each school district pursuant to subsection 2,
6 including, without limitation, data relating to each charter school
7 located within a school district regardless of the sponsor of the
8 charter school;
9 ~~(b)~~ (c) Prescribe the format for the data;
10 ~~(e)~~ (d) Prescribe the date by which each school district shall
11 report the data;
12 ~~(d)~~ (e) Prescribe the date by which each charter school located
13 within a school district shall report the data to the school district for
14 incorporation into the report of the school district, regardless of the
15 sponsor of the charter school;
16 ~~(e)~~ (f) Provide technical assistance to each school district to
17 ensure that the data from each public school in the school district,
18 including, without limitation, each charter school located within the
19 school district, is compatible with the statewide automated system
20 of information and comparable to the data reported by other school
21 districts; and
22 ~~(f)~~ (g) Provide for the analysis and reporting of the data in the
23 statewide automated system of information.
24 4. *The Department shall establish, to the extent authorized by*
25 *the Family Educational Rights and Privacy Act of 1974, 20 U.S.C.*
26 *§ 1232g, and any regulations adopted pursuant thereto, a*
27 *mechanism by which persons or entities, including, without*
28 *limitation, state officers who are members of the Executive or*
29 *Legislative Branch, administrators of public schools and school*
30 *districts, teachers and other educational personnel, and parents*
31 *and guardians, will have different types of access to the*
32 *accountability information contained within the statewide*
33 *automated system to the extent that such information is necessary*
34 *for the performance of a duty or to the extent that such*
35 *information may be made available to the general public without*
36 *posing a threat to the confidentiality of an individual pupil.*
37 5. *The Department may, to the extent authorized by the*
38 *Family Educational Rights and Privacy Act of 1974, 20 U.S.C. §*
39 *1232g, and any regulations adopted pursuant thereto, enter into*
40 *an agreement with the University and Community College System*
41 *of Nevada to provide access to data contained within the statewide*
42 *automated system for research purposes.*



1 **Sec. 56.** NRS 388.020 is hereby amended to read as follows:
2 388.020 1. An elementary school is a public school in which
3 grade work is not given above that included in the eighth grade,
4 according to the regularly adopted state course of study.

5 2. A junior high or middle school is a public school in which
6 the sixth, seventh, eighth and ninth grades are taught under a course
7 of study prescribed and approved by the State Board. ~~[The school is
8 an elementary or secondary school for the purpose of the licensure
9 of teachers.]~~

10 3. A high school is a public school in which subjects above the
11 eighth grade, according to the state course of study, may be taught.
12 The school is a secondary school for the purpose of the licensure of
13 teachers.

14 4. A special school is an organized unit of instruction operating
15 with approval of the State Board.

16 5. A charter school is a public school that is formed pursuant to
17 the provisions of NRS 386.500 to 386.610, inclusive ~~[]~~ , *and*
18 *section 46 of this act.*

19 **Sec. 57.** NRS 388.405 is hereby amended to read as follows:

20 388.405 ~~[]~~ The State Board ~~[of Education shall establish]~~
21 *shall:*

22 1. *Establish* a program to teach the English language to pupils
23 ~~[whose:~~

24 ~~—(a) Primary language is not English;~~

25 ~~—(b) Proficiency in the English language is below the average~~
26 ~~proficiency of pupils at the same age or grade level whose primary~~
27 ~~language is English; and~~

28 ~~—(c) Probability of success in a classroom in which courses of~~
29 ~~study are taught only in the English language is impaired because of~~
30 ~~their limited proficiency in the English language.~~

31 ~~—2. The State Board of Education shall adopt] *who are limited*~~
32 *English proficient.*

33 2. *Adopt* regulations to carry out the program. The regulations
34 must prescribe the procedure by which a school district may obtain a
35 waiver from the requirements of the program.

36 3. *Submit all evaluations required pursuant to 20 U.S.C. §§*
37 *6801 et seq. and the regulations adopted pursuant thereto*
38 *regarding the programs for pupils who are limited English*
39 *proficient carried out pursuant to that provision of federal law to*
40 *the:*

41 (a) *Governor;*

42 (b) *Committee;*

43 (c) *Bureau; and*

44 (d) *Board of trustees of each school district.*



1 **Sec. 58.** NRS 388.795 is hereby amended to read as follows:
2 388.795 1. The Commission shall establish a plan for the use
3 of educational technology in the public schools of this state. In
4 preparing the plan, the Commission shall consider:
5 (a) Plans that have been adopted by the Department and the
6 school districts in this state;
7 (b) Plans that have been adopted in other states;
8 (c) The information submitted to the Commission by the board
9 of trustees of each school district pursuant to subsection ~~2 of NRS~~
10 ~~385.351;~~ **7 of NRS 385.347;** and
11 (d) Any other information that the Commission or the
12 Committee deems relevant to the preparation of the plan.
13 2. The plan established by the Commission must include
14 recommendations for methods to:
15 (a) Incorporate educational technology into the public schools of
16 this state;
17 (b) Increase the number of pupils in the public schools of this
18 state who have access to educational technology;
19 (c) Increase the availability of educational technology to assist
20 licensed teachers and other educational personnel in complying with
21 the requirements of continuing education, including, but not limited
22 to, the receipt of credit for college courses completed through the
23 use of educational technology;
24 (d) Facilitate the exchange of ideas to improve the achievement
25 of pupils who are enrolled in the public schools of this state; and
26 (e) Address the needs of teachers in incorporating the use of
27 educational technology in the classroom, including, but not limited
28 to, the completion of training that is sufficient to enable the teachers
29 to instruct pupils in the use of educational technology.
30 3. The Department shall provide:
31 (a) Administrative support;
32 (b) Equipment; and
33 (c) Office space,
34 as is necessary for the Commission to carry out the provisions of
35 this section.
36 4. The following entities shall cooperate with the Commission
37 in carrying out the provisions of this section:
38 (a) The State Board.
39 (b) The board of trustees of each school district.
40 (c) The superintendent of schools of each school district.
41 (d) The Department.
42 5. The Commission shall:
43 (a) Develop technical standards for educational technology and
44 any electrical or structural appurtenances necessary thereto,
45 including, without limitation, uniform specifications for computer



1 hardware and wiring, to ensure that such technology is compatible,
2 uniform and can be interconnected throughout the public schools of
3 this state.

4 (b) Allocate money to the school districts from the Trust Fund
5 for Educational Technology created pursuant to NRS 388.800 and
6 any money appropriated by the Legislature for educational
7 technology, subject to any priorities for such allocation established
8 by the Legislature.

9 (c) Establish criteria for the board of trustees of a school district
10 that receives an allocation of money from the Commission to:

11 (1) Repair, replace and maintain computer systems.

12 (2) Upgrade and improve computer hardware and software
13 and other educational technology.

14 (3) Provide training, installation and technical support related
15 to the use of educational technology within the district.

16 (d) Submit to the Governor, the Committee and the Department
17 its plan for the use of educational technology in the public schools
18 of this state and any recommendations for legislation.

19 (e) Review the plan annually and make revisions as it deems
20 necessary or as directed by the Committee or the Department.

21 (f) In addition to the recommendations set forth in the plan
22 pursuant to subsection 2, make further recommendations to the
23 Committee and the Department as the Commission deems
24 necessary.

25 6. The Commission may appoint an advisory committee
26 composed of members of the Commission or other qualified persons
27 to provide recommendations to the Commission regarding standards
28 for the establishment, coordination and use of a telecommunications
29 network in the public schools throughout the various school districts
30 in this state. The advisory committee serves at the pleasure of the
31 Commission and without compensation unless an appropriation or
32 other money for that purpose is provided by the Legislature.

33 7. As used in this section, "public school" includes the Caliente
34 Youth Center and the Nevada Youth Training Center.

35 **Sec. 59.** NRS 388.846 is hereby amended to read as follows:

36 388.846 1. If the board of trustees of a school district
37 provides a program of distance education, the board of trustees shall
38 ensure that the persons who operate the program on a day-to-day
39 basis comply with and carry out all applicable requirements,
40 statutes, regulations, rules and policies of the school district,
41 including, without limitation:

42 (a) Graduation requirements;

43 (b) Accountability of public schools, as set forth in NRS
44 385.3455 to 385.391, inclusive ~~§~~,

45 *and sections 2 to 37, inclusive, of this act;*



- 1 (c) Provisions governing the attendance and truancy of pupils, as
2 set forth in NRS 392.040 to 392.220, inclusive; and
3 (d) Discipline of pupils.
- 4 2. If the governing body of a charter school provides a program
5 of distance education, the governing body shall:
- 6 (a) For each pupil who is enrolled in the program, provide
7 written notice to the board of trustees of the school district in which
8 the pupil resides of the type of educational services that will be
9 provided to the pupil through the program. The written notice must
10 be provided to the board of trustees before the pupil receives
11 educational services through the program of distance education.
- 12 (b) Ensure that the persons who operate the program on a day-
13 to-day basis comply with and carry out all applicable requirements,
14 statutes, regulations, rules and policies of the charter school,
15 including, without limitation:
- 16 (1) Graduation requirements;
17 (2) Accountability of public schools, as set forth in NRS
18 385.3455 to 385.391, inclusive ~~§~~, *and sections 2 to 37, inclusive,*
19 *of this act;*
20 (3) Provisions governing the attendance and truancy of
21 pupils, as set forth in NRS 392.040 to 392.220, inclusive; and
22 (4) Discipline of pupils.
- 23 **Sec. 60.** NRS 388.862 is hereby amended to read as follows:
24 388.862 1. If a pupil is enrolled full time in a program of
25 distance education provided by the board of trustees of a school
26 district, the board of trustees that provides the program shall declare
27 for each such pupil one public school within that school district ~~to~~
28 *with* which the pupil is affiliated. The board of trustees may declare
29 that all the pupils enrolled in the program of distance education are
30 affiliated with one public school within the school district, or it may
31 declare individual public schools for the pupils enrolled in the
32 program. Upon the declared affiliation, the pupil shall be deemed
33 enrolled in that public school for purposes of all the applicable
34 requirements, statutes, regulations, rules and policies of that public
35 school and school district, including, without limitation:
- 36 (a) Graduation requirements;
37 (b) Accountability of public schools, as set forth in NRS
38 385.3455 to 385.391, inclusive ~~§~~,
39 *and sections 2 to 37, inclusive, of this act;*
40 (c) Provisions governing the attendance and truancy of pupils, as
41 set forth in NRS 392.040 to 392.220, inclusive; and
42 (d) Discipline of pupils.
- 43 2. A pupil who is enrolled full time in a program of distance
44 education provided by a charter school shall be deemed enrolled in
45 the charter school. All the applicable requirements, including,



1 without limitation, statutes, regulations, rules and policies of that
2 charter school apply to such a pupil, including, without limitation:

- 3 (a) Graduation requirements;
- 4 (b) Accountability of public schools, as set forth in NRS
5 385.3455 to 385.391, inclusive ~~§~~, *and sections 2 to 37, inclusive,*
6 *of this act;*
- 7 (c) Provisions governing the attendance and truancy of pupils, as
8 set forth in NRS 392.040 to 392.220, inclusive; and
- 9 (d) Discipline of pupils.

10 3. If a pupil is enrolled part time in a program of distance
11 education, all the applicable requirements, statutes, regulations,
12 rules and policies of the public school of the school district in which
13 the pupil is otherwise enrolled or the charter school in which the
14 pupil is otherwise enrolled apply to such a pupil, including, without
15 limitation:

- 16 (a) Graduation requirements;
- 17 (b) Accountability of public schools, as set forth in NRS
18 385.3455 to 385.391, inclusive ~~§~~,
19 *and sections 2 to 37, inclusive, of this act;*
- 20 (c) Provisions governing the attendance and truancy of pupils, as
21 set forth in NRS 392.040 to 392.220, inclusive; and
- 22 (d) Discipline of pupils.

23 **Sec. 61.** NRS 388.874 is hereby amended to read as follows:

24 388.874 1. The State Board shall adopt regulations that
25 prescribe:

- 26 (a) The process for submission of an application by a person or
27 entity for inclusion of a course of distance education on the list
28 prepared by the Department pursuant to NRS 388.834 and the
29 contents of the application;
- 30 (b) The process for submission of an application by the board of
31 trustees of a school district or the governing body of a charter school
32 to provide a program of distance education and the contents of the
33 application;
- 34 (c) The qualifications and conditions for enrollment that a pupil
35 must satisfy to enroll in a program of distance education, consistent
36 with NRS 388.850;
- 37 (d) A method for reporting to the Department the number of
38 pupils who are enrolled in a program of distance education and the
39 attendance of those pupils;
- 40 (e) The requirements for assessing the achievement of pupils
41 who are enrolled in a program of distance education, which must
42 include, without limitation, the administration of the achievement
43 and proficiency examinations required pursuant to NRS 389.015 ;
44 ~~and 389.550;~~ and



1 (f) A written description of the process pursuant to which the
2 State Board may revoke its approval for the operation of a program
3 of distance education.

4 2. The State Board may adopt regulations as it determines are
5 necessary to carry out the provisions of NRS 388.820 to 388.874,
6 inclusive.

7 **Sec. 62.** Chapter 389 of NRS is hereby amended by adding
8 thereto the provisions set forth as sections 63 and 64 of this act.

9 **Sec. 63. 1.** *The board of trustees of each school district and
10 the governing body of each charter school shall ensure that each
11 pupil who is limited English proficient and is enrolled in the
12 school district or charter school, as applicable, participates in the
13 achievement and proficiency examinations administered pursuant
14 to this chapter. The State Board shall prescribe reasonable
15 modifications and accommodations that may be used in the
16 administration of an examination to a pupil who is limited English
17 proficient and who is unable to take an examination under regular
18 testing conditions. The results of each pupil who is limited English
19 proficient and who takes an examination with modifications and
20 accommodations must be reported and included within the
21 determination of whether the school and the school district have
22 made adequate yearly progress.*

23 2. *The board of trustees of a school district and the governing
24 body of a charter school shall administer to a pupil who is limited
25 English proficient:*

26 (a) *To the extent practicable, examinations in mathematics
27 and science required by subsection 1 in the language most likely to
28 yield accurate and reliable information on what the pupil knows.*

29 (b) *To the extent practicable, examinations in reading required
30 by subsection 1 in the language most likely to yield accurate and
31 reliable information on what the pupil knows if the pupil has
32 attended public schools in the United States for less than 3
33 consecutive years.*

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

36 (1) *Examinations in reading required by subsection 1 in the
37 English language; or*

38 (2) *Examinations in reading required by subsection 1 in the
39 language most likely to yield accurate and reliable information on
40 what the pupil knows if the board of trustees determines that the
41 pupil has not reached a level of English proficiency sufficient to
42 yield valid and reliable information on what the pupil knows.*

43 (d) *If the pupil has attended public schools in the United States
44 for 5 consecutive years or more, examinations in reading required
45 by subsection 1 in the English language.*



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

10 **Sec. 64.** *1. If a pupil with a disability is unable to take an*
11 *examination administered pursuant to NRS 389.015 or 389.550*
12 *under regular testing conditions, the pupil may take the*
13 *examination with modifications and accommodations that the*
14 *pupil's individualized education program team determines, in*
15 *consultation with the Department and in accordance with the*
16 *Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et*
17 *seq., and the No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301*
18 *et seq., are necessary to measure the progress of the pupil. If*
19 *modifications or accommodations are made in the administration*
20 *of an examination for a pupil with a disability, the modifications*
21 *or accommodations must be set forth in the pupil's individualized*
22 *education program. The results of each pupil with a disability who*
23 *takes an examination with modifications or accommodations must*
24 *be reported and must be included in the determination of whether*
25 *the school and the school district have made adequate yearly*
26 *progress.*

27 *2. The State Board shall prescribe an alternate examination*
28 *for administration to a pupil with a disability if the pupil's*
29 *individualized education program team determines, in*
30 *consultation with the Department, that the pupil cannot*
31 *participate in all or a portion of an examination administered*
32 *pursuant to NRS 389.015 or 389.550 even with modifications and*
33 *accommodations. The results of a pupil with a disability who takes*
34 *an alternate examination must not be included in the*
35 *determination of whether the school and the school district have*
36 *made adequate yearly progress.*

37 *3. The State Board shall prescribe, in accordance with the*
38 *Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et*
39 *seq., and the No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301*
40 *et seq., the modifications and accommodations that may be used in*
41 *the administration of an examination to a pupil with a disability*
42 *who is unable to take the examination under regular testing*
43 *conditions.*



- 1 **4. As used in this section:**
2 (a) *“Individualized education program” has the meaning*
3 *ascribed to it in 20 U.S.C. § 1414(d)(1)(A).*
4 (b) *“Individualized education program team” has the meaning*
5 *ascribed to it in 20 U.S.C. § 1414(d)(1)(B).*

6 **Sec. 65.** NRS 389.012 is hereby amended to read as follows:
7 389.012 The State Board shall:

8 1. In accordance with guidelines established by the National
9 Assessment Governing Board and National Center for Education
10 Statistics ~~[]~~ *and in accordance with 20 U.S.C. §§ 6301 et seq. and*
11 *the regulations adopted pursuant thereto*, adopt regulations
12 requiring the schools of this state that are selected by the National
13 Assessment Governing Board or the National Center for Education
14 Statistics to participate in the examinations of the National
15 Assessment of Educational Progress.

16 2. Report the results of those examinations to the:

- 17 (a) Governor;
18 (b) Board of trustees of each school district of this state;
19 (c) Legislative Committee on Education created pursuant to
20 NRS 218.5352; and
21 (d) Legislative Bureau of Educational Accountability and
22 Program Evaluation created pursuant to NRS 218.5356.

23 **3. The report required pursuant to subsection 2 must include**
24 *an analysis and comparison of the results of pupils in this state on*
25 *the examinations required by this section with:*

26 (a) *The results of pupils throughout this country who*
27 *participated in the examinations of the National Assessment of*
28 *Educational Progress; and*

29 (b) *The results of pupils on the achievement and proficiency*
30 *examinations administered pursuant to this chapter.*

31 **Sec. 66.** NRS 389.015 is hereby amended to read as follows:

32 389.015 1. The board of trustees of each school district shall
33 administer examinations in all public schools of the school district.
34 The governing body of a charter school shall administer the same
35 examinations in the charter school. The examinations administered
36 by the board of trustees and governing body must determine the
37 achievement and proficiency of pupils in:

- 38 (a) Reading;
39 (b) Writing;
40 (c) Mathematics; and
41 (d) Science.

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

43 (a) Administered before the completion of grades 4, ~~[8.]~~ 7, 10
44 and 11.



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

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

8 (d) Administered in each school in accordance with the plan
9 adopted pursuant to NRS 389.616 by the Department and with the
10 plan adopted pursuant to NRS 389.620 by the board of trustees of
11 the school district in which the examinations are administered. The
12 Department shall monitor the compliance of school districts and
13 individual schools with:

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

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

19 (e) Scored by the Department or a single private entity that has
20 contracted with the State Board to score the examinations. If a
21 private entity scores the examinations, it shall report the results of
22 the examinations in the form and by the date required by the
23 Department.

24 3. Not more than 14 working days after the results of the
25 examinations are reported to the Department by a private entity that
26 scored the examinations or the Department completes the scoring of
27 the examinations, the Superintendent of Public Instruction shall
28 certify that the results of the examinations have been transmitted to
29 each school district and each charter school. Not more than 10
30 working days after a school district receives the results of the
31 examinations, the superintendent of schools of each school district
32 shall certify that the results of the examinations have been
33 transmitted to each school within the school district. Except as
34 otherwise provided in this subsection, not more than 15 working
35 days after each school receives the results of the examinations, the
36 principal of each school and the governing body of each charter
37 school shall certify that the results for each pupil have been
38 provided to the parent or legal guardian of the pupil:

39 (a) During a conference between the teacher of the pupil or
40 administrator of the school and the parent or legal guardian of the
41 pupil; or

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

44 If a pupil fails the high school proficiency examination, the school
45 shall notify the pupil and the parents or legal guardian of the pupil



1 as soon as practicable but not later than 15 working days after the
2 school receives the results of the examination.

3 ~~4. [Different standards of proficiency may be adopted for~~
4 ~~pupils with diagnosed learning disabilities. If a pupil with a~~
5 ~~disability is unable to take an examination created by a private entity~~
6 ~~under regular testing conditions or with modifications and~~
7 ~~accommodations that are approved by the private entity, the pupil~~
8 ~~may take the examination with modifications and accommodations~~
9 ~~that are approved by the State Board pursuant to subsection 8. If a~~
10 ~~pupil with a disability is unable to take an examination created by~~
11 ~~the Department under regular testing conditions or with~~
12 ~~modifications and accommodations that are approved by the~~
13 ~~Department, the pupil may take the examination with modifications~~
14 ~~and accommodations that are approved by the State Board pursuant~~
15 ~~to subsection 8. The results of an examination that is taken under~~
16 ~~conditions that are not approved by a private entity or the~~
17 ~~Department, as applicable, must not be reported pursuant to~~
18 ~~subsection 2 of NRS 389.017. If different standards of proficiency~~
19 ~~are adopted or other modifications or accommodations are made in~~
20 ~~the administration of the examinations for a pupil who is enrolled in~~
21 ~~a program of special education pursuant to NRS 388.440 to~~
22 ~~388.520, inclusive, other than a gifted and talented pupil, the~~
23 ~~different standards adopted or other modifications or~~
24 ~~accommodations must be set forth in the pupil's program of special~~
25 ~~education developed in accordance with the Individuals with~~
26 ~~Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the~~
27 ~~standards prescribed by the State Board. During the administration~~
28 ~~of the high school proficiency examination, a pupil with a disability~~
29 ~~may be given additional time to complete the examination if the~~
30 ~~additional time is a modification or accommodation that is approved~~
31 ~~in the pupil's program of special education developed in accordance~~
32 ~~with the Individuals with Disabilities Education Act, 20 U.S.C. §§~~
33 ~~1400 et seq.~~

34 ~~—5.]~~ If a pupil fails to demonstrate at least adequate achievement
35 on the examination administered before the completion of grade 4,
36 ~~[8] 7~~ or 10, he may be promoted to the next higher grade, but the
37 results of his examination must be evaluated to determine what
38 remedial study is appropriate. If such a pupil is enrolled at a school
39 that has been designated as demonstrating need for improvement
40 pursuant to ~~[subsection 1 of NRS 385.367,]~~ *section 14 of this act*,
41 the pupil must, in accordance with the requirements set forth in this
42 subsection, complete remedial study that is determined to be
43 appropriate for the pupil.

44 ~~[6.] 5.~~ If a pupil fails to pass the proficiency examination
45 administered before the completion of grade 11, he must not be



1 graduated until he is able, through remedial study, to pass the
2 proficiency examination, but he may be given a certificate of
3 attendance, in place of a diploma, if he has reached the age of 17
4 years.

5 ~~[7.]~~ 6. The State Board shall prescribe standard examinations
6 of achievement and proficiency to be administered pursuant to
7 subsection 1. The high school proficiency examination must be
8 developed, printed and scored by a nationally recognized testing
9 company in accordance with the process established by the testing
10 company. The examinations on reading, mathematics and science
11 prescribed for grades 4, ~~[8]~~ 7 and 10 must be selected from
12 examinations created by private entities and administered to a
13 national reference group, and must allow for a comparison of the
14 achievement and proficiency of pupils in grades 4, ~~[8]~~ 7 and 10 in
15 this state to that of a national reference group of pupils in grades 4,
16 ~~[8]~~ 7 and 10. The questions contained in the examinations and the
17 approved answers used for grading them are confidential, and
18 disclosure is unlawful except:

19 (a) To the extent necessary for administering and evaluating the
20 examinations.

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

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

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

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

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

31 (c) That specific questions and answers may be disclosed if the
32 Superintendent of Public Instruction determines that the content of
33 the questions and answers is not being used in a current examination
34 and making the content available to the public poses no threat to the
35 security of the current examination process.

36 ~~[8. The State Board shall prescribe, in accordance with the~~
37 ~~Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et~~
38 ~~seq., the modifications and accommodations that may be used in the~~
39 ~~administration of an examination to a pupil with a disability who is~~
40 ~~unable to take the examination under regular testing conditions or~~
41 ~~with modifications and accommodations that are approved by the~~
42 ~~private entity that created the examination or, if the Department~~
43 ~~created the examination, by the Department. These regulations may~~
44 ~~include, without limitation, authorizing a pupil to complete an~~
45 ~~examination with additional time.]~~



1 **Sec. 67.** NRS 389.015 is hereby amended to read as follows:
2 389.015 1. The board of trustees of each school district shall
3 administer examinations in all public schools of the school district.
4 The governing body of a charter school shall administer the same
5 examinations in the charter school. The examinations administered
6 by the board of trustees and governing body must *comply with 20*
7 *U.S.C. § 6311(b)(3) and must* determine the achievement and
8 proficiency of pupils in:
9 (a) Reading;
10 (b) Writing;
11 (c) Mathematics; and
12 (d) Science.
13 2. The examinations required by subsection 1 must be:
14 (a) ~~Administered before the completion of~~ *For reading and*
15 *mathematics, administered to each pupil in* grades 3, 4, 5, 6, 7 ~~[, 10~~
16 ~~and 11.] and 8, and at least one time before the completion of~~
17 *grade 12.*
18 (b) *For writing, administered to each pupil in grades 4 and 7,*
19 *and at least one time before the completion of grade 12.*
20 (c) *For science, administered to each pupil in grades 5 and 8.*
21 (d) Administered in each school district and each charter school
22 at the same time. The ~~time for the administration of the~~
23 examinations must be *administered during the fall semester at a*
24 *time* prescribed by the State Board.
25 ~~(e)~~ (e) Administered in each school in accordance with
26 uniform procedures adopted by the State Board. The Department
27 shall monitor the compliance of school districts and individual
28 schools with the uniform procedures.
29 ~~(d)~~ (f) Administered in each school in accordance with the
30 plan adopted pursuant to NRS 389.616 by the Department and with
31 the plan adopted pursuant to NRS 389.620 by the board of trustees
32 of the school district in which the examinations are administered.
33 The Department shall monitor the compliance of school districts and
34 individual schools with:
35 (1) The plan adopted by the Department; and
36 (2) The plan adopted by the board of trustees of the
37 applicable school district, to the extent that the plan adopted by the
38 board of trustees of the school district is consistent with the plan
39 adopted by the Department.
40 ~~(e) Scored by the Department or a single private entity that has~~
41 ~~contracted with the State Board to score the examinations. If a~~
42 ~~private entity scores the examinations, it shall report the results of~~
43 ~~the examinations in the form and by the date required by the~~
44 ~~Department.]~~



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

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

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

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

26 4. If a pupil fails to demonstrate at least adequate achievement
27 on ~~[the examination administered before the completion of grade 4,~~
28 ~~7 or 10,]~~ *an examination administered pursuant to this section*, he
29 may be promoted to the next higher grade, but the results of his
30 examination must be evaluated to determine what remedial study is
31 appropriate. If such a pupil is enrolled at a school that has been
32 designated as demonstrating need for improvement pursuant to
33 section 14 of this act , the pupil must, in accordance with the
34 requirements set forth in this subsection, complete remedial study
35 that is determined to be appropriate for the pupil.

36 5. If a pupil fails to pass the proficiency examination
37 administered before the completion of grade 11, he must not be
38 graduated until he is able, through remedial study, to pass the
39 proficiency examination, but he may be given a certificate of
40 attendance, in place of a diploma, if he has reached the age of 17
41 years.

42 6. The State Board shall prescribe , *in consultation with the*
43 *Council to Establish Academic Standards for Public Schools*
44 *created by NRS 389.510*, standard examinations of achievement and
45 proficiency to be administered pursuant to subsection 1. ~~[The]~~



- 1 7. *In addition to the examinations prescribed pursuant to*
2 *subsection 6, the State Board shall prescribe:*
3 (a) *The Preliminary Scholastic Aptitude Test; or*
4 (b) *The Pre American College Testing Program*
5 *Assessment,*
6 *for administration to pupils enrolled in grade 10. The board of*
7 *trustees of each school district and the governing body of each*
8 *charter school shall administer the test or assessment prescribed*
9 *by the State Board to all pupils who are enrolled in grade 10 in the*
10 *school district or charter school.*
11 8. *Except for the writing portion, the* high school proficiency
12 *examination must* ~~be~~ *:*
13 (a) *Measure the progress of pupils on the standards of content*
14 *and performance for reading and mathematics adopted by the*
15 *State Board pursuant to NRS 389.520; and*
16 (b) *Be* developed, printed and scored by a nationally recognized
17 *testing company in accordance with the process established by the*
18 *testing company.* ~~The~~
19 9. *Except for the writing portion, the* examinations on reading,
20 *mathematics and science prescribed for grades 3, 4, 5, 6, 7 and* ~~10~~
21 ~~*must be selected from examinations created by private entities and*~~
22 ~~*administered to a national reference group, and must allow*~~ 8 *must:*
23 (a) *Be developed, printed and scored by a nationally*
24 *recognized testing company in accordance with the process*
25 *established by the testing company; and*
26 (b) *Consist of a single examination per grade level tested that*
27 *produces:*
28 (1) *A score that allows* for a comparison of the achievement
29 *and proficiency of pupils in grades 3, 4, 5, 6, 7 and* ~~10~~ 8 *in this*
30 *state to that of a national reference group of pupils in grades 3, 4, 5,*
31 *6, 7 and* ~~10~~ 8; *and*
32 (2) *A score that measures the progress of pupils on the*
33 *standards of content and performance adopted by the State Board*
34 *pursuant to NRS 389.520 for:*
35 (I) *Reading;*
36 (II) *Mathematics; and*
37 (III) *If applicable to the grade level tested, science.*
38 10. *The questions contained in the examinations and the*
39 *approved answers used for grading them are confidential, and*
40 *disclosure is unlawful except:*
41 (a) *To the extent necessary for administering and evaluating the*
42 *examinations.*
43 (b) *That a disclosure may be made to a:*



- 1 (1) State officer who is a member of the executive or
- 2 legislative branch to the extent that it is necessary for the
- 3 performance of his duties;
- 4 (2) Superintendent of schools of a school district to the
- 5 extent that it is necessary for the performance of his duties;
- 6 (3) Director of curriculum of a school district to the extent
- 7 that it is necessary for the performance of his duties; and
- 8 (4) Director of testing of a school district to the extent that it
- 9 is necessary for the performance of his duties.

10 (c) That specific questions and answers may be disclosed if the
11 superintendent of public instruction determines that the content of
12 the questions and answers is not being used in a current examination
13 and making the content available to the public poses no threat to the
14 security of the current examination process.

15 **Sec. 68.** NRS 389.015 is hereby amended to read as follows:


16 1. The board of trustees of each school district shall administer
17 examinations in all public schools of the school district. The
18 governing body of a charter school shall administer the same
19 examinations in the charter school. The examinations administered
20 by the board of trustees and governing body must comply with 20
21 U.S.C. § 6311(b)(3) and must determine the achievement and
22 proficiency of pupils in:

- 23 (a) Reading;
- 24 (b) Writing;
- 25 (c) Mathematics; and
- 26 (d) Science.

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

28 (a) For reading and mathematics, administered to each pupil in
29 grades 3, 4, 5, 6, 7 and 8, and at least one time before the
30 completion of grade 12.

31 (b) For writing, administered to each pupil in grades 4 and 7,
32 and at least one time before the completion of grade 12.

33 (c) For science, administered to each pupil in grades 5 and 8 ,
34 *and at least one time before the completion of grade 12.*

35 (d) Administered in each school district and each charter school
36 at the same time. The examinations must be administered during the
37 fall semester at a time prescribed by the State Board.

38 (e) Administered in each school in accordance with uniform
39 procedures adopted by the State Board. The Department shall
40 monitor the compliance of school districts and individual schools
41 with the uniform procedures.

42 (f) Administered in each school in accordance with the plan
43 adopted pursuant to NRS 389.616 by the Department and with the
44 plan adopted pursuant to NRS 389.620 by the board of trustees of
45 the school district in which the examinations are administered. The



1 Department shall monitor the compliance of school districts and
2 individual schools with:

- 3 (1) The plan adopted by the Department; and
4 (2) The plan adopted by the board of trustees of the
5 applicable school district, to the extent that the plan adopted by the
6 board of trustees of the school district is consistent with the plan
7 adopted by the Department.

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

24 (a) During a conference between the teacher of the pupil or
25 administrator of the school and the parent or legal guardian of the
26 pupil; or

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

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

33 4. If a pupil fails to demonstrate at least adequate achievement
34 on an examination administered pursuant to this section, he may be
35 promoted to the next higher grade, but the results of his examination
36 must be evaluated to determine what remedial study is appropriate.
37 If such a pupil is enrolled at a school that has been designated as
38 demonstrating need for improvement pursuant to section 14 of this
39 act, the pupil must, in accordance with the requirements set forth in
40 this subsection, complete remedial study that is determined to be
41 appropriate for the pupil.

42 5. If a pupil fails to pass the proficiency examination
43 administered before the completion of grade 11, he must not be
44 graduated until he is able, through remedial study, to pass the
45 proficiency examination, but he may be given a certificate of



1 attendance, in place of a diploma, if he has reached the age of 17
2 years.

3 6. The State Board shall prescribe, in consultation with the
4 Council to Establish Academic Standards for Public Schools created
5 by NRS 389.510, standard examinations of achievement and
6 proficiency to be administered pursuant to subsection 1.

7 7. In addition to the examinations prescribed pursuant to
8 subsection 6, the State Board shall prescribe:

- 9 (a) The Preliminary Scholastic Aptitude Test; or
10 (b) The Pre American College Testing Program
11 Assessment,

12 for administration to pupils enrolled in grade 10. The board of
13 trustees of each school district and the governing body of each
14 charter school shall administer the test or assessment prescribed by
15 the State Board to all pupils who are enrolled in grade 10 in the
16 school district or charter school.

17 8. Except for the writing portion, the high school proficiency
18 examination must:

19 (a) Measure the progress of pupils on the standards of content
20 and performance for reading , ~~and~~ mathematics *and science*
21 adopted by the State Board pursuant to NRS 389.520; and

22 (b) Be developed, printed and scored by a nationally recognized
23 testing company in accordance with the process established by the
24 testing company.

25 9. Except for the writing portion, the examinations prescribed
26 for grades 3, 4, 5, 6, 7 and 8 must:

27 (a) Be developed, printed and scored by a nationally recognized
28 testing company in accordance with the process established by the
29 testing company; and

30 (b) Consist of a single examination per grade level tested that
31 produces:

32 (1) A score that allows for a comparison of the achievement
33 and proficiency of pupils in grades 3, 4, 5, 6, 7 and 8 in this state to
34 that of a national reference group of pupils in grades 3, 4, 5, 6, 7 and
35 8; and

36 (2) A score that measures the progress of pupils on the
37 standards of content and performance adopted by the State Board
38 pursuant to NRS 389.520 for:

- 39 (I) Reading;
40 (II) Mathematics; and
41 (III) If applicable to the grade level tested, science.

42 10. The questions contained in the examinations and the
43 approved answers used for grading them are confidential, and
44 disclosure is unlawful except:



1 (a) To the extent necessary for administering and evaluating the
2 examinations.

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

4 (1) State officer who is a member of the executive or
5 legislative branch to the extent that it is necessary for the
6 performance of his duties;

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

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

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

13 (c) That specific questions and answers may be disclosed if the
14 superintendent of public instruction determines that the content of
15 the questions and answers is not being used in a current examination
16 and making the content available to the public poses no threat to the
17 security of the current examination process.

18 **Sec. 69.** NRS 389.017 is hereby amended to read as follows:

19 389.017 1. The State Board shall adopt regulations requiring
20 that each board of trustees of a school district and each governing
21 body of a charter school submit to the Superintendent of Public
22 Instruction and the Department, in the form and manner prescribed
23 by the Superintendent, the results of achievement and proficiency
24 examinations ~~[given in the 4th, 8th, 10th and 11th grades]~~
25 *administered pursuant to NRS 389.015* to public school pupils of
26 the district and charter schools. The State Board shall not include in
27 the regulations any provision which would violate the
28 confidentiality of the test scores of any individual pupil.

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

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

34 (b) The average score, as defined by the Department, of pupils
35 who took the examinations with modifications or accommodations,
36 ~~[approved by the private entity that created the examination or, if~~
37 ~~the Department created the examination, the Department,]~~ if such
38 reporting does not violate the confidentiality of the test scores of any
39 individual pupil.

40 3. ~~[The Department shall adopt regulations prescribing the~~
41 ~~requirements for reporting the scores of pupils who:~~

42 ~~—(a) Took the examinations under conditions that were not~~
43 ~~approved by the private entity that created the examination or, if the~~
44 ~~Department created the examination, by the Department;~~

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



1 ~~—(c) Are enrolled in an alternative program for the education of~~
2 ~~pupils at risk of dropping out of high school, including, without~~
3 ~~limitation, a program of distance education that is provided to pupils~~
4 ~~who are at risk of dropping out of high school pursuant to NRS~~
5 ~~388.820 to 388.874, inclusive; or~~

6 ~~—(d) Are detained in a:~~
7 ~~—(1) Youth training center;~~
8 ~~—(2) Youth center;~~
9 ~~—(3) Juvenile forestry camp;~~
10 ~~—(4) Detention home;~~
11 ~~—(5) Youth camp;~~
12 ~~—(6) Juvenile correctional institution; or~~
13 ~~—(7) Correctional institution.~~

14 ~~The scores reported pursuant to this subsection must not be included~~
15 ~~in the average scores reported pursuant to subsection 2.~~

16 ~~4.]~~ Not later than 10 days after the Department receives the
17 results of the achievement and proficiency examinations, the
18 Department shall transmit a copy of the results of the examinations
19 administered pursuant to NRS 389.015 to the Legislative Bureau of
20 Educational Accountability and Program Evaluation in a manner
21 that does not violate the confidentiality of the test scores of any
22 individual pupil.

23 ~~5.]~~ 4. On or before November 15 of each year, each school
24 district and each charter school shall report to the Department the
25 following information for each examination administered in the
26 public schools in the school district or charter school:

- 27 (a) The examination administered;
- 28 (b) The grade level or levels of pupils to whom the examination
29 was administered;
- 30 (c) The costs incurred by the school district or charter school in
31 administering each examination; and
- 32 (d) The purpose, if any, for which the results of the examination
33 are used by the school district or charter school.

34 On or before December 15 of each year, the Department shall
35 transmit to the Budget Division of the Department of
36 Administration and the Fiscal Analysis Division of the Legislative
37 Counsel Bureau the information submitted to the Department
38 pursuant to this subsection.

39 ~~6.]~~ 5. The superintendent of schools of each school district
40 and the governing body of each charter school shall certify that the
41 number of pupils who took the examinations required pursuant to
42 NRS 389.015 is equal to the number of pupils who are enrolled in
43 each school in the school district or in the charter school who are
44 required to take the examinations . ~~[except for those pupils who are~~



1 ~~exempt from taking the examinations. A pupil may be exempt from~~
2 ~~taking the examinations if:~~
3 ~~—(a) His primary language is not English and his proficiency in~~
4 ~~the English language is below the level that the State Board~~
5 ~~determines is proficient, as measured by an assessment of~~
6 ~~proficiency in the English language prescribed by the State Board~~
7 ~~pursuant to subsection 8; or~~
8 ~~—(b) He is enrolled in a program of special education pursuant to~~
9 ~~NRS 388.440 to 388.520, inclusive, and his program of special~~
10 ~~education specifies that he is exempt from taking the examinations.~~
11 ~~—7.] 6.~~ In addition to the information required by subsection ~~[5,]~~
12 ~~4,~~ the Superintendent of Public Instruction shall:
13 (a) Report the number of pupils who were ~~[not exempt from~~
14 ~~taking the examinations but were]~~ absent from school on the day
15 that the examinations were administered; and
16 (b) Reconcile the number of pupils who were required to take
17 the examinations with the number of pupils who were ~~[exempt from~~
18 ~~taking the examinations or]~~ absent from school on the day that the
19 examinations were administered.
20 ~~[8. The State Board shall prescribe an assessment of~~
21 ~~proficiency in the English language for pupils whose primary~~
22 ~~language is not English to determine which pupils are exempt from~~
23 ~~the examinations pursuant to paragraph (a) of subsection 6.]~~
24 **Sec. 70.** NRS 389.500 is hereby amended to read as follows:
25 389.500 As used in NRS 389.500 to ~~[389.570,]~~ **389.540,**
26 inclusive, “Council” means the Council to Establish Academic
27 Standards for Public Schools.
28 **Sec. 71.** NRS 389.520 is hereby amended to read as follows:
29 389.520 1. The Council shall:
30 (a) Establish standards of content and performance, including,
31 without limitation, a prescription of the resulting level of
32 achievement, for the grade levels set forth in subsection 2, based
33 upon the content of each course, that is expected of pupils for the
34 following courses of study:
35 (1) English, including reading, composition and writing;
36 (2) Mathematics;
37 (3) Science;
38 (4) Social studies, which includes only the subjects of
39 history, geography, economics and government;
40 (5) The arts;
41 (6) Computer education and technology;
42 (7) Health; and
43 (8) Physical education.
44 (b) Establish a schedule for the periodic review and, if
45 necessary, revision of the standards of content and performance.



1 ~~[The review must include, without limitation, the review required~~
2 ~~pursuant to NRS 389.570 of the results of pupils on the~~
3 ~~examinations administered pursuant to NRS 389.550.]~~

4 (c) Assign priorities to the standards of content and performance
5 relative to importance and degree of emphasis and revise the
6 standards, if necessary, based upon the priorities.

7 2. The Council shall establish standards of content and
8 performance for each grade level in kindergarten and grades 1 to 8,
9 inclusive, for English and mathematics. The Council shall establish
10 standards of content and performance for the grade levels selected
11 by the Council for the other courses of study prescribed in
12 subsection 1.

13 3. The State Board shall adopt the standards of content and
14 performance established by the Council.

15 ~~[4. The Council shall work in cooperation with the State Board~~
16 ~~to prescribe the examinations required by NRS 389.550.]~~

17 **Sec. 72.** NRS 389.560 is hereby amended to read as follows:

18 389.560 1. The State Board shall adopt regulations that
19 require the board of trustees of each school district and the
20 governing body of each charter school to submit to
21 the Superintendent of Public Instruction, the Department and the
22 Council, in the form and manner prescribed by the Superintendent,
23 the results of the examinations administered pursuant to NRS
24 389.550. The State Board shall not include in the regulations any
25 provision that would violate the confidentiality of the test scores of
26 an individual pupil.

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

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

33 (b) The percentage of pupils who have demonstrated
34 proficiency, as defined by the Department, and took the
35 examinations with modifications or accommodations, ~~[approved by~~
36 ~~the private entity that created the examination or, if the Department~~
37 ~~created the examination, the Department,]~~ if such reporting does not
38 violate the confidentiality of the test scores of any individual pupil.

39 3. ~~[The Department shall adopt regulations prescribing the~~
40 ~~requirements for reporting the results of pupils who:~~

41 ~~—(a) Took the examinations under conditions that were not~~
42 ~~approved by the private entity that created the examination or, if the~~
43 ~~Department created the examination, by the Department;~~

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



1 ~~—(c) Are enrolled in an alternative program for the education of~~
2 ~~pupils at risk of dropping out of high school, including, without~~
3 ~~limitation, a program of distance education that is provided to pupils~~
4 ~~who are at risk of dropping out of high school pursuant to NRS~~
5 ~~388.820 to 388.874, inclusive; or~~

6 ~~—(d) Are detained in a:~~
7 ~~—(1) Youth training center;~~
8 ~~—(2) Youth center;~~
9 ~~—(3) Juvenile forestry camp;~~
10 ~~—(4) Detention home;~~
11 ~~—(5) Youth camp;~~
12 ~~—(6) Juvenile correctional institution; or~~
13 ~~—(7) Correctional institution.~~

14 ~~The results reported pursuant to this subsection must not be included~~
15 ~~in the percentage of pupils reported pursuant to subsection 2.~~

16 ~~—4.]~~ Not later than 10 days after the Department receives the
17 results of the examinations, the Department shall transmit a copy of
18 the results to the Legislative Bureau of Educational Accountability
19 and Program Evaluation in a manner that does not violate the
20 confidentiality of the test scores of any individual pupil.

21 ~~[5.]~~ 4. On or before November 15 of each year, each school
22 district and each charter school shall report to the Department the
23 following information for each examination administered in the
24 public schools in the school district or charter school:

- 25 (a) The examination administered;
- 26 (b) The grade level or levels of pupils to whom the examination
27 was administered;
- 28 (c) The costs incurred by the school district or charter school in
29 administering each examination; and
- 30 (d) The purpose, if any, for which the results of the examination
31 are used by the school district or charter school.

32 On or before December 15 of each year, the Department shall
33 transmit to the Budget Division of the Department of
34 Administration and the Fiscal Analysis Division of the Legislative
35 Counsel Bureau the information submitted to the Department
36 pursuant to this subsection.

37 ~~[6.]~~ 5. The superintendent of schools of each school district
38 and the governing body of each charter school shall certify that the
39 number of pupils who took the examinations is equal to the number
40 of pupils who are enrolled in each school in the school district or in
41 the charter school who are required to take the examinations . ~~]~~
42 ~~except for those pupils who are exempt from taking the~~
43 ~~examinations. A pupil may be exempt from taking the examinations~~
44 ~~if:~~



1 ~~—(a) His primary language is not English and his proficiency in~~
2 ~~the English language is below the level that the State Board~~
3 ~~determines is proficient, as measured by an assessment of~~
4 ~~proficiency in the English language prescribed by the State Board~~
5 ~~pursuant to subsection 8; or~~

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

9 ~~—7.] 6.~~ In addition to the information required by subsection ~~[5,]~~
10 **4,** the Superintendent of Public Instruction shall:

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

14 (b) Reconcile the number of pupils who were required to take
15 the examinations with the number of pupils who were exempt from
16 taking the examinations or absent from school on the day that the
17 examinations were administered.

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

22 **Sec. 73.** NRS 389.604 is hereby amended to read as follows:
23 389.604 “Irregularity in testing administration” means the
24 failure to administer an examination to pupils pursuant to NRS
25 389.015 ~~[or 389.550]~~ in the manner intended by the person or entity
26 that created the examination.

27 **Sec. 74.** NRS 389.608 is hereby amended to read as follows:
28 389.608 “Irregularity in testing security” means an act or
29 omission that tends to corrupt or impair the security of an
30 examination administered to pupils pursuant to NRS 389.015 , ~~[or~~
31 ~~389.550,]~~ including, without limitation:

32 1. The failure to comply with security procedures adopted
33 pursuant to NRS 389.616 or 389.620;

34 2. The disclosure of questions or answers to questions on an
35 examination in a manner not otherwise approved by law; and

36 3. Other breaches in the security or confidentiality of the
37 questions or answers to questions on an examination.

38 **Sec. 75.** NRS 389.616 is hereby amended to read as follows:
39 389.616 1. The Department shall, by regulation or otherwise,
40 adopt and enforce a plan setting forth procedures to ensure the
41 security of examinations that are administered to pupils pursuant to
42 NRS 389.015 . ~~[and 389.550.]~~

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



- 1 (a) Procedures pursuant to which pupils, school officials and
2 other persons may, and are encouraged to, report irregularities in
3 testing administration and testing security.
- 4 (b) Procedures necessary to ensure the security of test materials
5 and the consistency of testing administration.
- 6 (c) Procedures that specifically set forth the action that must be
7 taken in response to a report of an irregularity in testing
8 administration or testing security and the actions that must be taken
9 during an investigation of such an irregularity. For each action that
10 is required, the procedures must identify:
- 11 (1) By category, the employees of the school district, charter
12 school or Department, or any combination thereof, who are
13 responsible for taking the action; and
- 14 (2) Whether the school district, charter school or
15 Department, or any combination thereof, is responsible for ensuring
16 that the action is carried out successfully.
- 17 (d) Objective criteria that set forth the conditions under which a
18 school, including, without limitation, a charter school or a school
19 district, or both, is required to file a plan for corrective action in
20 response to an irregularity in testing administration or testing
21 security for the purposes of NRS 389.636.
- 22 3. A copy of the plan adopted pursuant to this section and the
23 procedures set forth therein must be submitted on or before
24 September 1 of each year to:
- 25 (a) The State Board; and
- 26 (b) The Legislative Committee on Education, created pursuant
27 to NRS 218.5352.
- 28 **Sec. 76.** NRS 389.620 is hereby amended to read as follows:
- 29 389.620 1. The board of trustees of each school district shall,
30 for each public school in the district, including, without limitation,
31 charter schools, adopt and enforce a plan setting forth procedures to
32 ensure the security of examinations.
- 33 2. A plan adopted pursuant to subsection 1 must include,
34 without limitation:
- 35 (a) Procedures pursuant to which pupils, school officials and
36 other persons may, and are encouraged to, report irregularities in
37 testing administration and testing security.
- 38 (b) Procedures necessary to ensure the security of test materials
39 and the consistency of testing administration.
- 40 (c) With respect to secondary schools, procedures pursuant to
41 which the school district or charter school, as appropriate, will
42 verify the identity of pupils taking an examination.
- 43 (d) Procedures that specifically set forth the action that must be
44 taken in response to a report of an irregularity in testing
45 administration or testing security and the action that must be taken



1 during an investigation of such an irregularity. For each action that
2 is required, the procedures must identify, by category, the
3 employees of the school district or charter school who are
4 responsible for taking the action and for ensuring that the action is
5 carried out successfully.

6 The procedures adopted pursuant to this subsection must be
7 consistent, to the extent applicable, with the procedures adopted by
8 the Department pursuant to NRS 389.616.

9 3. A copy of each plan adopted pursuant to this section and the
10 procedures set forth therein must be submitted on or before
11 September 1 of each year to:

12 (a) The State Board; and

13 (b) The Legislative Committee on Education, created pursuant
14 to NRS 218.5352.

15 4. On or before September 30 of each school year, the board of
16 trustees of each school district and the governing body of each
17 charter school shall provide a written notice regarding the
18 examinations to all teachers and educational personnel employed by
19 the school district or governing body, all personnel employed by the
20 school district or governing body who are involved in the
21 administration of the examinations, all pupils who are required to
22 take the examinations and all parents and legal guardians of such
23 pupils. The written notice must be prepared in a format that is easily
24 understood and must include, without limitation, a description of
25 the:

26 (a) Plan adopted pursuant to this section; and

27 (b) Action that may be taken against personnel and pupils for
28 violations of the plan or for other irregularities in testing
29 administration or testing security.

30 5. As used in this section:

31 (a) "Examination" means:

32 (1) Achievement and proficiency examinations that are
33 administered to pupils pursuant to NRS 389.015 ; ~~or 389.550;~~ and

34 (2) Any other examinations which measure the achievement
35 and proficiency of pupils and which are administered to pupils on a
36 district-wide basis.

37 (b) "Irregularity in testing administration" means the failure to
38 administer an examination in the manner intended by the person or
39 entity that created the examination.

40 (c) "Irregularity in testing security" means an act or omission
41 that tends to corrupt or impair the security of an examination,
42 including, without limitation:

43 (1) The failure to comply with security procedures adopted
44 pursuant to this section or NRS 389.616;



1 (2) The disclosure of questions or answers to questions on an
2 examination in a manner not otherwise approved by law; and

3 (3) Other breaches in the security or confidentiality of the
4 questions or answers to questions on an examination.

5 **Sec. 77.** NRS 389.624 is hereby amended to read as follows:

6 389.624 1. If the Department:

7 (a) Has reason to believe that a violation of the plan adopted
8 pursuant to NRS 389.616 may have occurred;

9 (b) Has reason to believe that a violation of the plan adopted
10 pursuant to NRS 389.620 may have occurred with respect to an
11 examination that is administered pursuant to NRS 389.015 ; or
12 ~~[389.550; or]~~

13 (c) Receives a request pursuant to subparagraph (2) of paragraph
14 (b) of subsection 1 NRS 389.628 to investigate a potential violation
15 of the plan adopted pursuant to NRS 389.620 with respect to an
16 examination that is administered pursuant to NRS 389.015 , ~~for~~
17 ~~389.550.]~~

18 the Department shall investigate the matter as it deems appropriate.

19 2. If the Department investigates a matter pursuant to
20 subsection 1, the Department may issue a subpoena to compel the
21 attendance or testimony of a witness or the production of any
22 relevant materials, including, without limitation, books, papers,
23 documents, records, photographs, recordings, reports and tangible
24 objects.

25 3. If a witness refuses to attend, testify or produce materials as
26 required by the subpoena, the Department may report to the district
27 court by petition, setting forth that:

28 (a) Due notice has been given of the time and place of
29 attendance or testimony of the witness or the production of
30 materials;

31 (b) The witness has been subpoenaed by the Department
32 pursuant to this section; and

33 (c) The witness has failed or refused to attend, testify or produce
34 materials before the Department as required by the subpoena, or has
35 refused to answer questions propounded to him,

36 and asking for an order of the court compelling the witness to
37 attend, testify or produce materials before the Department.

38 4. Upon receipt of such a petition, the court shall enter an order
39 directing the witness to appear before the court at a time and place
40 to be fixed by the court in its order, the time to be not more than 10
41 days after the date of the order, and then and there show cause why
42 he has not attended, testified or produced materials before the
43 Department. A certified copy of the order must be served upon the
44 witness.



1 5. If it appears to the court that the subpoena was regularly
2 issued by the Department, the court shall enter an order that the
3 witness appear before the Department at a time and place fixed in
4 the order and testify or produce materials, and that upon failure to
5 obey the order the witness must be dealt with as for contempt of
6 court.

7 **Sec. 78.** NRS 389.628 is hereby amended to read as follows:

8 389.628 1. If a school official has reason to believe that a
9 violation of the plan adopted pursuant to NRS 389.620 may have
10 occurred, the school official shall immediately report the incident to
11 the board of trustees of the school district. If the board of trustees of
12 a school district has reason to believe that a violation of the plan
13 adopted pursuant to NRS 389.620 may have occurred, the board of
14 trustees shall:

15 (a) If the violation is with respect to an examination
16 administered pursuant to NRS 389.015 , ~~for 389.550,~~ immediately
17 report the incident to the Department orally or in writing , followed
18 by a comprehensive written report within 14 school days after the
19 incident occurred; and

20 (b) Cause to be commenced an investigation of the incident. The
21 board of trustees may carry out the requirements of this paragraph
22 by:

23 (1) Investigating the incident as it deems appropriate,
24 including, without limitation, using the powers of subpoena set forth
25 in this section.

26 (2) With respect to an examination that is administered
27 pursuant to NRS 389.015 , ~~for 389.550,~~ requesting that the
28 Department investigate the incident pursuant to
29 NRS 389.624.

30 The fact that a board of trustees elects initially to carry out its own
31 investigation pursuant to subparagraph (1) of paragraph (b) does not
32 affect the ability of the board of trustees to request, at any time, that
33 the Department investigate the incident as authorized pursuant to
34 subparagraph (2) of paragraph (b).

35 2. Except as otherwise provided in this subsection, if the board
36 of trustees of a school district proceeds in accordance with
37 subparagraph (1) of paragraph (b) of subsection 1, the board of
38 trustees may issue a subpoena to compel the attendance or testimony
39 of a witness or the production of any relevant materials, including,
40 without limitation, books, papers, documents, records, photographs,
41 recordings, reports and tangible objects. A board of trustees shall
42 not issue a subpoena to compel the attendance or testimony of a
43 witness or the production of materials unless the attendance,
44 testimony or production sought to be compelled is related directly to



1 a violation or an alleged violation of the plan adopted pursuant to
2 NRS 389.620.

3 3. If a witness refuses to attend, testify or produce materials as
4 required by the subpoena, the board of trustees may report to the
5 district court by petition, setting forth that:

6 (a) Due notice has been given of the time and place of
7 attendance or testimony of the witness or the production of
8 materials;

9 (b) The witness has been subpoenaed by the board of trustees
10 pursuant to this section; and

11 (c) The witness has failed or refused to attend, testify or produce
12 materials before the board of trustees as required by the subpoena,
13 or has refused to answer questions propounded to him,
14 and asking for an order of the court compelling the witness to
15 attend, testify or produce materials before the board of trustees.

16 4. Upon receipt of such a petition, the court shall enter an order
17 directing the witness to appear before the court at a time and place
18 to be fixed by the court in its order, the time to be not more than 10
19 days after the date of the order, and then and there show cause why
20 he has not attended, testified or produced materials before the board
21 of trustees. A certified copy of the order must be served upon the
22 witness.

23 5. If it appears to the court that the subpoena was regularly
24 issued by the board of trustees, the court shall enter an order that the
25 witness appear before the board of trustees at a time and place fixed
26 in the order and testify or produce materials, and that upon failure to
27 obey the order the witness must be dealt with as for contempt of
28 court.

29 **Sec. 79.** NRS 389.632 is hereby amended to read as follows:

30 389.632 1. Except as otherwise provided in subsection ~~{8.}~~ 5,
31 if the Department determines:

32 (a) That at least one irregularity in testing administration
33 occurred at a school, including, without limitation, a charter school,
34 during 1 school year on the examinations administered pursuant to
35 NRS 389.015, excluding the high school proficiency examination;

36 (b) That in the immediately succeeding school year, at least one
37 additional irregularity in testing administration occurred at that
38 school on the examinations administered pursuant to NRS 389.015,
39 excluding the high school proficiency examination; and

40 (c) Based upon the criteria set forth in subsection ~~{5.}~~ 2, that the
41 irregularities described in paragraphs (a) and (b) warrant an
42 additional administration of the examinations,
43 the Department shall notify the school and the school district in
44 which the school is located that the school is required to provide for
45 an additional administration of the examinations to pupils who are



1 enrolled in a grade that is required to take the examinations pursuant
2 to NRS 389.015, excluding the high school proficiency
3 examination, or to the pupils the Department determines must take
4 the additional administration pursuant to subsection ~~{6.}~~ 3. The
5 additional administration must occur in the same school year in
6 which the irregularity described in paragraph (b) occurred. ~~{The}~~
7 *Except as otherwise provided in this subsection, the* school district
8 shall pay for all costs related to the administration of examinations
9 pursuant to this subsection. *If a charter school is required to*
10 *administer examinations pursuant to this subsection, the charter*
11 *school shall pay for all costs related to the administration of the*
12 *examinations to pupils enrolled in the charter school.*

13 2. ~~If the Department determines that:~~
14 ~~—(a) At least one irregularity in testing administration occurred at~~
15 ~~a school, including, without limitation, a charter school, during 1~~
16 ~~school year on the examinations administered pursuant to~~
17 ~~NRS 389.550;~~

18 ~~—(b) In the immediately succeeding school year, at least one~~
19 ~~additional irregularity in testing administration occurred at that~~
20 ~~school on the examinations administered pursuant to NRS 389.550;~~
21 ~~and~~

22 ~~—(c) Based upon the criteria set forth in subsection 5, that the~~
23 ~~irregularities described in paragraphs (a) and (b) warrant an~~
24 ~~additional administration of the examinations;~~

25 ~~the Department shall notify the school and the school district in~~
26 ~~which the school is located that the school is required to provide for~~
27 ~~an additional administration of the examinations to pupils who are~~
28 ~~enrolled in a grade that is required to take the examinations pursuant~~
29 ~~to NRS 389.550 or to the pupils the Department determines must~~
30 ~~take the additional administration pursuant to subsection 6. The~~
31 ~~additional administration must occur in the same school year in~~
32 ~~which the irregularity described in paragraph (b) occurred. The~~
33 ~~school district shall pay for all costs related to the administration of~~
34 ~~examinations pursuant to this subsection.~~

35 ~~—3.— If the Department determines that:~~

36 ~~—(a) At least one irregularity in testing administration occurred at~~
37 ~~a school, including, without limitation, a charter school, during 1~~
38 ~~school year on the examinations administered pursuant to NRS~~
39 ~~389.015, excluding the high school proficiency examination;~~

40 ~~—(b) In the immediately succeeding school year, at least one~~
41 ~~additional irregularity in testing administration occurred at that~~
42 ~~school on the examinations administered pursuant to NRS 389.550;~~
43 ~~and~~



1 ~~—(c) Based upon the criteria set forth in subsection 5, that the~~
2 ~~irregularities described in paragraphs (a) and (b) warrant an~~
3 ~~additional administration of the examinations,~~
4 ~~the Department shall notify the school and the school district in~~
5 ~~which the school is located that the school is required to provide for~~
6 ~~an additional administration of the examinations to pupils who are~~
7 ~~enrolled in a grade that is required to take the examinations pursuant~~
8 ~~to NRS 389.550 or to the pupils the Department determines must~~
9 ~~take the additional administration pursuant to subsection 6. The~~
10 ~~additional administration must occur in the same school year in~~
11 ~~which the irregularity described in paragraph (b) occurred. The~~
12 ~~school district shall pay for all costs related to the administration of~~
13 ~~examinations pursuant to this subsection.~~
14 ~~—4. Except as otherwise provided in subsection 8, if the~~
15 ~~Department determines that:~~
16 ~~—(a) At least one irregularity in testing administration occurred at~~
17 ~~a school, including, without limitation, a charter school, during 1~~
18 ~~school year on the examinations administered pursuant to~~
19 ~~NRS 389.550;~~
20 ~~—(b) In the immediately succeeding school year, at least one~~
21 ~~additional irregularity in testing administration occurred at that~~
22 ~~school on the examinations administered pursuant to NRS 389.015,~~
23 ~~excluding the high school proficiency examination; and~~
24 ~~—(c) Based upon the criteria set forth in subsection 5, that the~~
25 ~~irregularities described in paragraphs (a) and (b) warrant an~~
26 ~~additional administration of the examinations,~~
27 ~~the Department shall notify the school and the school district in~~
28 ~~which the school is located that the school is required to provide for~~
29 ~~an additional administration of the examinations to pupils who are~~
30 ~~enrolled in a grade that is required to take the examinations pursuant~~
31 ~~to NRS 389.015, excluding the high school proficiency~~
32 ~~examination, or to the pupils the Department determines must take~~
33 ~~the additional administration pursuant to subsection 6. The~~
34 ~~additional administration must occur in the same school year in~~
35 ~~which the irregularity described in paragraph (b) occurred. The~~
36 ~~school district shall pay for all costs related to the administration of~~
37 ~~examinations pursuant to this subsection.~~
38 ~~—5.]~~ In determining whether to require a school to provide for an
39 additional administration of examinations pursuant to this section,
40 the Department shall consider:
41 (a) The effect of each irregularity in testing administration,
42 including, without limitation, whether the irregularity required the
43 scores of pupils to be invalidated; and
44 (b) Whether sufficient time remains in the school year to
45 provide for an additional administration of examinations.



1 ~~[6.]~~ 3. If the Department determines pursuant to subsection ~~[5]~~
2 2 that a school must provide for an additional administration of
3 examinations, the Department may consider whether the most recent
4 irregularity in testing administration affected the test scores of a
5 limited number of pupils and require the school to provide an
6 additional administration of examinations pursuant to this section
7 only to those pupils whose test scores were affected by the most
8 recent irregularity.

9 ~~[7.]~~ 4. The Department shall provide as many notices pursuant
10 to this section during 1 school year as are applicable to the
11 irregularities occurring at a school. A school shall provide for
12 additional administrations of examinations pursuant to this section
13 within 1 school year as applicable to the irregularities occurring at
14 the school.

15 ~~[8.]~~ 5. If a school is required to provide an additional
16 administration of examinations pursuant to ~~[subsection 2 of NRS~~
17 ~~385.368]~~ *section 11 of this act* for a school year, the school is not
18 required to provide for an additional administration pursuant to
19 ~~[subsection 1 or 4]~~ *this section* in that school year. The Department
20 shall ensure that the information required pursuant to paragraph (b)
21 of subsection 3 of NRS 389.648 is included in its report for the
22 additional administration provided by such a school pursuant to
23 ~~[subsection 2 of NRS 385.368.]~~ *section 11 of this act.*

24 **Sec. 80.** NRS 389.644 is hereby amended to read as follows:

25 389.644 1. The Department shall establish a program of
26 education and training regarding the administration and security of
27 the examinations administered pursuant to NRS 389.015 . ~~[and~~
28 ~~389.550.]~~ Upon approval of the Department, the board of trustees of
29 a school district or the governing body of a charter school may
30 establish an expanded program of education and training that
31 includes additional education and training if the expanded program
32 complies with the program established by the Department.

33 2. The board of trustees of each school district and the
34 governing body of each charter school shall ensure that:

35 (a) All the teachers and other educational personnel who provide
36 instruction to pupils enrolled in a grade level that is required to be
37 tested pursuant to NRS 389.015 , ~~[or 389.550.]~~ and all other
38 personnel who are involved with the administration of the
39 examinations that are administered pursuant to NRS 389.015 , ~~[or~~
40 ~~389.550.]~~ receive, on an annual basis, the program of education and
41 training established by the Department or the expanded program, if
42 applicable; and

43 (b) The training and education is otherwise available for all
44 personnel who are not required to receive the training and education
45 pursuant to paragraph (a).



1 **Sec. 81.** NRS 389.900 is hereby amended to read as follows:
2 389.900 If the Department enters into a contract with a person
3 or entity to score the results of an examination that is administered
4 to pupils pursuant to NRS 389.015 ~~{or 389.550}~~ and the contract
5 sets forth penalties or sanctions in the event that the person or entity
6 fails to deliver the scored results to a school district or charter
7 school on a timely basis, the Department shall ensure that any such
8 penalties or sanctions are fully enforced.

9 **Sec. 82.** Chapter 391 of NRS is hereby amended by adding
10 thereto the provisions set forth as sections 83 to 92, inclusive, of this
11 act.

12 **Sec. 83.** *As used in this chapter, unless the context otherwise*
13 *requires, the words and terms defined in NRS 391.005 and section*
14 *84 of this act have the meanings ascribed to them in those*
15 *sections.*

16 **Sec. 84. 1.** *“Paraprofessional” means a person who is*
17 *assigned by a school district or charter school to:*

- 18 *(a) Provide one-on-one tutoring for a pupil;*
- 19 *(b) Assist with the management of a classroom, including,*
20 *without limitation, organizing instructional materials;*
- 21 *(c) Provide assistance in a computer laboratory;*
- 22 *(d) Conduct parental involvement activities in conjunction*
23 *with one or more duties set forth in this subsection;*
- 24 *(e) Provide support in a library or media center;*
- 25 *(f) Except as otherwise provided in subsection 2, provide*
26 *services as a translator; or*
- 27 *(g) Provide instructional services to pupils under the direct*
28 *supervision of a licensed teacher.*

29 **2.** *The term “paraprofessional” does not include a person*
30 *who:*

- 31 *(a) Is proficient in the English language and a language other*
32 *than English and who provides services as a translator primarily*
33 *to enhance the participation of children in programs that are*
34 *financially supported pursuant to the No Child Left Behind Act of*
35 *2001, 20 U.S.C. §§ 6301 et seq.*
- 36 *(b) Solely conducts parental involvement activities.*

37 **Sec. 85. 1.** *The board of trustees of each school district*
38 *shall ensure that the percentage of experienced teachers who*
39 *teach in schools in the school district that are designated as*
40 *demonstrating need for improvement is the same or higher as the*
41 *percentage of experienced teachers who teach in schools that are*
42 *not designated as demonstrating need for improvement.*

43 **2.** *As used in this section, “experienced teacher” means a*
44 *teacher who has 5 or more years of experience teaching in the*



1 *classroom and possesses other qualifications prescribed by the*
2 *State Board.*

3 **Sec. 86. 1.** *Upon the request of a parent or legal guardian*
4 *of a pupil who is enrolled in a public school, the board of trustees*
5 *of the school district in which the school is located or the*
6 *governing body of the charter school, as applicable, shall provide*
7 *to the parent or guardian information regarding the professional*
8 *qualifications of the pupil's teachers. The State Board shall*
9 *prescribe the time by which such information must be provided*
10 *after receipt of the request by the school district or charter school.*
11 *The information provided must include, without limitation:*

12 (a) *For each teacher who provides instruction to the pupil:*
13 (1) *Whether the teacher holds a license for the grade level*
14 *and subject area in which the teacher provides instruction;*

15 (2) *Whether the teacher is:*
16 (I) *Providing instruction pursuant to NRS 391.125;*
17 (II) *Providing instruction pursuant to a waiver of the*
18 *requirements for licensure for the grade level or subject area in*
19 *which the teacher is employed; or*
20 (III) *Otherwise providing instruction without an*
21 *endorsement for the subject area in which the teacher is*
22 *employed; and*

23 (3) *The degree held by the teacher and any other graduate*
24 *certification or degree held by the teacher, including, without*
25 *limitation, the field in which each degree or certification was*
26 *obtained; and*

27 (b) *If a paraprofessional, as defined in section 84 of this act,*
28 *provides services to the pupil, the qualifications of the*
29 *paraprofessional.*

30 2. *At the beginning of each school year, the board of trustees*
31 *of each school district and the governing body of each charter*
32 *school shall provide written notice to the parents and guardians of*
33 *each pupil enrolled in a school within the school district or*
34 *enrolled in the charter school, as applicable, that a parent or*
35 *guardian may request information pursuant to subsection 1. The*
36 *State Board shall prescribe the date by which the notice required*
37 *by this subsection must be provided.*

38 3. *The information required pursuant to subsection 1 and the*
39 *notice required pursuant to subsection 2 must be provided in a*
40 *uniform and understandable format and, to the extent practicable,*
41 *in a language that parents and guardians can understand.*

42 **Sec. 87. 1.** *If a pupil enrolled in a Title I school or a school*
43 *that is designated as needing improvement pursuant to section 14*
44 *of this act:*



1 (a) *Is assigned to a teacher, as his regular classroom teacher,*
2 *who is not highly qualified; or*
3 (b) *Has been taught for 4 consecutive weeks or more by a*
4 *teacher who is not the pupil's regular classroom teacher and who*
5 *is not highly qualified,*
6 *the principal of the school or the administrative head of the*
7 *charter school, as applicable, shall provide notice of that fact to*
8 *the parent or legal guardian of the pupil.*
9 2. *The State Board shall prescribe the date on which the*
10 *notice required by subsection 1 must be provided. The notice must*
11 *be provided in a uniform and understandable format and, to the*
12 *extent practicable, in a language that parents and guardians can*
13 *understand.*
14 3. *As used in this section, "highly qualified" has the meaning*
15 *ascribed to it in 20 U.S.C. § 7801(23).*
16 **Sec. 88.** *1. The State Board shall adopt regulations*
17 *prescribing the qualifications for the certification of*
18 *paraprofessionals and the procedures for the issuance and*
19 *renewal of such certificates. The regulations must include the*
20 *causes for suspension and revocation of a certificate and the*
21 *procedures to be carried out if action is taken to suspend or revoke*
22 *a certificate. The State Board shall consider and may adopt*
23 *regulations that provide for the reciprocal certification of*
24 *paraprofessionals from other states.*
25 2. *An applicant for a certificate as a paraprofessional must*
26 *submit to the State Board proof that he satisfies the requirements*
27 *of the State Board established by regulation pursuant to*
28 *subsection 1 and that he has:*
29 (a) *Completed at least 2 years of study at an institution of*
30 *higher education;*
31 (b) *Obtained an associate's degree or a higher degree; or*
32 (c) *Passed an examination prescribed by the State Board*
33 *pursuant to this subsection.*
34 *The State Board shall prescribe at least one examination that is*
35 *required of an applicant for a certificate as a paraprofessional if*
36 *the applicant does not qualify for a certificate pursuant to*
37 *paragraph (a) or (b).*
38 3. *An application for the issuance of a certificate must*
39 *include the social security number of the applicant.*
40 4. *Every applicant for a certificate must submit with his*
41 *application a complete set of his fingerprints and written*
42 *permission authorizing the State Board to forward the fingerprints*
43 *to the Federal Bureau of Investigation and to the Central*
44 *Repository for Nevada Records of Criminal History for their*
45 *reports on the criminal history of the applicant.*



- 1 5. *A certificate must be issued to an applicant if:*
2 (a) *The State Board determines that the applicant satisfies the*
3 *requirements of this section and the requirements prescribed by*
4 *the State Board pursuant to subsection 1;*
5 (b) *The applicant submits:*
6 (1) *The fee prescribed by section 91 of this act; and*
7 (2) *The statement required by section 90 of this act; and*
8 (c) *The reports on the criminal history of the applicant from*
9 *the Federal Bureau of Investigation and the Central Repository*
10 *for Nevada Records of Criminal History:*
11 (1) *Do not indicate that the applicant has been convicted of*
12 *a felony or any other offense involving moral turpitude; or*
13 (2) *Indicate that the applicant has been convicted of a*
14 *felony or an offense involving moral turpitude but the State Board*
15 *determines that the conviction is unrelated to the position within*
16 *the school district or charter school for which the applicant*
17 *applied.*
18 6. *A person who holds a certificate issued pursuant to this*
19 *section must not be considered a licensed teacher or other licensed*
20 *employee of a school district or charter school unless he holds a*
21 *license to teach issued pursuant to NRS 391.031.*
22 **Sec. 89. 1.** *An application to the State Board for a*
23 *certificate as a paraprofessional and all documents in the*
24 *Department's file relating to the application, including:*
25 (a) *The applicant's health records;*
26 (b) *The applicant's fingerprints and any report from the*
27 *Federal Bureau of Investigation or the Central Repository for*
28 *Nevada Records of Criminal History;*
29 (c) *Transcripts of the applicant's record at colleges or other*
30 *educational institutions;*
31 (d) *The applicant's scores, if any, on the examinations*
32 *administered pursuant to the regulations adopted by the State*
33 *Board;*
34 (e) *Any correspondence concerning the application; and*
35 (f) *Any other personal information,*
36 *are confidential.*
37 2. *It is unlawful to disclose or release the information in an*
38 *application or any related document except pursuant to paragraph*
39 *(d) of subsection 6 of NRS 179A.075 or the applicant's written*
40 *authorization.*
41 3. *The Department shall, upon request, make available the*
42 *applicant's file for his inspection during regular business hours.*
43 **Sec. 90. 1.** *An applicant for the issuance or renewal of a*
44 *certificate issued pursuant to section 88 of this act shall submit to*
45 *the State Board the statement prescribed by the Welfare Division*



1 *of the Department of Human Resources pursuant to NRS 425.520.*
2 *The statement must be completed and signed by the applicant.*

3 2. *The State Board shall include the statement required*
4 *pursuant to subsection 1 in:*

5 (a) *The application or any other forms that must be submitted*
6 *for the issuance or renewal of the certificate; or*

7 (b) *A separate form prescribed by the State Board.*

8 3. *A certificate may not be issued or renewed by the State*
9 *Board pursuant to this chapter if the applicant:*

10 (a) *Fails to submit the statement required pursuant to*
11 *subsection 1; or*

12 (b) *Indicates on the statement submitted pursuant to*
13 *subsection 1 that he is subject to a court order for the support of a*
14 *child and is not in compliance with the order or a plan approved*
15 *by the district attorney or other public agency enforcing the order*
16 *for the repayment of the amount owed pursuant to the order.*

17 4. *If an applicant indicates on the statement submitted*
18 *pursuant to subsection 1 that he is subject to a court order for the*
19 *support of a child and is not in compliance with the order or a*
20 *plan approved by the district attorney or other public agency*
21 *enforcing the order for the repayment of the amount owed*
22 *pursuant to the order, the State Board shall advise the applicant to*
23 *contact the district attorney or other public agency enforcing the*
24 *order to determine the actions that the applicant may take to*
25 *satisfy the arrearage.*

26 **Sec. 91.** 1. *The State Board shall prescribe fees of not more*
27 *\$65 for the issuance and renewal of a certificate as a*
28 *paraprofessional. An additional fee may be prescribed in an*
29 *amount not to exceed the amount charged by the Federal Bureau*
30 *of Investigation for processing the fingerprints of the applicant.*

31 2. *The portion of each fee which represents the amount*
32 *charged by the Federal Bureau of Investigation for processing the*
33 *fingerprints of the applicant must be deposited with the State*
34 *Treasurer for credit to the appropriate account of the Department*
35 *of Public Safety. The remaining portion of the money received*
36 *from the fees must be deposited with the State Treasurer for credit*
37 *to the appropriate account of the Department of Education.*

38 **Sec. 92.** 1. *If the State Board receives a copy of a court*
39 *order issued pursuant to NRS 425.540 that provides for the*
40 *suspension of all professional, occupational and recreational*
41 *licenses, certificates and permits issued to a person who is the*
42 *holder of a certificate issued pursuant to section 88 of this act, the*
43 *State Board shall deem the certificate issued to that person to be*
44 *suspended at the end of the 30th day after the date on which the*
45 *court order was issued unless the State Board receives a letter*



1 *issued to the holder of the certificate by the district attorney or*
2 *other public agency pursuant to NRS 425.550 stating that the*
3 *holder of the certificate has complied with the subpoena or*
4 *warrant or has satisfied the arrearage pursuant to NRS 425.560.*

5 2. *The State Board shall reinstate a certificate issued*
6 *pursuant to this chapter that has been suspended by a district*
7 *court pursuant to NRS 425.540 if the State Board receives a letter*
8 *issued by the district attorney or other public agency pursuant to*
9 *NRS 425.550 to the person whose certificate was suspended*
10 *stating that the person whose certificate was suspended has*
11 *complied with the subpoena or warrant or has satisfied the*
12 *arrearage pursuant to NRS 425.560.*

13 **Sec. 93.** NRS 391.005 is hereby amended to read as follows:
14 391.005 ~~[As used in this chapter, unless the context otherwise~~
15 ~~requires.]~~ "Commission" means the Commission on Professional
16 Standards in Education.

17 **Sec. 94.** NRS 391.019 is hereby amended to read as follows:
18 391.019 1. Except as otherwise provided in NRS 391.027,
19 the Commission:

20 (a) Shall adopt regulations:
21 (1) Prescribing the qualifications for licensing teachers and
22 other educational personnel , *including, without limitation, the*
23 *qualifications for a license to teach middle school or junior high*
24 *school education*, and the procedures for the issuance and renewal
25 of such licenses.

26 (2) Identifying fields of specialization in teaching which
27 require the specialized training of teachers.

28 (3) Except as otherwise provided in NRS 391.125, requiring
29 teachers to obtain from the Department an endorsement in a field of
30 specialization to be eligible to teach in that field of specialization.

31 (4) Setting forth the educational requirements a teacher must
32 satisfy to qualify for an endorsement in each field of specialization.

33 (5) Setting forth the qualifications and requirements for
34 obtaining a license or endorsement to teach American Sign
35 Language.

36 (b) May adopt such other regulations as it deems necessary for
37 its own government or to carry out its duties.

38 2. Any regulation which increases the amount of education,
39 training or experience required for licensing:

40 (a) Must, in addition to the requirements for publication in
41 chapter 233B of NRS, be publicized before its adoption in a manner
42 reasonably calculated to inform those persons affected by the
43 change.

44 (b) Must not become effective until at least 1 year after the date
45 it is adopted by the Commission.



1 (c) Is not applicable to a license in effect on the date the
2 regulation becomes effective.

3 **Sec. 95.** NRS 391.019 is hereby amended to read as follows:

4 391.019 1. Except as otherwise provided in NRS 391.027,
5 the Commission:

6 (a) Shall adopt regulations:

7 (1) Prescribing the qualifications for licensing teachers and
8 other educational personnel , *including, without limitation, the*
9 *qualifications for a license to teach middle school or junior high*
10 *school education*, and the procedures for the issuance and renewal
11 of such licenses.

12 (2) Identifying fields of specialization in teaching which
13 require the specialized training of teachers.

14 (3) Except as otherwise provided in NRS 391.125, requiring
15 teachers to obtain from the Department an endorsement in a field of
16 specialization to be eligible to teach in that field of specialization.

17 (4) Setting forth the educational requirements a teacher must
18 satisfy to qualify for an endorsement in each field of specialization.

19 (5) Setting forth the qualifications and requirements for
20 obtaining a license or endorsement to teach American Sign
21 Language, including, without limitation, being qualified to engage
22 in the practice of interpreting pursuant to subsection 3 of
23 NRS 656A.100.

24 (6) Except as otherwise authorized by subsection 4 of NRS
25 656A.100, requiring teachers and other educational personnel to
26 satisfy the qualifications set forth in subsection 3 of NRS 656A.100
27 if they:

28 (I) Provide instruction or other educational services; and

29 (II) Concurrently engage in the practice of interpreting, as
30 defined in NRS ~~656A.040~~ **656A.060**.

31 (b) May adopt such other regulations as it deems necessary for
32 its own government or to carry out its duties.

33 2. Any regulation which increases the amount of education,
34 training or experience required for licensing:

35 (a) Must, in addition to the requirements for publication in
36 chapter 233B of NRS, be publicized before its adoption in a manner
37 reasonably calculated to inform those persons affected by the
38 change.

39 (b) Must not become effective until at least 1 year after the date
40 it is adopted by the Commission.

41 (c) Is not applicable to a license in effect on the date the
42 regulation becomes effective.

43 **Sec. 96.** NRS 391.031 is hereby amended to read as follows:

44 391.031 There are the following kinds of licenses for teachers
45 and other educational personnel in this state:



1 1. A license to teach elementary education, which authorizes
2 the holder to teach in any elementary school in the state.

3 2. *A license to teach middle school or junior high school*
4 *education, which authorizes the holder to teach in his major or*
5 *minor field of preparation or in both fields in grades 7, 8 and 9 at*
6 *any middle school or junior high school. He may teach only in*
7 *these fields unless an exception is approved pursuant to*
8 *regulations adopted by the Commission.*

9 3. A license to teach secondary education, which authorizes the
10 holder to teach in his major or minor field of preparation or in both
11 fields in any secondary school. He may teach only in these fields
12 unless an exception is approved pursuant to regulations adopted by
13 the Commission.

14 ~~3.~~ 4. A special license, which authorizes the holder to teach
15 or perform other educational functions in a school or program as
16 designated in the license.

17 **Sec. 97.** NRS 391.100 is hereby amended to read as follows:

18 391.100 1. The board of trustees of a school district may
19 employ a superintendent of schools, teachers and all other necessary
20 employees. *A person who is initially hired on or after January 1,*
21 *2006, to provide instruction in:*

- 22 (a) *English, reading or language arts;*
- 23 (b) *Mathematics;*
- 24 (c) *Science;*
- 25 (d) *Foreign language;*
- 26 (e) *Civics or government;*
- 27 (f) *Economics;*
- 28 (g) *Geography;*
- 29 (h) *History; or*
- 30 (i) *The arts,*

31 *in grades 7, 8 or 9 at a middle school or junior high school must*
32 *hold a license to teach middle school or junior high school*
33 *education or a license to teach secondary education. For the*
34 *purposes of this subsection, a person is not "initially hired" if he*
35 *has been employed as a licensed teacher by another school district*
36 *or charter school in this state without an interruption in*
37 *employment before the date of hire by his current employer.*

38 2. The board of trustees of a school district:

39 (a) May employ teacher aides and other auxiliary,
40 nonprofessional personnel to assist licensed personnel in the
41 instruction or supervision of children, either in the classroom or at
42 any other place in the school or on the grounds thereof. ~~and~~ *A*
43 *person who is initially hired on or after July 1, 2004, to perform*
44 *a duty of a paraprofessional must hold a certificate as a*
45 *paraprofessional issued pursuant to section 88 of this act. For the*



1 *purposes of this paragraph, a person is not “initially hired” if he*
2 *has been employed as a paraprofessional by another school*
3 *district or charter school in this state without an interruption in*
4 *employment before the date of hire by his current employer.*

5 (b) Shall establish policies governing the duties and
6 performance of teacher aides.

7 3. ~~Each~~ *Except as otherwise provided in this subsection,*
8 *each* applicant for employment pursuant to this section ~~[, except a~~
9 ~~teacher or other person licensed by the Superintendent of Public~~
10 ~~Instruction.]~~ must, as a condition to employment, submit to the
11 school district a full set of his fingerprints and written permission
12 authorizing the school district to forward the fingerprints to the
13 Federal Bureau of Investigation and the Central Repository for
14 Nevada Records of Criminal History for their reports on the
15 criminal history of the applicant. *The provisions of this section do*
16 *not apply to:*

17 (a) *A teacher or other person licensed by the Superintendent of*
18 *Public Instruction.*

19 (b) *A paraprofessional who has obtained a certificate pursuant*
20 *to section 88 of this act.*

21 4. Except as otherwise provided in subsection 5, the board of
22 trustees of a school district shall not require a licensed teacher or
23 other person licensed by the Superintendent of Public Instruction
24 pursuant to NRS 391.033 who has taken a leave of absence from
25 employment authorized by the school district, including, without
26 limitation:

27 (a) Sick leave;

28 (b) Sabbatical leave;

29 (c) Personal leave;

30 (d) Leave for attendance at a regular or special session of the
31 Legislature of this state if the employee is a member thereof;

32 (e) Maternity leave; and

33 (f) Leave permitted by the Family and Medical Leave Act of
34 1993, 29 U.S.C. §§ 2601 et seq.,

35 to submit a set of his fingerprints as a condition of return to or
36 continued employment with the school district if the employee is in
37 good standing when the employee began the leave.

38 5. A board of trustees of a school district may ask the
39 Superintendent of Public Instruction to require a person licensed by
40 the Superintendent of Public Instruction pursuant to NRS 391.033
41 who has taken a leave of absence from employment authorized by
42 the school district to submit a set of his fingerprints as a condition of
43 return to or continued employment with the school district if the
44 board of trustees has probable cause to believe that the person has



1 committed a felony or an offense involving moral turpitude during
2 the period of his leave of absence.

3 6. The board of trustees of a school district may employ or
4 appoint persons to serve as school police officers. If the board of
5 trustees of a school district employs or appoints persons to serve as
6 school police officers, the board of trustees shall employ a law
7 enforcement officer to serve as the chief of school police who is
8 supervised by the superintendent of schools of the school district.
9 The chief of school police shall supervise each person appointed or
10 employed by the board of trustees as a school police officer. In
11 addition, persons who provide police services pursuant to subsection
12 7 or 8 shall be deemed school police officers.

13 7. The board of trustees of a school district in a county that has
14 a metropolitan police department created pursuant to chapter 280 of
15 NRS ~~§~~ may contract with the metropolitan police department for
16 the provision and supervision of police services in the public
17 schools within the jurisdiction of the metropolitan police department
18 and on property therein that is owned by the school district. If a
19 contract is entered into pursuant to this subsection, the contract must
20 make provision for the transfer of each school police officer
21 employed by the board of trustees to the metropolitan police
22 department. If the board of trustees of a school district contracts
23 with a metropolitan police department pursuant to this subsection,
24 the board of trustees shall, if applicable, cooperate with appropriate
25 local law enforcement agencies within the school district for the
26 provision and supervision of police services in the public schools
27 within the school district and on property owned by the school
28 district, but outside the jurisdiction of the metropolitan police
29 department.

30 8. The board of trustees of a school district in a county that
31 does not have a metropolitan police department created pursuant to
32 chapter 280 of NRS may contract with the sheriff of that county for
33 the provision of police services in the public schools within the
34 school district and on property therein that is owned by the school
35 district.

36 **Sec. 98.** NRS 391.100 is hereby amended to read as follows:

37 391.100 1. The board of trustees of a school district may
38 employ a superintendent of schools, teachers and all other necessary
39 employees. A person who is initially hired on or after January 1,
40 2006, to provide instruction in:

- 41 (a) English, reading or language arts;
- 42 (b) Mathematics;
- 43 (c) Science;
- 44 (d) Foreign language;
- 45 (e) Civics or government;



- 1 (f) Economics;
- 2 (g) Geography;
- 3 (h) History; or
- 4 (i) The arts,

5 in grades 7, 8 or 9 at a middle school or junior high school must
6 hold a license to teach middle school or junior high school education
7 or a license to teach secondary education. For the purposes of this
8 subsection, a person is not "initially hired" if he has been employed
9 as a licensed teacher by another school district or charter school in
10 this state without an interruption in employment before the date of
11 hire by his current employer.

12 2. The board of trustees of a school district:

13 (a) May employ teacher aides and other auxiliary,
14 nonprofessional personnel to assist licensed personnel in the
15 instruction or supervision of children, either in the classroom or at
16 any other place in the school or on the grounds thereof. A person
17 who is ~~initially hired on or after July 1, 2004,~~ *employed* to perform
18 a duty of a paraprofessional must hold a certificate as a
19 paraprofessional issued pursuant to section 88 of this act. ~~For the~~
20 ~~purposes of this paragraph, a person is not "initially hired" if he has~~
21 ~~been employed as a paraprofessional by another school district or~~
22 ~~charter school in this state without an interruption in employment~~
23 ~~before the date of hire by his current employer.]~~

24 (b) Shall establish policies governing the duties and
25 performance of teacher aides.

26 3. Except as otherwise provided in this subsection, each
27 applicant for employment pursuant to this section must, as a
28 condition to employment, submit to the school district a full set of
29 his fingerprints and written permission authorizing the school
30 district to forward the fingerprints to the Federal Bureau of
31 Investigation and the Central Repository for Nevada Records of
32 Criminal History for their reports on the criminal history of the
33 applicant. The provisions of this section do not apply to:

34 (a) A teacher or other person licensed by the Superintendent of
35 Public Instruction.

36 (b) A paraprofessional who has obtained a certificate pursuant to
37 section 88 of this act.

38 4. Except as otherwise provided in subsection 5, the board of
39 trustees of a school district shall not require a licensed teacher or
40 other person licensed by the Superintendent of Public Instruction
41 pursuant to NRS 391.033 who has taken a leave of absence from
42 employment authorized by the school district, including, without
43 limitation:

- 44 (a) Sick leave;
- 45 (b) Sabbatical leave;



1 (c) Personal leave;
2 (d) Leave for attendance at a regular or special session of the
3 Legislature of this state if the employee is a member thereof;

4 (e) Maternity leave; and
5 (f) Leave permitted by the Family and Medical Leave Act of
6 1993, 29 U.S.C. §§ 2601 et seq.,

7 to submit a set of his fingerprints as a condition of return to or
8 continued employment with the school district if the employee is in
9 good standing when the employee began the leave.

10 5. A board of trustees of a school district may ask the
11 Superintendent of Public Instruction to require a person licensed by
12 the Superintendent of Public Instruction pursuant to NRS 391.033
13 who has taken a leave of absence from employment authorized by
14 the school district to submit a set of his fingerprints as a condition of
15 return to or continued employment with the school district if the
16 board of trustees has probable cause to believe that the person has
17 committed a felony or an offense involving moral turpitude during
18 the period of his leave of absence.

19 6. The board of trustees of a school district may employ or
20 appoint persons to serve as school police officers. If the board of
21 trustees of a school district employs or appoints persons to serve as
22 school police officers, the board of trustees shall employ a law
23 enforcement officer to serve as the chief of school police who is
24 supervised by the superintendent of schools of the school district.
25 The chief of school police shall supervise each person appointed or
26 employed by the board of trustees as a school police officer. In
27 addition, persons who provide police services pursuant to subsection
28 7 or 8 shall be deemed school police officers.

29 7. The board of trustees of a school district in a county that has
30 a metropolitan police department created pursuant to chapter 280 of
31 NRS may contract with the metropolitan police department for the
32 provision and supervision of police services in the public schools
33 within the jurisdiction of the metropolitan police department and on
34 property therein that is owned by the school district. If a contract is
35 entered into pursuant to this subsection, the contract must make
36 provision for the transfer of each school police officer employed by
37 the board of trustees to the metropolitan police department. If the
38 board of trustees of a school district contracts with a metropolitan
39 police department pursuant to this subsection, the board of trustees
40 shall, if applicable, cooperate with appropriate local law
41 enforcement agencies within the school district for the provision and
42 supervision of police services in the public schools within the school
43 district and on property owned by the school district, but outside the
44 jurisdiction of the metropolitan police department.



1 8. The board of trustees of a school district in a county that
2 does not have a metropolitan police department created pursuant to
3 chapter 280 of NRS may contract with the sheriff of that county for
4 the provision of police services in the public schools within the
5 school district and on property therein that is owned by the school
6 district.

7 **Sec. 99.** NRS 391.125 is hereby amended to read as follows:
8 391.125 1. If the board of trustees of a school district
9 determines that a shortage of teachers exists within the school
10 district in a particular subject area, the board of trustees may submit
11 a written request to the Superintendent of Public Instruction to
12 employ persons who are licensed teachers but who do not hold an
13 endorsement to teach in the subject area for which there is a
14 shortage of teachers ~~at~~ *at a public school within the school district*
15 *that is not designated as demonstrating need for improvement*
16 *pursuant to section 14 of this act.* The Superintendent of Public
17 Instruction may grant such a request if the Superintendent
18 determines that a shortage of teachers exists in the subject area. If
19 the Superintendent of Public Instruction grants a request pursuant to
20 this subsection, a person who holds a license to teach but not an
21 endorsement in the subject area for which the request was granted
22 may be employed by the school district for not more than 2 school
23 years to teach in that subject area ~~at~~ *at a public school within the*
24 *school district that is not designated as needing improvement*
25 *pursuant to section 14 of this act.*

26 2. If the Superintendent of Public Instruction grants a request
27 pursuant to subsection 1, the Superintendent shall submit a written
28 report to the Commission that includes the name of the school
29 district for which the request was granted and the subject area for
30 which the request was granted. Upon receipt of such a report,
31 the Commission shall consider whether to adopt revisions to the
32 requirements for an endorsement in that subject area to address the
33 shortage of teachers.

34 **Sec. 100.** NRS 391.165 is hereby amended to read as follows:
35 391.165 1. Except as otherwise provided in subsection 3 of
36 this section and except as otherwise required as a result of NRS
37 286.537, the board of trustees of a school district shall pay the cost
38 for a licensed teacher to purchase one-fifth of a year of service
39 pursuant to subsection 2 of NRS 286.300 if:

40 (a) The teacher is a member of the Public Employees'
41 Retirement System and has at least 5 years of service;

42 (b) The teacher has been employed as a licensed teacher in this
43 state for at least 5 consecutive school years, regardless of whether
44 the employment was with one or more school districts in this state;



1 (c) Each evaluation of the teacher conducted pursuant to NRS
2 391.3125 is at least satisfactory for the years of employment
3 required by paragraph (b); and

4 (d) In addition to the years of employment required by
5 paragraph (b), the teacher has been employed as a licensed teacher
6 for 1 school year at a school within the school district which, for
7 that school year, carries the designation of demonstrating need for
8 improvement pursuant to ~~NRS 385.367~~ *section 14 of this act*.

9 2. Except as otherwise provided in subsection 3, the board of
10 trustees of a school district shall pay the cost for a licensed teacher
11 to purchase one-fifth of a year of service for each year that a teacher
12 is employed as a teacher at a school within the school district that is
13 described in paragraph (d) of subsection 1.

14 3. In no event may the years of service purchased by a licensed
15 teacher as a result of subsection 2 of NRS 286.300 exceed 5 years.

16 4. The board of trustees of a school district shall not:

17 (a) Assign or reassign a licensed teacher to circumvent the
18 requirements of this section.

19 (b) Include, as part of a teacher's salary, the costs of paying the
20 teacher to purchase service pursuant to this section.

21 5. As used in this section, "service" has the meaning ascribed
22 to it in NRS 286.078.

23 **Sec. 101.** NRS 391.273 is hereby amended to read as follows:

24 391.273 1. Except as otherwise provided in subsections 4 and
25 ~~9~~ *10*, the unlicensed personnel of a school district must be directly
26 supervised by licensed personnel in all duties which are instructional
27 in nature. To the extent practicable, the direct supervision must be
28 such that the unlicensed personnel are in the immediate location of
29 the licensed personnel and are readily available during such times
30 when supervision is required.

31 2. Unlicensed personnel who are exempted pursuant to
32 subsection 4 must be under administrative supervision when
33 performing duties which are instructional in nature.

34 3. Unlicensed personnel may temporarily perform duties under
35 administrative supervision which are not primarily instructional in
36 nature.

37 4. ~~Upon~~ *Except as otherwise provided in subsection 5, upon*
38 application by a superintendent of schools, the Superintendent of
39 Public Instruction may grant an exemption from the provisions of
40 subsection 1. The Superintendent shall not grant an exemption
41 unless:

42 (a) The duties are within the employee's special expertise or
43 training;

44 (b) The duties relate to the humanities or an elective course of
45 study, or are supplemental to the basic curriculum of a school;



1 (c) The performance of the duties does not result in the
2 replacement of a licensed employee or prevent the employment of a
3 licensed person willing to perform those duties;

4 (d) The secondary or combined school in which the duties will
5 be performed has less than 100 pupils enrolled and is at least 30
6 miles from a school in which the duties are performed by licensed
7 personnel; and

8 (e) The unlicensed employee submits his fingerprints for an
9 investigation pursuant to NRS 391.033.

10 5. *The exemption authorized by subsection 4 does not apply*
11 *to a paraprofessional if the provisions of 20 U.S.C. § 6319 and the*
12 *regulations adopted pursuant thereto require the paraprofessional*
13 *to be directly supervised by a licensed teacher.*

14 6. The Superintendent of Public Instruction shall file a record
15 of all exempt personnel with the clerk of the board of trustees of
16 each local school district, and advise the clerk of any changes
17 therein. The record must contain:

18 (a) The name of the exempt employee;

19 (b) The specific instructional duties he may perform;

20 (c) Any terms or conditions of the exemption deemed
21 appropriate by the Superintendent of Public Instruction; and

22 (d) The date the exemption expires or a statement that the
23 exemption is valid as long as the employee remains in the same
24 position at the same school.

25 ~~6.7~~ 7. The Superintendent of Public Instruction may adopt
26 regulations prescribing the procedure to apply for an exemption
27 pursuant to this section and the criteria for the granting of such
28 exemptions.

29 ~~7.8~~ 8. Except in an emergency, it is unlawful for the board of
30 trustees of a school district to allow a person employed as a
31 teacher's aide to serve as a teacher unless the person is a legally
32 qualified teacher licensed by the Superintendent of Public
33 Instruction. As used in this subsection, "emergency" means an
34 unforeseen circumstance which requires immediate action and
35 includes the fact that a licensed teacher or substitute teacher is not
36 immediately available.

37 ~~8.9~~ 9. If the Superintendent of Public Instruction determines
38 that the board of trustees of a school district has violated the
39 provisions of subsection ~~7.8~~ 8, he shall take such actions as are
40 necessary to reduce the amount of money received by the district
41 pursuant to NRS 387.124 by an amount equal to the product when
42 the following numbers are multiplied together:

43 (a) The number of days on which the violation occurred;

44 (b) The number of pupils in the classroom taught by the
45 teacher's aide; and



1 (c) The number of dollars of basic support apportioned to the
2 district per pupil per day pursuant to NRS 387.1233.

3 ~~9.1~~ **10.** The provisions of this section do not apply to
4 unlicensed personnel who are employed by the governing body of a
5 charter school ~~H~~, *unless a paraprofessional employed by the*
6 *governing body is required to be directly supervised by a licensed*
7 *teacher pursuant to the provisions of 20 U.S.C. § 6319 and the*
8 *regulations adopted pursuant thereto.*

9 **Sec. 102.** NRS 391.520 is hereby amended to read as follows:

10 391.520 1. The Statewide Council shall meet not less than
11 four times per year.

12 2. The Statewide Council shall:

13 (a) Adopt uniform standards for use by the governing body of
14 each regional training program in the review and approval by the
15 governing body of the training to be provided by the regional
16 training program pursuant to NRS 391.540 and 391.544. The
17 standards must ensure that the training provided by the regional
18 training programs *includes activities set forth in 20 U.S.C. §*
19 *7801(34), as appropriate for the type of training offered,* and is of
20 high quality and is effective in addressing the training programs
21 specified in subsection 1 of NRS 391.544.

22 (b) Coordinate the dissemination of information to school
23 districts, administrators and teachers concerning the training,
24 programs and services provided by the regional training programs.

25 (c) Disseminate information to the regional training programs
26 concerning innovative and effective methods to provide professional
27 development.

28 (d) Conduct long-range planning concerning the professional
29 development needs of teachers and administrators employed in this
30 state.

31 (e) Adopt uniform procedures for use by the governing body of
32 each regional training program to report the evaluation conducted
33 pursuant to NRS 391.552.

34 **3. The Statewide Council may:**

35 (a) *Accept gifts and grants from any source for use by the*
36 *Statewide Council in carrying out its duties pursuant to this*
37 *section and accept gifts and grants from any source on behalf of*
38 *one or more regional training programs to assist with the training*
39 *provided pursuant to NRS 391.544; and*

40 (b) *Comply with applicable federal laws and regulations*
41 *governing the provision of federal grants to assist the Statewide*
42 *Council in carrying out its duties pursuant to this section and*
43 *comply with applicable federal laws and regulations governing the*
44 *provision of federal grants to assist with the training provided*
45 *pursuant to NRS 391.544.*



1 **Sec. 103.** NRS 391.536 is hereby amended to read as follows:
2 391.536 *1.* On an annual basis, the governing body of each
3 regional training program shall review the budget for the program
4 and submit a proposed budget to the Legislative Committee on
5 Education. The proposed budget must include, without limitation,
6 the amount of money requested by the governing body to pay for the
7 services of the coordinator of the program appointed pursuant to
8 NRS 391.532. In even-numbered years, the proposed budget must
9 be submitted to the Legislative Committee on Education at least 4
10 months before the commencement of the next regular session of the
11 Legislature.

12 *2. The governing body of a regional training program may:*
13 *(a) Accept gifts and grants from any source to assist the*
14 *governing body in providing the training required by*
15 *NRS 391.544.*
16 *(b) Comply with applicable federal laws and regulations*
17 *governing the provision of federal grants to assist with the training*
18 *provided pursuant to NRS 391.544.*

19 **Sec. 104.** NRS 391.540 is hereby amended to read as follows:
20 391.540 *1.* The governing body of each regional training
21 program shall:

22 ~~1-1~~ *(a)* Adopt a training model, taking into consideration other
23 model programs, including, without limitation, the program used by
24 the Geographic Alliance in Nevada.

25 ~~1-2~~ *(b)* Assess the training needs of teachers and administrators
26 who are employed by the school districts within the primary
27 jurisdiction of the regional training program and adopt priorities of
28 training for the program based upon the assessment of needs. The
29 board of trustees of each such school district may submit
30 recommendations to the appropriate governing body for the types of
31 training that should be offered by the regional training program.

32 ~~1-3~~ *(c)* Prepare a 5-year plan for the regional training program,
33 which includes, without limitation:

34 ~~1-a~~ *(1)* An assessment of the training needs of teachers and
35 administrators who are employed by the school districts within the
36 primary jurisdiction of the regional training program; and

37 ~~1-b~~ *(2)* Specific details of the training that will be offered by
38 the regional training program for the first 2 years covered by the
39 plan.

40 ~~1-4~~ *(d)* Review the 5-year plan on an annual basis and make
41 revisions to the plan as are necessary to serve the training needs of
42 teachers and administrators employed by the school districts within
43 the primary jurisdiction of the regional training program.

44 *2. The Department, the University and Community College*
45 *System of Nevada and the board of trustees of a school district*



1 *may request the governing body of the regional training program*
2 *that serves the school district to provide training, participate in a*
3 *program or otherwise perform a service that is in addition to the*
4 *duties of the regional training program that are set forth in the*
5 *plan adopted pursuant to this section or otherwise required by*
6 *statute. An entity may not represent that a regional training*
7 *program will perform certain duties or otherwise obligate the*
8 *regional training program as part of an application by that entity*
9 *for a grant unless the entity has first obtained the written*
10 *confirmation of the governing body of the regional training*
11 *program to perform those duties or obligations. The governing*
12 *body of a regional training program may, but is not required to,*
13 *grant a request pursuant to this subsection.*

14 **Sec. 105.** NRS 391.544 is hereby amended to read as follows:

15 391.544 1. Based upon the assessment of needs for training
16 within the region and priorities of training adopted by the governing
17 body pursuant to NRS 391.540, each regional training program must
18 provide:

19 (a) Training for teachers in the standards established by the
20 Council to Establish Academic Standards for Public Schools
21 pursuant to NRS 389.520; and

22 (b) At least one of the following types of training:

23 (1) Training for teachers and school administrators in the
24 assessment and measurement of pupil achievement and the effective
25 methods to analyze the test results and scores of pupils to improve
26 the achievement and proficiency of pupils.

27 (2) Training for teachers in specific content areas to enable
28 the teachers to provide a higher level of instruction in their
29 respective fields of teaching. Such training must include instruction
30 in effective methods to teach in a content area provided by teachers
31 who are considered masters in that content area.

32 (3) Training for teachers in the methods to teach basic skills
33 to pupils, such as providing instruction in reading with the use of
34 phonics and providing instruction in basic skills of mathematics
35 computation.

36 2. The training required pursuant to subsection 1 must:

37 (a) *Include the activities set forth in 20 U.S.C. § 7801(34), as*
38 *deemed appropriate by the governing body for the type of training*
39 *offered.*

40 (b) Include appropriate procedures to ensure follow-up training
41 for teachers and administrators who have received training through
42 the program.

43 ~~(b)~~ (c) Incorporate training that addresses the educational
44 needs of:



1 (1) Pupils with disabilities who participate in programs of
2 special education; and

3 (2) Pupils ~~[whose primary language is not English.]~~ *who are*
4 *limited English proficient.*

5 3. The governing body of each regional training program shall
6 prepare and maintain a list that identifies programs for the
7 professional development of teachers and administrators that
8 successfully incorporate the standards of content and performance
9 established by the Council to Establish Academic Standards for
10 Public Schools pursuant to NRS 389.520 and other training listed in
11 subsection 1. The governing body shall provide a copy of the list on
12 an annual basis to school districts for dissemination to teachers and
13 administrators.

14 4. A regional training program may include model classrooms
15 that demonstrate the use of educational technology for teaching and
16 learning.

17 *5. A regional training program may contract with the board*
18 *of trustees of a school district that is served by the regional*
19 *training program as set forth in NRS 391.512 to provide*
20 *professional development to the teachers and administrators*
21 *employed by the school district that is in addition to the training*
22 *required by this section. Any training provided pursuant to this*
23 *subsection must include the activities set forth in 20 U.S.C. §*
24 *7801(34), as deemed appropriate by the governing body for the*
25 *type of training offered.*

26 *6. To the extent money is available from legislative*
27 *appropriation or otherwise, a regional training program may*
28 *provide training to paraprofessionals.*

29 **Sec. 106.** NRS 391.552 is hereby amended to read as follows:

30 391.552 The governing body of each regional training program
31 shall:

32 1. Establish a method for the evaluation of the success of the
33 regional training program. The method must be consistent with the
34 uniform procedures adopted by the Statewide Council pursuant to
35 NRS 391.520.

36 2. On or before July 1 of each year, submit an annual report to
37 the State Board, the Commission, the Legislative Committee on
38 Education and the Legislative Bureau of Educational Accountability
39 and Program Evaluation that includes:

40 (a) The priorities for training adopted by the governing body
41 pursuant to NRS 391.540. ~~[;]~~

42 (b) The type of training offered through the program in the
43 immediately preceding year. ~~[;]~~

44 (c) The number of teachers and administrators who received
45 training through the program in the immediately preceding year. ~~[;]~~



1 (d) *The number of paraprofessionals, if any, who received*
2 *training through the program in the immediately preceding year.*

3 (e) An evaluation of the success of the program in accordance
4 with the method established pursuant to subsection 1 . ~~[-and~~

5 ~~—(e)]~~ (f) *A description of the gifts and grants, if any, received by*
6 *the governing body in the immediately preceding year and the gifts*
7 *and grants, if any, received by the Statewide Council during the*
8 *immediately preceding year on behalf of the regional training*
9 *program. The description must include the manner in which the*
10 *gifts and grants were expended.*

11 (g) The 5-year plan for the program prepared pursuant to NRS
12 391.540 and any revisions to the plan made by the governing body
13 in the immediately preceding year.

14 **Sec. 107.** NRS 391.604 is hereby amended to read as follows:

15 391.604 “Examination” means:

16 1. Achievement and proficiency examinations that are
17 administered to pupils pursuant to NRS 389.015 ; ~~[-or 389.550;]~~ and

18 2. Any other examinations which measure the achievement and
19 proficiency of pupils and which are administered to pupils on a
20 district-wide basis.

21 **Sec. 108.** Chapter 392 of NRS is hereby amended by adding
22 thereto a new section to read as follows:

23 *The State Board shall adopt regulations to carry out the*
24 *provisions of 20 U.S.C. § 7912 concerning the choice that must be*
25 *offered to a pupil to attend another public school, including,*
26 *without limitation, a charter school, if the pupil is enrolled in a*
27 *persistently dangerous school or is the victim of a violent offense*
28 *while at school or on the grounds of the school in which he is*
29 *enrolled. The regulations must include the criteria for identifying*
30 *a school as persistently dangerous.*

31 **Sec. 109.** NRS 392.128 is hereby amended to read as follows:

32 392.128 1. Each advisory board to review school attendance
33 created pursuant to NRS 392.126 shall:

34 (a) Review the records of the attendance and truancy of pupils
35 submitted to the advisory board to review school attendance by the
36 board of trustees of the school district pursuant to subsection ~~[-6]~~ 7
37 of NRS 385.347;

38 (b) Identify factors that contribute to the truancy of pupils in the
39 school district;

40 (c) Establish programs to reduce the truancy of pupils in the
41 school district;

42 (d) At least annually, evaluate the effectiveness of those
43 programs;

44 (e) Establish a procedure for schools and school districts for the
45 reporting of the status of pupils as habitual truants; and



1 (f) Inform the parents and legal guardians of the pupils who are
2 enrolled in the schools within the district of the policies and
3 procedures adopted pursuant to the provisions of this section.

4 2. The chairman of an advisory board may divide the advisory
5 board into subcommittees. The advisory board may delegate one or
6 more of the duties of the advisory board to a subcommittee of the
7 advisory board, including, without limitation, holding hearings
8 pursuant to NRS 392.147. If the chairman of an advisory board
9 divides the advisory board into subcommittees, the chairman shall
10 notify the board of trustees of the school district of this action. Upon
11 receipt of such a notice, the board of trustees shall establish rules
12 and procedures for each such subcommittee. A subcommittee shall
13 abide by the applicable rules and procedures when it takes action or
14 makes decisions.

15 3. An advisory board to review school attendance created in a
16 county pursuant to NRS 392.126 may use money appropriated by
17 the Legislature and any other money made available to the advisory
18 board for the use of programs to reduce the truancy of pupils in the
19 school district. The advisory board to review school attendance
20 shall, on a quarterly basis, provide to the board of trustees of the
21 school district an accounting of the money used by the advisory
22 board to review school attendance to reduce the truancy of pupils in
23 the school district.

24 **Sec. 110.** NRS 392.463 is hereby amended to read as follows:

25 392.463 1. *Each school district shall adopt a plan to ensure*
26 *that the public schools within the school district are safe and free*
27 *of controlled substances. The plan must comply with the Safe and*
28 *Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101 et*
29 *seq.*

30 2. Each school district shall prescribe written rules of behavior
31 required of and prohibited for pupils attending school within their
32 district and shall prescribe appropriate punishments for violations of
33 the rules. If suspension or expulsion is used as a punishment for a
34 violation of the rules, the school district shall follow the procedures
35 in NRS 392.467.

36 ~~2.~~ 3. A copy of the *plan adopted pursuant to subsection 1*
37 *and the* rules of behavior, prescribed punishments and procedures to
38 be followed in imposing punishments *prescribed pursuant to*
39 *subsection 2* must be distributed to each pupil at the beginning of
40 the school year and to each new pupil who enters school during the
41 year. Copies must also be made available for inspection at each
42 school located in that district in an area on the grounds of the school
43 which is open to the public.



1 **Sec. 111.** NRS 392.466 is hereby amended to read as follows:
2 392.466 1. Except as otherwise provided in this section, any
3 pupil who commits a battery which results in the bodily injury of an
4 employee of the school or who sells or distributes any controlled
5 substance while on the premises of any public school, at an activity
6 sponsored by a public school or on any school bus must, for the first
7 occurrence, be suspended or expelled from that school, although he
8 may be placed in another kind of school, for at least a period equal
9 to one semester for that school. For a second occurrence, the pupil
10 must:

- 11 (a) Be permanently expelled from that school; and
- 12 (b) Receive equivalent instruction authorized by the State Board
13 pursuant to subsection 1 of NRS 392.070.

14 2. Except as otherwise provided in this section, any pupil who
15 is found in possession of a firearm or a dangerous weapon while on
16 the premises of any public school, at an activity sponsored by a
17 public school or on any school bus must, for the first occurrence, be
18 expelled from the school for a period of not less than 1 year,
19 although he may be placed in another kind of school for a period not
20 to exceed the period of the expulsion. For a second occurrence, the
21 pupil must:

- 22 (a) Be permanently expelled from the school; and
- 23 (b) Receive equivalent instruction authorized by the State Board
24 pursuant to subsection 1 of NRS 392.070.

25 The superintendent of schools of a school district may, for good
26 cause shown in a particular case in that school district, allow ~~an~~
27 ~~exception~~ *a modification* to the expulsion requirement of this
28 subsection ~~if~~ *if such modification is set forth in writing.*

29 3. Except as otherwise provided in this section, if a pupil is
30 deemed a habitual disciplinary problem pursuant to NRS 392.4655,
31 the pupil must be suspended or expelled from the school for a period
32 equal to at least one semester for that school. For the period of his
33 suspension or expulsion, the pupil must receive equivalent
34 instruction authorized by the State Board pursuant to subsection 1 of
35 NRS 392.070.

36 4. This section does not prohibit a pupil from having in his
37 possession a knife or firearm with the approval of the principal of
38 the school. A principal may grant such approval only in accordance
39 with the policies or regulations adopted by the board of trustees of
40 the school district.

41 5. Any pupil in grades 1 to 6, inclusive, except a pupil who has
42 been found to have possessed a firearm in violation of subsection 2,
43 may be suspended from school or permanently expelled from school
44 pursuant to this section only after the board of trustees of the school
45 district has reviewed the circumstances and approved this action in



1 accordance with the procedural policy adopted by the board for such
2 issues.

3 6. A pupil who is participating in a program of special
4 education pursuant to NRS 388.520, other than a pupil who is gifted
5 and talented, may, in accordance with the procedural policy adopted
6 by the board of trustees of the school district for such matters, be:

7 (a) Suspended from school pursuant to this section for not more
8 than 10 days. Such a suspension may be imposed pursuant to this
9 paragraph for each occurrence of conduct proscribed by
10 subsection 1.

11 (b) Suspended from school for more than 10 days or
12 permanently expelled from school pursuant to this section only after
13 the board of trustees of the school district has reviewed the
14 circumstances and determined that the action is in compliance with
15 the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400
16 et seq.

17 7. As used in this section:

18 (a) "Battery" has the meaning ascribed to it in paragraph (a) of
19 subsection 1 of NRS 200.481.

20 (b) "Dangerous weapon" includes, without limitation, a
21 blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk
22 or dagger, a nunchaku, switchblade knife or trefoil, as defined in
23 NRS 202.350, a butterfly knife or any other knife described in NRS
24 202.350, or any other object which is used, or threatened to be used,
25 in such a manner and under such circumstances as to pose a threat
26 of, or cause, bodily injury to a person.

27 (c) "Firearm" includes, without limitation, any pistol, revolver,
28 shotgun, explosive substance or device, and any other item included
29 within the definition of a "firearm" in 18 U.S.C. § 921, as that
30 section existed on July 1, 1995.

31 **Sec. 112.** NRS 179A.075 is hereby amended to read as
32 follows:

33 179A.075 1. The Central Repository for Nevada Records of
34 Criminal History is hereby created within the Nevada Highway
35 Patrol Division of the Department.

36 2. Each agency of criminal justice and any other agency
37 dealing with crime or delinquency of children shall:

38 (a) Collect and maintain records, reports and compilations of
39 statistical data required by the Department; and

40 (b) Submit the information collected to the Central Repository
41 in the manner recommended by the Advisory Committee and
42 approved by the Director of the Department.

43 3. Each agency of criminal justice shall submit the information
44 relating to sexual offenses and other records of criminal history that
45 it creates or issues, and any information in its possession relating to



1 the genetic markers of a biological specimen of a person who is
2 convicted of an offense listed in subsection 4 of NRS 176.0913, to
3 the Division in the manner prescribed by the Director of the
4 Department. The information must be submitted to the Division:

- 5 (a) Through an electronic network;
- 6 (b) On a medium of magnetic storage; or
- 7 (c) In the manner prescribed by the Director of the
8 Department,
9 within the period prescribed by the Director of the Department. If an
10 agency has submitted a record regarding the arrest of a person who
11 is later determined by the agency not to be the person who
12 committed the particular crime, the agency shall, immediately upon
13 making that determination, so notify the Division. The Division
14 shall delete all references in the Central Repository relating to that
15 particular arrest.

16 4. The Division shall, in the manner prescribed by the Director
17 of the Department:

- 18 (a) Collect, maintain and arrange all information submitted to it
19 relating to:
 - 20 (1) Sexual offenses and other records of criminal history; and
 - 21 (2) The genetic markers of a biological specimen of a person
22 who is convicted of an offense listed in subsection 4 of
23 NRS 176.0913.

24 (b) When practicable, use a record of the personal identifying
25 information of a subject as the basis for any records maintained
26 regarding him.

27 (c) Upon request, provide the information that is contained in
28 the Central Repository to the State Disaster Identification Team of
29 the Division of Emergency Management of the Department.

30 5. The Division may:

- 31 (a) Disseminate any information which is contained in the
32 Central Repository to any other agency of criminal justice;
- 33 (b) Enter into cooperative agreements with federal and state
34 repositories to facilitate exchanges of information that may be
35 disseminated pursuant to paragraph (a); and
- 36 (c) Request of and receive from the Federal Bureau of
37 Investigation information on the background and personal history of
38 any person whose record of fingerprints the Central Repository
39 submits to the Federal Bureau of Investigation and:

40 (1) Who has applied to any agency of the State of Nevada or
41 any political subdivision thereof for a license which it has the power
42 to grant or deny;

43 (2) With whom any agency of the State of Nevada or any
44 political subdivision thereof intends to enter into a relationship of
45 employment or a contract for personal services;



- 1 (3) About whom any agency of the State of Nevada or any
2 political subdivision thereof has a legitimate need to have accurate
3 personal information for the protection of the agency or the persons
4 within its jurisdiction; or
5 (4) For whom such information is required to be obtained
6 pursuant to NRS 449.179.
- 7 6. The Central Repository shall:
8 (a) Collect and maintain records, reports and compilations of
9 statistical data submitted by any agency pursuant to subsection 2.
10 (b) Tabulate and analyze all records, reports and compilations of
11 statistical data received pursuant to this section.
12 (c) Disseminate to federal agencies engaged in the collection of
13 statistical data relating to crime information which is contained in
14 the Central Repository.
15 (d) Investigate the criminal history of any person who:
16 (1) Has applied to the Superintendent of Public Instruction
17 for a license;
18 (2) *Has applied to the State Board for a certificate as a*
19 *paraprofessional;*
20 (3) Has applied to a county school district for employment;
21 or
22 ~~(3)~~ (4) Is employed by a county school district,
23 and notify the superintendent of each county school district and the
24 Superintendent of Public Instruction *or the State Board, as*
25 *applicable*, if the investigation of the Central Repository indicates
26 that the person has been convicted of a violation of NRS 200.508,
27 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or
28 any offense involving moral turpitude.
29 (e) Upon discovery, notify the superintendent of each county
30 school district by providing him with a list of all persons:
31 (1) Investigated pursuant to paragraph (d); or
32 (2) Employed by a county school district whose fingerprints
33 were sent previously to the Central Repository for
34 investigation,
35 who the Central Repository's records indicate have been convicted
36 of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or
37 453.3395, or convicted of a felony or any offense involving moral
38 turpitude since the Central Repository's initial investigation. The
39 superintendent of each county school district shall determine
40 whether further investigation or action by the district is appropriate.
41 (f) Investigate the criminal history of each person who submits
42 fingerprints or has his fingerprints submitted pursuant to NRS
43 449.176 or 449.179.
44 (g) On or before July 1 of each year, prepare and present to the
45 Governor a printed annual report containing the statistical data



1 relating to crime received during the preceding calendar year.
2 Additional reports may be presented to the Governor throughout the
3 year regarding specific areas of crime if they are recommended by
4 the Advisory Committee and approved by the Director of
5 the Department.

6 (h) On or before July 1 of each year, prepare and submit to the
7 Director of the Legislative Counsel Bureau, for submission to the
8 Legislature, or the Legislative Commission when the Legislature is
9 not in regular session, a report containing statistical data about
10 domestic violence in this state.

11 (i) Identify and review the collection and processing of
12 statistical data relating to criminal justice and the delinquency of
13 children by any agency identified in subsection 2, and make
14 recommendations for any necessary changes in the manner of
15 collecting and processing statistical data by any such agency.

16 7. The Central Repository may:

17 (a) At the recommendation of the Advisory Committee and in
18 the manner prescribed by the Director of the Department,
19 disseminate compilations of statistical data and publish statistical
20 reports relating to crime or the delinquency of children.

21 (b) Charge a reasonable fee for any publication or special report
22 it distributes relating to data collected pursuant to this section. The
23 Central Repository may not collect such a fee from an agency of
24 criminal justice, any other agency dealing with crime or the
25 delinquency of children which is required to submit information
26 pursuant to subsection 2 or the State Disaster Identification Team of
27 the Division of Emergency Management of the Department. All
28 money collected pursuant to this paragraph must be used to pay for
29 the cost of operating the Central Repository.

30 (c) In the manner prescribed by the Director of the Department,
31 use electronic means to receive and disseminate information
32 contained in the Central Repository that it is authorized to
33 disseminate pursuant to the provisions of this chapter.

34 8. As used in this section:

35 (a) "Advisory Committee" means the Committee established by
36 the Director of the Department pursuant to NRS 179A.078.

37 (b) "Personal identifying information" means any information
38 designed, commonly used or capable of being used, alone or in
39 conjunction with any other information, to identify a person,
40 including, without limitation:

41 (1) The name, driver's license number, social security
42 number, date of birth and photograph or ~~computer-generated~~
43 *computer-generated* image of a person; and

44 (2) The fingerprints, voiceprint, retina image and iris image
45 of a person.



1 **Sec. 113.** NRS 218.5354 is hereby amended to read as
2 follows:

3 218.5354 1. The Committee may:

4 (a) Evaluate, review and comment upon issues related to
5 education within this state, including, but not limited to:

6 (1) Programs to enhance accountability in education;

7 (2) Legislative measures regarding education;

8 (3) *The progress made by this state, the school districts and*
9 *the public schools in this state in satisfying the goals and*
10 *objectives of the federal No Child Left Behind Act of 2001, 20*
11 *U.S.C. §§ 6301 et seq., and the annual measurable objectives*
12 *established by the State Board of Education pursuant to section 4*
13 *of this act;*

14 (4) Methods of financing public education;

15 ~~(4)~~ (5) The condition of public education in the elementary
16 and secondary schools;

17 ~~(5)~~ (6) The program to reduce the ratio of pupils per class
18 per licensed teacher prescribed in NRS 388.700, 388.710 and
19 388.720;

20 ~~(6)~~ (7) The development of any programs to automate the
21 receipt, storage and retrieval of the educational records of pupils;
22 and

23 ~~(7)~~ (8) Any other matters that, in the determination of the
24 Committee, affect the education of pupils within this state.

25 (b) Conduct investigations and hold hearings in connection with
26 its duties pursuant to this section.

27 (c) Request that the Legislative Counsel Bureau assist in the
28 research, investigations, hearings and reviews of the Committee.

29 (d) Make recommendations to the Legislature concerning the
30 manner in which public education may be improved.

31 2. The Committee shall:

32 (a) In addition to any standards prescribed by the Department of
33 Education, prescribe standards for the review and evaluation of the
34 reports of *the State Board of Education*, school districts *and public*
35 *schools* pursuant to paragraph (a) of subsection 1 of NRS 385.359.

36 (b) For the purposes set forth in NRS 385.389, recommend to
37 the Department of Education programs of remedial study for each
38 subject tested on the examinations administered pursuant to NRS
39 389.015. In recommending these programs of remedial study, the
40 Committee shall consider programs of remedial study that have
41 proven to be successful in improving the academic achievement of
42 pupils.

43 (c) *Recommend to the Department of Education providers of*
44 *supplemental educational services for inclusion on the list of*
45 *approved providers prepared by the Department pursuant to*



1 *section 37 of this act. In recommending providers, the Committee*
2 *shall consider providers with a demonstrated record of*
3 *effectiveness in improving the academic achievement of pupils.*

4 **Sec. 114.** NRS 218.5356 is hereby amended to read as
5 follows:

6 218.5356 1. The Legislative Bureau of Educational
7 Accountability and Program Evaluation is hereby created within the
8 Fiscal Analysis Division of the Legislative Counsel Bureau. The
9 fiscal analysts shall appoint to the Legislative Bureau of Educational
10 Accountability and Program Evaluation a Chief and such other
11 personnel as the fiscal analysts determine are necessary for the
12 Bureau to carry out its duties pursuant to this section.

13 2. The Bureau shall, as the fiscal analysts determine is
14 necessary or at the request of the Committee:

15 (a) Collect and analyze data and issue written reports
16 concerning:

17 (1) The effectiveness of the provisions of NRS 385.3455 to
18 385.391, inclusive, *and sections 2 to 37, inclusive, of this act*, in
19 improving the accountability of the schools of this state;

20 (2) The statewide program to reduce the ratio of pupils per
21 class per licensed teacher prescribed in NRS 388.700, 388.710 and
22 388.720;

23 (3) The statewide program to educate persons with
24 disabilities that is set forth in chapter 395 of NRS;

25 (4) The results of the examinations of the National
26 Assessment of Educational Progress that are administered pursuant
27 to NRS 389.012; and

28 (5) Any program or legislative measure, the purpose of
29 which is to reform the system of education within this state.

30 (b) Conduct studies and analyses to evaluate the performance
31 and progress of the system of public education within this state.
32 Such studies and analyses may be conducted:

33 (1) As the fiscal analysts determine are necessary; or

34 (2) At the request of the Legislature.

35 This paragraph does not prohibit the Bureau from contracting with a
36 person or entity to conduct studies and analyses on behalf of the
37 Bureau.

38 (c) On or before December 31 of each even-numbered year,
39 submit a written report of its findings pursuant to paragraphs (a) and
40 (b) to the Director of the Legislative Counsel Bureau for
41 transmission to the next regular session of the Legislature. The
42 Bureau shall, on or before December 31 of each odd-numbered year,
43 submit a written report of its findings pursuant to paragraphs (a) and
44 (b) to the Director of the Legislative Counsel Bureau for
45 transmission to the Legislative Commission.



1 3. The Bureau may, pursuant to NRS 218.687, require a
2 school, a school district, the University and Community College
3 System of Nevada or the Department of Education to submit to the
4 Bureau books, papers, records and other information that the Chief
5 of the Bureau determines are necessary to carry out the duties of the
6 Bureau pursuant to this section. An entity whom the Bureau requests
7 to produce records or other information shall provide the records or
8 other information in any readily available format specified by the
9 Bureau.

10 4. Except as otherwise provided in this subsection, any
11 information obtained by the Bureau pursuant to this section shall be
12 deemed a work product that is confidential pursuant to NRS
13 218.625. The Bureau may, at the discretion of the Chief and after
14 submission to the Legislature or Legislative Commission, as
15 appropriate, publish reports of its findings pursuant to paragraphs
16 (a) and (b) of subsection 2.

17 5. This section does not prohibit the Department of Education
18 or the State Board of Education from conducting analyses,
19 submitting reports or otherwise reviewing educational programs in
20 this state.

21 **Sec. 115.** NRS 354.598 is hereby amended to read as follows:

22 354.598 1. At the time and place advertised for public
23 hearing, or at any time and place to which the public hearing is from
24 time to time adjourned, the governing body shall hold a public
25 hearing on the tentative budget, at which time interested persons
26 must be given an opportunity to be heard.

27 2. At the public hearing, the governing body shall indicate
28 changes, if any, to be made in the tentative budget ~~[.]~~ and shall
29 adopt a final budget by the favorable votes of a majority of all
30 members of the governing body. Except as otherwise provided in
31 this subsection, the final budget must be adopted on or before June 1
32 of each year. The final budgets of school districts must be adopted
33 on or before June 8 of each year . ~~[and must be accompanied by~~
34 ~~copies of the written report and written procedure prepared pursuant~~
35 ~~to subsection 3 of NRS 385.351.]~~ Should the governing body fail to
36 adopt a final budget that complies with the requirements of law and
37 the regulations of the Committee on Local Government Finance on
38 or before the required date, the budget adopted and used for
39 certification of the combined ad valorem tax rate by the Department
40 of Taxation for the current year, adjusted as to content and rate in
41 such a manner as the Department of Taxation may consider
42 necessary, automatically becomes the budget for the ensuing fiscal
43 year. When a budget has been so adopted by default, the governing
44 body may not reconsider the budget without the express approval of
45 the Department of Taxation. If the default budget creates a



1 combined ad valorem tax rate in excess of the limit imposed by
2 NRS 361.453, the Nevada Tax Commission shall adjust the budget
3 as provided in NRS 361.4547 or 361.455.

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

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

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

21 6. If a local government makes a change in its final budget
22 which increases the combined ad valorem tax rate, the local
23 government shall submit the amended final budget to the county
24 auditor within 15 days after making the change.

25 **Sec. 116.** Section 4 of this act is hereby amended to read as
26 follows:

27 Sec. 4. 1. The State Board shall define the
28 measurement for determining whether each public school,
29 each school district and this state are making adequate yearly
30 progress. The definition of adequate yearly progress must:

31 (a) Comply with 20 U.S.C. § 6311(b)(2) and the
32 regulations adopted pursuant thereto;

33 (b) Be designed to ensure that all pupils, including,
34 without limitation, the pupils in each subgroup identified in
35 paragraph (d), will meet or exceed the minimum level of
36 proficiency set by the State Board;

37 (c) Except as otherwise provided in subsections 2 and 3,
38 be based primarily upon the measurement of the progress of
39 pupils on the examinations administered pursuant to NRS
40 389.015 ; ~~and 389.550;~~

41 (d) Include annual measurable objectives established
42 pursuant to 20 U.S.C. § 6311(b)(2)(G) and the regulations
43 adopted pursuant thereto, including, without limitation,
44 separate annual measurable objectives for each of the
45 following subgroups of pupils:



- 1 (1) Pupils who are economically disadvantaged, as
- 2 defined by the State Board;
- 3 (2) Pupils from major racial and ethnic groups, as
- 4 defined by the State Board;
- 5 (3) Pupils with disabilities; and
- 6 (4) Pupils who are limited English proficient;
- 7 (e) For high schools, include the rate of graduation; and
- 8 (f) For elementary schools, junior high schools and
- 9 middle schools, include the rate of attendance.

10 2. The examination in writing administered to pupils in

11 grade 4 must not be included in the definition of adequate

12 yearly progress.

13 3. The examination in science must not be included in

14 the definition of adequate yearly progress.

15 **Sec. 117.** Section 5 of this act is hereby amended to read as

16 follows:

17 Sec. 5. 1. The State Board shall adopt regulations that

18 prescribe, consistent with 20 U.S.C. §§ 6301 et seq. and the

19 regulations adopted pursuant thereto, the manner in which

20 pupils enrolled in:

21 (a) A program of distance education pursuant to NRS

22 388.820 to 388.874, inclusive;

23 (b) An alternative program for the education of pupils at

24 risk of dropping out of high school; or

25 (c) A program of education that:

26 (1) Primarily serves pupils with disabilities; or

27 (2) Is operated within a:

28 (I) Youth training center;

29 (II) Youth center;

30 (III) Juvenile forestry camp;

31 (IV) Detention home;

32 (V) Youth camp;

33 (VI) Juvenile correctional institution; or

34 (VII) Correctional institution,

35 will be included within the statewide system of accountability

36 set forth in sections 2 to 37, inclusive, of this act.

37 2. The regulations adopted pursuant to subsection 1 must

38 also set forth the manner in which:

39 (a) The progress of pupils enrolled in a program of

40 distance education, an alternative program or a program of

41 education described in subsection 1 will be accounted for

42 within the statewide system of accountability; and

43 (b) The results of pupils enrolled in a program of distance

44 education, an alternative program or a program of education



1 described in subsection 1 on the examinations administered
2 pursuant to NRS 389.015 ~~and 389.550~~ will be reported.

3 **Sec. 118.** Section 6 of this act is hereby amended to read as
4 follows:

5 Sec. 6. 1. The State Board shall prepare an annual
6 report of accountability that includes, without limitation:

7 (a) Information on the achievement of all pupils based
8 upon the results of the examinations administered pursuant to
9 NRS 389.015 , ~~and 389.550,~~ reported for each school
10 district, including, without limitation, each charter school in
11 the district, and for this state as a whole.

12 (b) Except as otherwise provided in subsection 2, pupil
13 achievement, reported separately by gender and reported
14 separately for the following subgroups of pupils:

15 (1) Pupils who are economically disadvantaged, as
16 defined by the State Board;

17 (2) Pupils from major racial and ethnic groups, as
18 defined by the State Board;

19 (3) Pupils with disabilities;

20 (4) Pupils who are limited English proficient; and

21 (5) Pupils who are migratory children, as defined by
22 the State Board.

23 (c) A comparison of the achievement of pupils in each
24 subgroup identified in paragraph (d) of subsection 1 of
25 section 4 of this act with the annual measurable objectives of
26 the State Board for that subgroup established pursuant to that
27 section.

28 (d) The percentage of all pupils who were not tested,
29 reported for each school district, including, without
30 limitation, each charter school in the district, and for this state
31 as a whole.

32 (e) Except as otherwise provided in subsection 2, the
33 percentage of pupils who were not tested, reported separately
34 by gender and reported separately for the subgroups identified
35 in paragraph (b).

36 (f) The most recent 3-year trend in the achievement of
37 pupils in each subject area tested and each grade level tested
38 pursuant to NRS 389.015 , ~~and 389.550,~~ reported for each
39 school district, including, without limitation, each charter
40 school in the district, and for this state as a whole, which may
41 include information regarding the trend in the achievement of
42 pupils for more than 3 years, if such information is available.

43 (g) Information on whether each school district has made
44 adequate yearly progress, including, without limitation, the
45 name of each school district, if any, designated as



1 demonstrating need for improvement pursuant to section 32
2 of this act and the number of consecutive years that the
3 school district has carried that designation.

4 (h) Information on whether each public school, including,
5 without limitation, each charter school, has made adequate
6 yearly progress, including, without limitation, the name of
7 each public school, if any, designated as demonstrating need
8 for improvement pursuant to section 14 of this act and the
9 number of consecutive years that the school has carried that
10 designation.

11 (i) Information on the results of pupils who participated in
12 the examinations of the National Assessment of Educational
13 Progress required pursuant to NRS 389.012.

14 (j) The ratio of pupils to teachers in kindergarten and at
15 each grade level for all elementary schools, reported for each
16 school district, including, without limitation, each charter
17 school in the district, and for this state as a whole, and the
18 average class size for each core academic subject, as set forth
19 in NRS 389.018, for each secondary school, reported for each
20 school district and for this state as a whole.

21 (k) Information on the professional qualifications of
22 teachers employed by school districts and charter schools,
23 including, without limitation:

24 (1) The percentage of teachers who are:

25 (I) Providing instruction pursuant to NRS 391.125;

26 (II) Providing instruction pursuant to a waiver of
27 the requirements for licensure for the grade level or subject
28 area in which the teachers are employed; or

29 (III) Otherwise providing instruction without an
30 endorsement for the subject area in which the teachers are
31 employed;

32 (2) The percentage of classes in the core academic
33 subjects, as set forth in NRS 389.018, in this state that are not
34 taught by highly qualified teachers; and

35 (3) The percentage of classes in the core academic
36 subjects, as set forth in NRS 389.018, in this state that are not
37 taught by highly qualified teachers in schools that are:

38 (I) In the top quartile of poverty in this state; and

39 (II) In the bottom quartile of poverty in this state.

40 (l) The total expenditure per pupil for each school district
41 in this state, including, without limitation, each charter school
42 in the district.

43 (m) The total statewide expenditure per pupil.

44 (n) For all elementary schools, junior high schools and
45 middle schools, the rate of attendance, reported for each



1 school district, including, without limitation, each charter
2 school in the district, and for this state as a whole.

3 (o) The annual rate of pupils who drop out of school in
4 grades 9 to 12, inclusive, reported for each school district,
5 including, without limitation, each charter school in the
6 district, and for this state as a whole, excluding pupils who:

7 (1) Provide proof to the school district of successful
8 completion of the examinations of general educational
9 development.

10 (2) Are enrolled in courses that are approved by the
11 Department as meeting the requirements for an adult standard
12 diploma.

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

14 (p) The attendance of teachers who provide instruction,
15 reported for each school district, including, without
16 limitation, each charter school in the district, and for this state
17 as a whole.

18 (q) Incidents involving weapons or violence, reported for
19 each school district, including, without limitation, each
20 charter school in the district, and for this state as a whole.

21 (r) Incidents involving the use or possession of alcoholic
22 beverages or controlled substances, reported for each school
23 district, including, without limitation, each charter school in
24 the district, and for this state as a whole.

25 (s) The suspension and expulsion of pupils required or
26 authorized pursuant to NRS 392.466 and 392.467, reported
27 for each school district, including, without limitation, each
28 charter school in the district, and for this state as a whole.

29 (t) The number of pupils who are deemed habitual
30 disciplinary problems pursuant to NRS 392.4655, reported for
31 each school district, including, without limitation, each
32 charter school in the district, and for this state as a whole.

33 (u) The number of pupils in each grade who are retained
34 in the same grade pursuant to NRS 392.033 or 392.125,
35 reported for each school district, including, without
36 limitation, each charter school in the district, and for this state
37 as a whole.

38 (v) The transiency rate of pupils, reported for each school
39 district, including, without limitation, each charter school in
40 the district, and for this state as a whole. For the purposes of
41 this paragraph, a pupil is not a transient if he is transferred to
42 a different school within the school district as a result of a
43 change in the zone of attendance by the board of trustees of
44 the school district pursuant to NRS 388.040.



- 1 (w) Each source of funding for this state to be used for the
- 2 system of public education.
- 3 (x) The amount and sources of money received by this
- 4 state for remedial education.
- 5 (y) The percentage of pupils who graduated from a high
- 6 school or charter school in the immediately preceding year
- 7 and enrolled in remedial courses in reading, writing or
- 8 mathematics at a university or community college within the
- 9 University and Community College System of Nevada,
- 10 reported for each school district, including, without
- 11 limitation, each charter school in the district, and for this state
- 12 as a whole.
- 13 (z) The technological facilities and equipment available
- 14 for educational purposes, reported for each school district,
- 15 including, without limitation, each charter school in the
- 16 district, and for this state as a whole.
- 17 (aa) For each school district, including, without
- 18 limitation, each charter school in the district, and for this state
- 19 as a whole, the number and percentage of pupils who
- 20 received:
 - 21 (1) A standard high school diploma.
 - 22 (2) An adjusted diploma.
 - 23 (3) A certificate of attendance.
- 24 (bb) The number and percentage of pupils who did not
- 25 receive a high school diploma because the pupils failed to
- 26 pass the high school proficiency examination, reported for
- 27 each school district, including, without limitation, each
- 28 charter school in the district, and for this state as a whole.
- 29 (cc) The number of habitual truants who are reported to a
- 30 school police officer or law enforcement agency pursuant to
- 31 paragraph (a) of subsection 2 of NRS 392.144 and the
- 32 number of habitual truants who are referred to an advisory
- 33 board to review school attendance pursuant to paragraph (b)
- 34 of subsection 2 of NRS 392.144, reported for each school
- 35 district, including, without limitation, each charter school in
- 36 the district, and for this state as a whole.
- 37 (dd) Information on the paraprofessionals employed at
- 38 public schools in this state, including, without limitation, the
- 39 charter schools in this state. The information must include:
 - 40 (1) The number of paraprofessionals employed,
 - 41 reported for each school district, including, without
 - 42 limitation, each charter school in the district, and for this state
 - 43 as a whole; and
 - 44 (2) Whether each paraprofessional employed holds a
 - 45 certificate issued pursuant to section 88 of this act, reported



1 for each school district, including, without limitation, each
2 charter school in the district, and for this state as a whole.

3 (ee) An identification of appropriations made by the
4 Legislature to improve the academic achievement of pupils
5 and programs approved by the Legislature to improve the
6 academic achievement of pupils.

7 2. A separate reporting for a subgroup of pupils must not
8 be made pursuant to this section if the number of pupils in
9 that subgroup is insufficient to yield statistically reliable
10 information or the results would reveal personally identifiable
11 information about an individual pupil. The State Board shall
12 prescribe a mechanism for determining the minimum number
13 of pupils that must be in a subgroup for that subgroup to yield
14 statistically reliable information.

15 3. The annual report of accountability must:

16 (a) Comply with 20 U.S.C. § 6311(h)(1) and the
17 regulations adopted pursuant thereto;

18 (b) Be prepared in a concise manner; and

19 (c) Be presented in an understandable and uniform format
20 and, to the extent practicable, provided in a language that
21 parents can understand.

22 4. On or before August 1 of each year, the State Board
23 shall provide for public dissemination of the annual report of
24 accountability and submit a copy of the report to the:

25 (a) Governor;

26 (b) Committee;

27 (c) Bureau;

28 (d) Board of Regents of the University of Nevada;

29 (e) Board of trustees of each school district; and

30 (f) Governing body of each charter school.

31 5. As used in this section, "highly qualified" has the
32 meaning ascribed to it in 20 U.S.C. § 7801(23).

33 **Sec. 119.** Section 10 of this act is hereby amended to read as
34 follows:

35 Sec. 10. 1. On or before January 1 of each year, the
36 Department shall determine whether each public school is
37 making adequate yearly progress, as defined by the State
38 Board pursuant to section 4 of this act. The determination for
39 a public school, including, without limitation, a charter school
40 sponsored by the board of trustees of the school district, must
41 be made in consultation with the board of trustees of the
42 school district in which the public school is located. If a
43 charter school is sponsored by the State Board, the
44 Department shall make a determination for the charter school



1 in consultation with the State Board. On or before January 1
2 of each year, the Department shall transmit:

3 (a) Except as otherwise provided in paragraph (b), the
4 determination made for each public school to the board of
5 trustees of the school district in which the public school is
6 located.

7 (b) To the State Board the determination made for each
8 charter school that is sponsored by the State Board.

9 2. Except as otherwise provided in this subsection, the
10 Department shall determine that a public school has failed to
11 make adequate yearly progress if any subgroup identified in
12 paragraph (d) of subsection 1 of section 4 of this act does not
13 satisfy the annual measurable objectives established by the
14 State Board pursuant to that section. To comply with 20
15 U.S.C. § 6311(b)(2)(I) and the regulations adopted pursuant
16 thereto, the State Board shall prescribe by regulation the
17 conditions under which a school shall be deemed to have
18 made adequate yearly progress even though a subgroup
19 identified in paragraph (d) of subsection 1 of section 4 of this
20 act did not satisfy the annual measurable objectives of the
21 State Board.

22 3. In addition to the provisions of subsection 2, the
23 Department shall determine that a public school has failed to
24 make adequate yearly progress if:

25 (a) The number of pupils enrolled in the school who took
26 the examinations administered pursuant to NRS 389.015 ~~and~~
27 ~~389.550~~ is less than 95 percent of all pupils enrolled in the
28 school who were required to take the examinations; or

29 (b) Except as otherwise provided in subsection 4, for each
30 subgroup of pupils identified in paragraph (d) of subsection 1
31 of section 4 of this act, the number of pupils in the subgroup
32 enrolled in the school who took the examinations
33 administered pursuant to NRS 389.015 ~~and 389.550~~ is less
34 than 95 percent of all pupils in that subgroup enrolled in the
35 school who were required to take the examinations.

36 4. If the number of pupils in a particular subgroup who
37 are enrolled in a public school is insufficient to yield
38 statistically reliable information:

39 (a) The Department shall not determine that the school
40 has failed to make adequate yearly progress pursuant to
41 paragraph (b) of subsection 3 based solely upon that
42 particular subgroup.

43 (b) The pupils in such a subgroup must be included in the
44 overall count of pupils enrolled in the school who took the
45 examinations.



1 The State Board shall prescribe the mechanism for
2 determining the number of pupils that must be in a subgroup
3 for that subgroup to yield statistically reliable information.

4 5. If an irregularity in testing administration or an
5 irregularity in testing security occurs at a school and the
6 irregularity invalidates the test scores of pupils, those test
7 scores must not be included in the scores of pupils reported
8 for the school and the attendance of those pupils must not be
9 counted towards the total number of pupils who took the
10 examinations, but must be included in the total number of
11 pupils who were required to take the examinations. If the
12 pupils take an additional administration of the examinations
13 during the same school year, the scores of pupils on those
14 examinations must not be included in the scores of pupils
15 reported for the school.

16 6. As used in this section:

17 (a) "Irregularity in testing administration" has the
18 meaning ascribed to it in NRS 389.604.

19 (b) "Irregularity in testing security" has the meaning
20 ascribed to it in NRS 389.608.

21 **Sec. 120.** Section 11 of this act is hereby amended to read as
22 follows:

23 Sec. 11. 1. Except as otherwise provided in subsection
24 3, if the number of pupils enrolled in a school who took the
25 examinations administered pursuant to NRS 389.015 , ~~and~~
26 ~~389.550,~~ excluding the high school proficiency examination,
27 is less than 95 percent of all pupils enrolled in the school who
28 were required to take the examinations, the Department shall
29 notify the school and the school district in which the school is
30 located that the school is required to provide, in the same
31 school year, for an additional administration of examinations,
32 excluding the high school proficiency examination, as
33 prescribed by the State Board pursuant to subsection 2.
34 Except as otherwise provided in this subsection, the school
35 district shall pay for all costs related to the administration of
36 the examinations pursuant to this subsection. If a charter
37 school is required to administer examinations pursuant to this
38 subsection, the charter school shall pay for all costs related to
39 the administration of the examinations to pupils enrolled in
40 the charter school.

41 2. The State Board shall prescribe by regulation the
42 examinations that a school must administer pursuant to
43 subsection 1.

44 3. The Department may, for good cause shown, grant a
45 waiver to a school from the requirements of subsection 1.



1 **Sec. 121.** Section 12 of this act is hereby amended to read as
2 follows:

3 Sec. 12. If the Department determines that a public
4 school has failed to make adequate yearly progress pursuant
5 to subsection 3 of section 10 of this act:

6 1. The Department or its designee shall monitor at the
7 school the administration of the examinations that are
8 required pursuant to NRS 389.015 ~~and 389.550~~ and ensure
9 that all eligible pupils who are in attendance on the day of the
10 administration of the examinations are given an opportunity
11 to take the examinations until the percentage of pupils who
12 take the examinations is 95 percent or more of all pupils
13 enrolled in the school who are required to take the
14 examinations.

15 2. The school is not required to adopt a program of
16 remedial study pursuant to NRS 385.389 and is not eligible to
17 receive money for remedial programs made available by
18 legislative appropriation for the purposes of NRS 385.389.

19 **Sec. 122.** Section 19 of this act is hereby amended to read as
20 follows:

21 Sec. 19. 1. In addition to the duties prescribed in
22 section 18 of this act, a support team established for a school
23 shall prepare an annual written report that includes:

24 (a) Information concerning the most recent plan to
25 improve the achievement of the school's pupils, including,
26 without limitation, an evaluation of:

27 (1) The appropriateness of the plan for the school; and

28 (2) Whether the school has achieved the goals and
29 objectives set forth in the plan;

30 (b) The written revisions to the plan to improve the
31 achievement of the school's pupils adopted by the support
32 team pursuant to section 18 of this act;

33 (c) A summary of each program for remediation, if any,
34 purchased for the school with money that is available from
35 the Federal Government, this state and the school district in
36 which the school is located, including, without limitation:

37 (1) The name of the program;

38 (2) The date on which the program was purchased and
39 the date on which the program was carried out by the school;

40 (3) The percentage of personnel at the school who
41 were trained regarding the use of the program;

42 (4) The satisfaction of the personnel at the school with
43 the program; and



- 1 (5) An evaluation of whether the program has
2 improved the academic achievement of the pupils enrolled in
3 the school who participated in the program;
- 4 (d) An analysis of the problems and factors at the school
5 which contributed to the designation of the school as
6 demonstrating need for improvement, including, without
7 limitation, issues relating to:
8 (1) The financial resources of the school;
9 (2) The administrative and educational personnel of
10 the school;
11 (3) The curriculum of the school;
12 (4) The facilities available at the school, including the
13 availability and accessibility of educational technology; and
14 (5) Any other factors that the support team believes
15 contributed to the designation of the school as demonstrating
16 need for improvement; and
- 17 (e) Other information concerning the school, including,
18 without limitation:
19 (1) The results of the pupils who are enrolled in the
20 school on the examinations that are administered pursuant to
21 NRS 389.015 ; ~~and 389.550;~~
22 (2) Records of the attendance and truancy of pupils
23 who are enrolled in the school;
24 (3) The transiency rate of pupils who are enrolled in
25 the school;
26 (4) A description of the number of years that each
27 teacher has provided instruction at the school and the rate of
28 turnover of teachers and other educational personnel
29 employed at the school;
30 (5) A description of the participation of parents and
31 legal guardians in the educational process and other activities
32 relating to the school;
33 (6) A description of each source of money for the
34 remediation of pupils who are enrolled in the school; and
35 (7) A description of the disciplinary problems of the
36 pupils who are enrolled in the school, including, without
37 limitation, the information contained in paragraphs (k) to (n),
38 inclusive, of subsection 2 of NRS 385.347.
- 39 2. On or before April 15, the support team shall submit a
40 copy of the final written report to the:
41 (a) Principal of the school;
42 (b) Board of trustees of the school district in which the
43 school is located;
44 (c) Superintendent of schools of the school district in
45 which the school is located;



- 1 (d) Department; and
- 2 (e) Bureau.

3 The support team shall make the written report available,
 4 upon request, to each parent or legal guardian of a pupil who
 5 is enrolled in the school.

6 **Sec. 123.** Section 30 of this act is hereby amended to read as
 7 follows:

8 Sec. 30. 1. On or before January 1 of each year, the
 9 Department shall determine whether each school district is
 10 making adequate yearly progress, as defined by the State
 11 Board pursuant to section 4 of this act. If a charter school is
 12 sponsored by the board of trustees of a school district, the
 13 pupils who are enrolled in the charter school must be included
 14 in the determination made for that school district.

15 2. Except as otherwise provided in this subsection, the
 16 Department shall determine that a school district has failed to
 17 make adequate yearly progress if any subgroup of pupils
 18 identified in paragraph (d) of subsection 1 of section 4 of this
 19 act who are enrolled in the school district does not satisfy the
 20 annual measurable objectives established by the State Board
 21 pursuant to that section. To comply with 20 U.S.C. §
 22 6311(b)(2)(I) and the regulations adopted pursuant thereto,
 23 the State Board shall prescribe by regulation the conditions
 24 under which a school district shall be deemed to have made
 25 adequate yearly progress even though a subgroup of pupils
 26 identified in paragraph (d) of subsection 1 of section 4 of this
 27 act who are enrolled in the school district did not satisfy the
 28 annual measurable objectives of the State Board.

29 3. In addition to the provisions of subsection 2, the
 30 Department shall determine that a school district has failed to
 31 make adequate yearly progress if:

32 (a) The number of pupils enrolled in the school district
 33 who took the examinations administered pursuant to NRS
 34 389.015 ~~and 389.550~~ is less than 95 percent of all pupils
 35 enrolled in the school district who were required to take the
 36 examinations; or

37 (b) Except as otherwise provided in subsection 4, for each
 38 subgroup of pupils identified in paragraph (d) of subsection 1
 39 of section 4 of this act, the number of pupils enrolled in the
 40 school district who took the examinations administered
 41 pursuant to NRS 389.015 ~~and 389.550~~ is less than 95 percent
 42 of all pupils in the subgroup who were required to take the
 43 examinations.



1 4. If the number of pupils in a particular subgroup who
2 are enrolled in a school district is insufficient to yield
3 statistically reliable information:

4 (a) The Department shall not determine that the school
5 district has failed to make adequate yearly progress pursuant
6 to paragraph (b) of subsection 3 based solely upon that
7 particular subgroup.

8 (b) The pupils in such a subgroup must be included in the
9 overall count of pupils enrolled in the school district who
10 took the examinations.

11 The State Board shall prescribe the mechanism for
12 determining the minimum number of pupils that must be in a
13 subgroup for that subgroup to yield statistically reliable
14 information.

15 **Sec. 124.** Section 46 of this act is hereby amended to read as
16 follows:

17 Sec. 46. A person who is ~~initially hired~~ *employed* by a
18 charter school ~~on or after July 1, 2004,~~ to perform a duty of
19 a paraprofessional, as defined in section 84 of this act, must
20 hold a certificate as a paraprofessional issued pursuant to
21 section 88 of this act ~~[. For the purposes of this section, a
22 person is not "initially hired" if he has been employed as a
23 paraprofessional by another school district or charter school
24 in this state without an interruption in employment before the
25 date of hire by his current employer.]~~

26 **Sec. 125.** Section 64 of this act is hereby amended to read as
27 follows:

28 Sec. 64. 1. If a pupil with a disability is unable to take
29 an examination administered pursuant to NRS 389.015 ~~or~~
30 ~~389.550~~ under regular testing conditions, the pupil may take
31 the examination with modifications and accommodations that
32 the pupil's individualized education program team
33 determines, in consultation with the Department and in
34 accordance with the Individuals with Disabilities Education
35 Act, 20 U.S.C. §§ 1400 et seq., and the No Child Left Behind
36 Act of 2001, 20 U.S.C. §§ 6301 et seq., are necessary to
37 measure the progress of the pupil. If modifications or
38 accommodations are made in the administration of an
39 examination for a pupil with a disability, the modifications or
40 accommodations must be set forth in the pupil's
41 individualized education program. The results of each pupil
42 with a disability who takes an examination with modifications
43 or accommodations must be reported and must be included in
44 the determination of whether the school and the school
45 district have made adequate yearly progress.



1 2. The State Board shall prescribe an alternate
 2 examination for administration to a pupil with a disability if
 3 the pupil’s individualized education program team
 4 determines, in consultation with the Department, that the
 5 pupil cannot participate in all or a portion of an examination
 6 administered pursuant to NRS 389.015 ~~for 389.550~~ even
 7 with modifications and accommodations. The results of a
 8 pupil with a disability who takes an alternate examination
 9 must not be included in the determination of whether the
 10 school and the school district have made adequate yearly
 11 progress.

12 3. The State Board shall prescribe, in accordance with
 13 the Individuals with Disabilities Education Act, 20 U.S.C. §§
 14 1400 et seq., and the No Child Left Behind Act of 2001, 20
 15 U.S.C. §§ 6301 et seq., the modifications and
 16 accommodations that may be used in the administration of an
 17 examination to a pupil with a disability who is unable to take
 18 the examination under regular testing conditions.

19 4. As used in this section:

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

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

24 **Sec. 126.** Section 88 of this act is hereby amended to read as
 25 follows:

26 Sec. 88. 1. The State Board shall adopt regulations
 27 prescribing the qualifications for the certification of
 28 paraprofessionals and the procedures for the issuance and
 29 renewal of such certificates. The regulations must include the
 30 causes for suspension and revocation of a certificate and the
 31 procedures to be carried out if action is taken to suspend or
 32 revoke a certificate. The State Board shall consider and may
 33 adopt regulations that provide for the reciprocal certification
 34 of paraprofessionals from other states.

35 2. An applicant for a certificate as a paraprofessional
 36 must submit to the State Board proof that he satisfies the
 37 requirements of the State Board established by regulation
 38 pursuant to subsection 1 and that he has:

39 (a) Completed at least 2 years of study at an institution of
 40 higher education;

41 (b) Obtained an associate’s degree or a higher degree; or

42 (c) Passed an examination prescribed by the State Board
 43 pursuant to this subsection.

44 The State Board shall prescribe at least one examination that
 45 is required of an applicant for a certificate as a



1 paraprofessional if the applicant does not qualify for a
2 certificate pursuant to paragraph (a) or (b).

3 3. ~~[An application for the issuance of a certificate must~~
4 ~~include the social security number of the applicant.~~

5 ~~—4.]~~ Every applicant for a certificate must submit with his
6 application a complete set of his fingerprints and written
7 permission authorizing the State Board to forward the
8 fingerprints to the Federal Bureau of Investigation and to the
9 Central Repository for Nevada Records of Criminal History
10 for their reports on the criminal history of the applicant.

11 ~~[5.]~~ 4. A certificate must be issued to an applicant if:

12 (a) The State Board determines that the applicant satisfies
13 the requirements of this section and the requirements
14 prescribed by the State Board pursuant to subsection 1;

15 (b) The applicant submits ~~[~~
16 ~~(1) The] the~~ fee prescribed by section 91 of this act;
17 and

18 ~~[(2) The statement required by section 90 of this act;~~
19 ~~and]~~

20 (c) The reports on the criminal history of the applicant
21 from the Federal Bureau of Investigation and the Central
22 Repository for Nevada Records of Criminal History:

23 (1) Do not indicate that the applicant has been
24 convicted of a felony or any other offense involving moral
25 turpitude; or

26 (2) Indicate that the applicant has been convicted of a
27 felony or an offense involving moral turpitude but the State
28 Board determines that the conviction is unrelated to the
29 position within the school district or charter school for which
30 the applicant applied.

31 ~~[6.]~~ 5. A person who holds a certificate issued pursuant
32 to this section must not be considered a licensed teacher or
33 other licensed employee of a school district or charter school
34 unless he holds a license to teach issued pursuant to
35 NRS 391.031.

36 **Sec. 127.** 1. There is hereby appropriated from the State
37 General Fund to the Department of Education the sum of
38 \$9,950,000 for educational technology.

39 2. The Department of Education shall distribute the money
40 appropriated by subsection 1 as follows:

41 (a) For the Commission on Educational Technology to grant
42 money to local school districts for schools within the school district
43 to acquire the minimal level of educational technology that is
44 necessary to provide a networked computer for each classroom, as
45 recommended by the Commission:



1 For the fiscal year 2003-2004 \$1,250,000
2 For the fiscal year 2004-2005 \$1,250,000

3 (b) For the Commission on Educational Technology to provide
4 grants to local school districts for the repair, replacement or upgrade
5 of computer hardware and software, including, without limitation,
6 contracts for maintenance:

7 For the fiscal year 2003-2004 \$2,500,000
8 For the fiscal year 2004-2005 \$2,500,000

9 (c) For the Commission on Educational Technology to grant to
10 local school districts for hardware, software and contracting services
11 to provide or enhance technical support to the school districts:

12 For the fiscal year 2003-2004 \$625,000
13 For the fiscal year 2004-2005 \$625,000

14 (d) For the Commission on Educational Technology to grant to
15 local school districts for pilot programs that demonstrate best
16 practices for the use of educational technology to improve the
17 achievement of pupils:

18 For the fiscal year 2003-2004 \$150,000
19 For the fiscal year 2004-2005 \$150,000

20 (e) For the Commission on Educational Technology to distribute
21 for the KLVX Distance Learning Satellite Service \$400,000

22 (f) For the Commission on Educational Technology to grant to
23 the Division of State Library and Archives of the Department of
24 Cultural Affairs for licenses to allow school libraries access to
25 research databases and other on-line resources appropriate for
26 pupils \$500,000

27 3. The sums appropriated by paragraphs (a) to (d), inclusive, of
28 subsection 2 are available for either fiscal year. Any balance of
29 those sums must not be committed for expenditure after June 30,
30 2005, and reverts to the State General Fund as soon as all payments
31 of money committed have been made.

32 4. Any remaining balance of the appropriation made by
33 paragraphs (e) and (f) of subsection 2 must not be committed for
34 expenditure after June 30, 2005, and reverts to the State General
35 Fund as soon as all payments of money committed have been made.

36 **Sec. 128.** 1. To receive a grant of money pursuant to section
37 127 of this act, a school district must:

38 (a) Complete forms provided by the Superintendent of Public
39 Instruction.

40 (b) Submit a written request to the Commission on Educational
41 Technology that identifies the schools within the school district
42 which need educational technology and the financial needs of those
43 schools to obtain the educational technology.

44 (c) Submit a plan to the Commission on Educational
45 Technology for the use of educational technology to improve the



1 instruction and academic achievement of pupils, based upon the
2 most recent version of the plan adopted by the Commission pursuant
3 to NRS 388.795 for the use of educational technology in the public
4 schools of this state. A school district may, as part of its plan and
5 upon approval of the Commission, elect to use refurbished
6 computers that do not meet the technical standards established by
7 the Commission.

8 (d) Submit a plan for evaluation in accordance with guidelines
9 submitted by the Commission on Educational Technology that
10 includes the effectiveness of the use of educational technology in
11 improving the academic achievement of pupils.

12 (e) Provide any additional information requested by the
13 Commission on Educational Technology.

14 2. The Commission on Educational Technology shall
15 determine the amount of money that must be distributed to school
16 districts based upon the needs of each school district and the wealth
17 of the school district relative to the other school districts in this
18 state.

19 3. A school district that receives a grant of money pursuant to
20 section 127 of this act shall:

21 (a) Account for the money separately; and

22 (b) Use the money to supplement, and not replace, the money
23 that the school district would otherwise expend for educational
24 technology.

25 4. A school district that receives a grant of money pursuant to
26 section 127 of this act shall not use the money to:

27 (a) Settle or arbitrate disputes or negotiate settlements between
28 an organization that represents licensed employees of the school
29 district and the school district.

30 (b) Adjust the schedules of salaries and benefits of the
31 employees of the school district.

32 5. On or before January 1, 2005, each school district that
33 receives a grant of money pursuant to section 127 of this act shall
34 submit to the Department of Education and the Commission on
35 Educational Technology a written report in the format required by
36 the Department. The report must include, without limitation:

37 (a) A statement of the amount of money distributed to the school
38 district pursuant to section 127 of this act;

39 (b) A record of the manner in which the money was expended;

40 (c) The purposes of each such expenditure; and

41 (d) Any other expenditures for similar purposes from other
42 money available to the school district.

43 6. On or before February 1, 2005, the Department of Education
44 shall submit a written summary to the Governor, the Commission on
45 Educational Technology and the Director of the Legislative Counsel



1 Bureau for transmission to the 73rd Session of the Nevada
2 Legislature. The written summary must include, without limitation:

3 (a) The name of each school district that received a grant of
4 money pursuant to section 127 of this act; and

5 (b) A compilation of the reports submitted to the Department
6 pursuant to subsection 5.

7 **Sec. 129.** 1. There is hereby appropriated from the State
8 General Fund to the Legislative Fund created by NRS 218.085 the
9 sum of \$50,000 for use by the Legislative Bureau of Educational
10 Accountability and Program Evaluation to hire a qualified,
11 independent consultant to conduct an evaluation of educational
12 technology.

13 2. The Legislative Bureau of Educational Accountability and
14 Program Evaluation shall, after consulting with the Commission on
15 Educational Technology, use the money appropriated by subsection
16 1 to hire a qualified, independent consultant to conduct an
17 evaluation of the effectiveness of educational technology in
18 improving the achievement of pupils, to identify issues relating to
19 the implementation of educational technology and to identify best
20 practices relating to the use of educational technology to improve
21 the achievement of pupils.

22 3. The consultant shall provide to the Legislative Committee
23 on Education, upon the request of the Committee, an interim report
24 of the progress of the consultant. On or before February 1, 2005, the
25 consultant hired pursuant to subsection 2 shall submit a written
26 report of the results of his evaluation to the Legislative Bureau of
27 Educational Accountability and Program Evaluation. On or before
28 February 21, 2005, the Legislative Bureau of Educational
29 Accountability and Program Evaluation shall submit a copy of the
30 written report and any recommendations for legislation to
31 the Director of the Legislative Counsel Bureau for transmission to
32 the 73rd Session of the Nevada Legislature.

33 4. Any remaining balance of the appropriation made by
34 subsection 1 must not be committed for expenditure after June 30,
35 2005, and reverts to the State General Fund as soon as all payments
36 of money committed have been made.

37 **Sec. 130.** 1. There is hereby appropriated from the State
38 General Fund to the Department of Education the sum of \$705,000
39 for a pilot program to provide bonuses to experienced
40 administrators, exemplary teachers and unlicensed instructional
41 support employees who are employed at certain schools that are
42 designated as needing improvement. The Department may retain not
43 more than \$25,000 from the appropriation for the hiring of a
44 qualified and independent consultant to assist the Department with



1 carrying out the pilot program and conducting the evaluation
2 required by subsection 5.

3 2. The Department of Education shall establish a pilot program
4 to provide bonuses to experienced administrators, exemplary
5 teachers and unlicensed instructional support employees who are
6 employed at a school that is designated as needing improvement for
7 3 consecutive years or more. The board of trustees of a school
8 district may apply to the Department of Education for a school
9 within the school district to participate in the pilot program for the
10 2004-2005 school year. The Department of Education shall select
11 not more than four schools for participation in the pilot program.

12 3. The board of trustees of each school district that includes a
13 school that is selected for participation in the program shall, in
14 consultation with the Superintendent of Public Instruction, select
15 one experienced person to serve as principal of the school and one
16 experienced person to serve as vice principal of the school.

17 4. Upon selection of a principal and vice principal pursuant to
18 subsection 3, the Department of Education shall distribute from the
19 appropriation made by subsection 1 to each school that is selected
20 for participation in the program:

21 (a) For one experienced principal employed at the school,
22 \$6,000.

23 (b) For one experienced vice principal employed at the school,
24 \$6,000.

25 (c) An amount of money, not to exceed \$150,000, for exemplary
26 teachers employed at the school to receive a bonus. The principal of
27 the school shall select not more than 50 exemplary teachers
28 employed at the school to receive a bonus of \$3,000 per teacher.
29 The amount of a bonus paid to a teacher pursuant to this paragraph
30 must not exceed \$3,000.

31 (d) For experienced instructional support staff employed at the
32 school, \$8,000. The principal of the school shall select eight
33 unlicensed instructional support employees to receive a bonus of
34 \$1,000 per employee from the distribution. The amount of a bonus
35 paid to an employee pursuant to this paragraph must not exceed
36 \$1,000.

37 The bonuses provided pursuant to this subsection must be
38 distributed to each employee upon completion of 1 full school year
39 of employment. A bonus must not be paid to an employee who does
40 not complete a full school year of employment. A school that
41 receives a distribution of money on behalf of an employee who does
42 not complete 1 full school year of employment at the school shall
43 return the money to the Department immediately upon the
44 employee's departure.



1 5. The Department of Education shall evaluate the pilot
2 program established pursuant to this section and prepare a written
3 report of the evaluation. The evaluation must include, without
4 limitation, specific and measurable criteria for determining the
5 effect of the pilot program on improving the academic achievement
6 of pupils and removing the school from the designation of
7 demonstrating need for improvement. On or before February 1,
8 2005, the Department shall submit a draft of the written report of the
9 evaluation to the Director of the Legislative Counsel Bureau for
10 transmission to the 73rd Session of the Nevada Legislature. On or
11 before June 30, 2005, the Department shall submit the final written
12 report of the evaluation to the Legislative Committee on Education.

13 6. Any remaining balance of the appropriation made by
14 subsection 1 must not be committed for expenditure after June 30,
15 2005, and reverts to the State General Fund as soon as all payments
16 of money committed have been made.

17 7. As used in this section, "exemplary teacher" has the
18 meaning ascribed to it in 20 U.S.C. § 7801(19).

19 **Sec. 131.** 1. There is hereby appropriated from the State
20 General Fund to the Interim Finance Committee the sum of
21 \$287,427 to continue the contractual services for a consultant to
22 carry out a financial analysis model program in:

- 23 (a) Each school district; and
24 (b) The charter schools selected for participation by the Interim
25 Finance Committee,
26 that is designed to track educational expenditures and revenues to
27 individual schools and to provide for uniformity in financial
28 reporting among school districts and charter schools.

29 2. The Department of Education, each school district and each
30 charter school that is selected for participation by the Interim
31 Finance Committee shall provide on or before November 15 of each
32 year, such information as is necessary for the consultant to carry out
33 his duties pursuant to subsection 1.

34 3. Any remaining balance of the appropriation made by
35 subsection 1 must not be committed for expenditure after June 30,
36 2005, and reverts to the State General Fund as soon as all payments
37 of money committed have been made.

38 **Sec. 132.** 1. To determine whether public schools and school
39 districts have made adequate yearly progress and to designate public
40 schools and school districts pursuant to sections 2 to 37, inclusive,
41 of this act, the Department of Education shall:

- 42 (a) For the 2003-2004 school year, use the results on the
43 examinations administered to pupils in the spring semester of 2003
44 pursuant to NRS 389.550 and the results on the examinations



1 administered to pupils in the fall semester of 2003 pursuant to
2 NRS 389.015.

3 (b) For the 2004-2005 school year, use the results on the
4 examinations administered to pupils in the spring semester of 2004
5 pursuant to NRS 389.550 and the results on the examinations
6 administered to pupils in the fall semester of 2004 pursuant to
7 NRS 389.015.

8 2. Notwithstanding the provisions of NRS 389.550 to the
9 contrary, the examinations required by that section must not be
10 administered to pupils in the 2004-2005 school year.

11 **Sec. 133.** Each designation of a public school as
12 demonstrating need for improvement before January 1, 2004, must
13 be counted in determining the number of consecutive years that the
14 school has carried that designation when the Department of
15 Education or the board of trustees of a school district, as applicable,
16 designates public schools on January 5, 2004, pursuant to section 14
17 of this act.

18 **Sec. 134.** The high school proficiency examination that
19 measures the performance of pupils on the standards of content and
20 performance in science must first be administered to pupils enrolled
21 in grade 11 in the 2007-2008 school year, who must pass the
22 examination before the completion of grade 12 to graduate with a
23 standard high school diploma in the 2008-2009 school year.

24 **Sec. 135.** The Department of Education shall purchase the
25 examinations required by section 67 of this act during the 2003-
26 2004 school year. The Department shall conduct a pilot program of
27 the examinations required by section 67 of this act in the fall
28 semester of 2004. The results of those examinations must be used
29 solely to gather information and data concerning the examinations.

30 **Sec. 136.** 1. On or before January 1, 2004, the State Board of
31 Education shall:

32 (a) Adopt regulations pursuant to section 88 of this act that set
33 forth the qualifications for certification as a paraprofessional and
34 prescribe the examination for certification. The regulations must
35 become effective on a date that will allow paraprofessionals who are
36 initially hired on or after July 1, 2004, to obtain a certificate before
37 that date, if required by section 46 or 97 of this act.

38 (b) Begin accepting applications to ensure that all
39 paraprofessionals initially hired on or after July 1, 2004, will have
40 the opportunity to obtain a certificate before that date.

41 2. On or before September 1, 2004, the State Board of
42 Education shall submit to the Legislative Committee on Education,
43 for the review and comment by the Committee, a plan that sets forth
44 the manner in which the State Board will ensure that each person
45 who is employed by a school district or charter school before July 1,



1 2004, to perform a duty of a paraprofessional, as defined in section
2 84 of this act, is, on or before January 1, 2006, qualified for
3 certification as a paraprofessional pursuant to section 88 of this act.

4 3. After reviewing the plan submitted pursuant to subsection 2,
5 the Legislative Committee on Education shall notify the State Board
6 of Education of the opinion of the Committee regarding the plan.

7 4. The Legislative Committee on Education may make
8 recommendations for appropriate legislation as a result of its review
9 of a plan pursuant to this section.

10 **Sec. 137.** 1. On or before July 1, 2004, the Commission on
11 Professional Standards in Education shall adopt regulations pursuant
12 to section 94 of this act prescribing the qualifications for a license to
13 teach middle school or junior high school education. The regulations
14 must:

15 (a) Comply with the provisions of 20 U.S.C. § 6319(a) and the
16 regulations adopted pursuant thereto.

17 (b) Become effective on a date that will allow teachers who are
18 initially hired on or after January 1, 2006, to obtain the license
19 before that date, if required by section 53 or 97 of this act.

20 2. On or before September 1, 2004, the State Board of
21 Education shall prepare and submit, in consultation with the
22 Commission on Professional Standards in Education, a plan to the
23 Legislative Committee on Education setting forth the manner in
24 which the State Board proposes to ensure that all persons who are
25 employed by the board of trustees of a school district or the
26 governing body of a charter school to teach:

27 (a) English, reading or language arts;

28 (b) Mathematics;

29 (c) Science;

30 (d) Foreign language;

31 (e) Civics or government;

32 (f) Economics;

33 (g) Geography;

34 (h) History; or

35 (i) The arts,

36 in grades 7, 8 or 9 to pupils enrolled in a middle school or junior
37 high school will possess the qualifications required by 20 U.S.C. §
38 6319(a) and the regulations adopted pursuant thereto. The plan must
39 include a timeline by which the teachers will attain those
40 qualifications.

41 3. After reviewing the plan submitted pursuant to subsection 2,
42 the Legislative Committee on Education shall notify the State Board
43 of Education of the opinion of the Committee regarding the plan.



1 4. The Legislative Committee on Education may make
2 recommendations for appropriate legislation as a result of its review
3 of a plan pursuant to this section.

4 **Sec. 138.** On or before July 1, 2004, the Commission on
5 Professional Standards in Education shall review the regulations
6 adopted by the Commission governing the qualifications for the
7 licensure of teachers and other educational personnel and make such
8 revisions to the regulations as are necessary to ensure compliance
9 with 20 U.S.C. § 6319(a) and the regulations adopted pursuant
10 thereto.

11 **Sec. 139.** 1. The State Board of Education shall submit a
12 draft of the regulations that it proposes to adopt pursuant to sections
13 2 to 37, inclusive, of this act to the Legislative Committee on
14 Education for the review and comment by the Committee.

15 2. After reviewing a regulation submitted pursuant to
16 subsection 1, the Legislative Committee on Education shall notify
17 the State Board of Education of the opinion of the Committee
18 regarding the advisability of adopting the regulation.

19 3. The Legislative Committee on Education may make
20 recommendations for appropriate legislation as a result of its review
21 of regulations pursuant to this section.

22 **Sec. 140.** Notwithstanding the provisions of sections 46 and
23 97 of this act to the contrary, if the board of trustees of a school
24 district or the governing body of a charter school initially hires a
25 paraprofessional, as defined in section 84 of this act, on or after
26 January 8, 2002, the board of trustees or the governing body, as
27 applicable, shall comply with 20 U.S.C. § 6319(c), if that section is
28 applicable to the type of duties for which the paraprofessional is
29 hired to perform.

30 **Sec. 141.** 1. NRS 385.351, 385.356, 385.363, 385.364,
31 385.365, 385.367, 385.368, 385.369, 385.371, 385.373, 385.375,
32 385.378, 385.381, 385.383 and 385.386 are hereby repealed.

33 2. NRS 389.550, 389.560 and 389.570 are hereby repealed.

34 3. Sections 38 and 39 of chapter 13, Statutes of Nevada 2001
35 Special Session, at page 190, are hereby repealed.

36 **Sec. 142.** 1. This section and sections 1 to 5, inclusive, 10,
37 30, 31, 32, 36, 37, 38, 40, 41, 44, 45, 46, 47, 53 to 60, inclusive, 62
38 to 66, inclusive, 69, 72, 82, 83, 84, 86, 87, 91, 93, 101 to 105,
39 inclusive, 108 to 111, inclusive, 113, 114, 115, 127 to 140,
40 inclusive, and subsection 3 of section 141 of this act become
41 effective on July 1, 2003.

42 2. Section 88 of this act becomes effective on July 1, 2003, for
43 the purpose of adopting regulations and on January 1, 2004, for all
44 other purposes.



1 3. Section 94 of this act becomes effective on July 1, 2003, and
2 expires by limitation on June 30, 2005.

3 4. Subsection 1 of section 141 of this act becomes effective on
4 December 31, 2003.

5 5. Sections 6 to 9, inclusive, 11 to 29, inclusive, 33, 34, 35, 39,
6 43, 48, 49, 50, 52, 89, 97, 99, 100, 106 and 112 of this act become
7 effective on January 1, 2004.

8 6. Sections 90 and 92 of this act become effective on
9 January 1, 2004, and expire by limitation on the date on which the
10 provisions of 42 U.S.C. § 666 requiring each state to establish
11 procedures under which the state has authority to withhold or
12 suspend, or to restrict the use of, professional, occupational and
13 recreational licenses of persons who:

14 (a) Have failed to comply with a subpoena or warrant relating to
15 a proceeding to determine the paternity of a child or to establish or
16 enforce an obligation for the support of a child; or

17 (b) Are in arrears in the payment of support of one or more
18 children,
19 are repealed by the Congress of the United States.

20 7. Sections 85 and 96 of this act become effective on July 1,
21 2004.

22 8. Sections 42, 51, 61, 67, 70, 71, 73 to 81, inclusive, 107, 116
23 to 123, inclusive, 125 and subsection 2 of section 141 of this act
24 become effective on July 1, 2005.

25 9. Section 95 of this act becomes effective at 12:01 a.m. on
26 July 1, 2005.

27 10. Sections 98 and 124 of this act become effective on
28 January 1, 2006.

29 11. Section 68 of this act becomes effective on July 1, 2007.

30 12. Section 126 of this act becomes effective on the date on
31 which the provisions of 42 U.S.C. § 666 requiring each state to
32 establish procedures under which the state has authority to withhold
33 or suspend, or to restrict the use of, professional, occupational and
34 recreational licenses of persons who:

35 (a) Have failed to comply with a subpoena or warrant relating to
36 a procedure to determine the paternity of a child or to establish or
37 enforce an obligation for the support of a child; or

38 (b) Are in arrears in the payment for the support of one or more
39 children,
40 are repealed by the Congress of the United States.



LEADLINES OF REPEALED SECTIONS

385.351 Submission of accountability reports; preparation of additional report; preparation of procedure to improve achievement; inclusion of reports and procedure in final budget; maintenance of information by Department.

385.356 Maintenance of records by Department.

385.363 Annual evaluation and designation of schools by Department; conditions under which Department will not make designation.

385.364 Exemption from designation if insufficient number of pupils take examinations; duty of school district.

385.365 Designations: Demonstrating exemplary, high or adequate achievement.

385.367 Designations: Demonstrating need for improvement; ineligibility for certain money for remedial programs under certain circumstances.

385.368 Designations: Demonstrating need for improvement if school is exempt from initial designation; ineligibility for certain money for remedial programs under certain circumstances.

385.369 Written notice of designations given and reasons for nondesignation.

385.371 Designation as demonstrating need for improvement: Preparation and submission of plan by board of trustees.

385.373 Designation as demonstrating need for improvement: Academic probation; preparation and submission of plan by Department.

385.375 Designation as demonstrating need for improvement: Continuation of academic probation; preparation and submission of plan by Department; submission of reports by trustees.

385.378 Designation as demonstrating need for improvement: Appointment of panel to supervise academic probation of school; waiver from establishment of panel.

385.381 Powers and duties of panel to supervise academic probation; preparation and submission of written report by panel; written response by school district; follow-up report by board of trustees; duties of Department.



385.383 Additional duties of panel to supervise academic probation if school does not improve achievement.

385.386 Appointment of administrator to oversee school demonstrating need for improvement; powers and duties of administrator; reports by trustees after termination of administrator.

389.550 Administration of examinations that measure achievement in standards.

389.560 Reporting of results of examinations; reporting and reconciliation of number of pupils taking examinations; exemption for certain pupils.

389.570 Council required to review and evaluate results of examinations; report of evaluation.

TEXT OF REPEALED SECTIONS

Section 38 of chapter 13, Statutes of Nevada 2001 Special Session:

Sec. 38. Commencing in the 2003-2004 school year, the high school proficiency examination that, pursuant to NRS 389.015, pupils must pass to receive a standard high school diploma must measure the performance of pupils on the standards of content and performance in science established by the council to establish academic standards for public schools pursuant to NRS 389.520 and adopted by the state board of education. The high school proficiency examination that measures the performance of pupils in the standards of content and performance in science established by the council to establish academic standards for public schools must first be administered to pupils enrolled in grade 11 in the 2003-2004 school year, who must pass the examination before the completion of grade 12 to graduate with a standard high school diploma in the 2004-2005 school year. Pupils who graduate in the 2003-2004 school year are not required to pass the examination that measures the performance of pupils on the standards in science established by the council to establish academic standards for public schools, but must pass the examination that is administered to pupils in the immediately preceding school year.



* S B 1 9 1 *

Section 39 of chapter 13, Statutes of Nevada 2001 Special Session:

Sec. 39. Notwithstanding the provisions of NRS 389.015 to the contrary, the board of trustees of a school district and the governing body of a charter school shall, for the 2002-2003 school year, administer the norm-referenced examinations on reading, mathematics and science that are otherwise required to be administered to pupils who are enrolled in grade 8 to pupils who are enrolled in grade 7, rather than to pupils who are enrolled in grade 8. In addition, the results of the examinations administered to pupils enrolled in grade 7 must be reported as the results of the examinations are otherwise reported pursuant to NRS 385.347 and 389.017.

