

ASSEMBLY BILL NO. 290—ASSEMBLYMEN NEAL; AIZLEY, BENITEZ-THOMPSON, BOBZIEN, DIAZ, FLORES, HARDY, HORNE, LIVERMORE, MUNFORD, OHRENSCHALL, PIERCE AND STEWART

MARCH 16, 2011

Referred to Committee on Education

SUMMARY—Revises provisions governing pupils enrolled in high school. (BDR 34-647)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. Effect on the State: No.

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

AN ACT relating to education; authorizing the principal of a high school or the principal’s designee to postpone the administration of the high school proficiency examination in the subject areas of mathematics and science for a pupil who is not academically ready in those subject areas; authorizing the board of trustees of a school district to administer the practice test of the high school proficiency examination to pupils enrolled in high school; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, the high school proficiency examination is administered to
2 pupils enrolled in high school in the subject areas of reading, mathematics, science
3 and writing. (NRS 389.015, 389.550) Also under existing law, unless a pupil
4 satisfies certain alternative criteria, passage of the high school proficiency
5 examination in its entirety is required for receipt of a standard high school diploma.
6 (NRS 389.805) Existing administrative regulations of the State Board of Education
7 set forth the times for the administration of the high school proficiency examination
8 beginning with grade 10. (NAC 389.051) **Section 4** of this bill authorizes the
9 principal of a high school or the principal’s designee to postpone the administration
10 of the high school proficiency examination in the subject area of mathematics or
11 science, or both, for a pupil enrolled in grade 10 for not more than 1 year if: (1) the
12 principal or the principal’s designee and the pupil’s teacher who provides
13 instruction in the applicable subject area determine that the pupil is not
14 academically ready to take the examination, based upon a determination that the
15 pupil is not achieving at least 79 percent competency in the applicable subject area;
16 and (2) the parent or legal guardian of the pupil agrees in writing that the pupil is



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17 not academically ready for that subject area of the examination. If the
18 administration of the examination is postponed, the pupil's academic plan for high
19 school must be revised to ensure that: (1) the pupil is enrolled in or scheduled to
20 enroll in the appropriate course work for his or her grade level and receives the
21 necessary preparation to enable the pupil to take the subject area of the high school
22 proficiency examination which was postponed; and (2) the pupil participates in the
23 statewide program to prepare pupils for the high school proficiency examination or
24 enrolls in a course of study offered by the board of trustees of the school district
25 designed to assist pupils with passing the high school proficiency examination.

26 Effective on July 1, 2011, existing law authorizes the board of trustees of each
27 school district to require the administration of district-wide tests, examinations and
28 assessments that are in addition to any other test, examination or assessment that is
29 required by state or federal law. (NRS 389.006) **Section 4.5** of this bill authorizes
30 the board of trustees of each school district to administer the practice test of the
31 high school proficiency examination to pupils enrolled in high school.

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

- 1 **Section 1.** NRS 388.205 is hereby amended to read as follows:
2 388.205 1. The board of trustees of each school district shall
3 adopt a policy for each public school in the school district in which
4 ninth grade pupils are enrolled to develop a 4-year academic plan
5 for each of those pupils. The academic plan must set forth the
6 specific educational goals that the pupil intends to achieve before
7 graduation from high school. The plan may include, without
8 limitation, the designation of a career pathway and enrollment in
9 dual credit courses, career and technical education courses,
10 advanced placement courses and honors courses.
11 2. The policy must require each pupil enrolled in ninth grade
12 and the pupil's parent or legal guardian to:
13 (a) Work in consultation with a school counselor to develop an
14 academic plan for the pupil;
15 (b) Sign the academic plan; and
16 (c) Review the academic plan at least once each school year in
17 consultation with a school counselor and revise the plan if
18 necessary.
19 3. If a pupil enrolls in a high school after ninth grade, an
20 academic plan must be developed for that pupil with appropriate
21 modifications for the grade level of the pupil.
22 4. *If the administration of the high school proficiency
23 examination in the subject area of mathematics or science, or
24 both, is postponed for a pupil pursuant to section 4 of this act, the
25 pupil's academic plan must be revised in consultation with the
26 pupil's teacher who provides instruction in the applicable subject
27 area and the pupil's parent or legal guardian as set forth in
28 section 4 of this act.*



1 **5.** An academic plan for a pupil must be used as a guide for the
2 pupil and the parent or legal guardian of the pupil to plan, monitor
3 and manage the pupil's educational and occupational development
4 and make determinations of the appropriate courses of study for the
5 pupil. If a pupil does not satisfy all the goals set forth in the
6 academic plan, the pupil is eligible to graduate and receive a high
7 school diploma if the pupil otherwise satisfies the requirements for a
8 diploma.

9 **Sec. 2.** Chapter 389 of NRS is hereby amended by adding
10 thereto the provisions set forth as sections 3 and 4 of this act.

11 **Sec. 3.** (Deleted by amendment.)

12 **Sec. 4. 1.** *The principal of a high school, or the principal's*
13 *designee, may postpone, for not more than 1 year, the*
14 *administration of the high school proficiency examination in the*
15 *subject area of mathematics or science, or both, for a pupil*
16 *enrolled in grade 10 at the high school if:*

17 (a) *The principal, or the principal's designee, and the pupil's*
18 *teacher who provides instruction in the applicable subject area*
19 *determine that the pupil is not academically ready to take the high*
20 *school proficiency examination in the subject area of mathematics*
21 *or science, based upon a determination that the pupil is not*
22 *achieving at least 79 percent competency in the applicable subject*
23 *area. If the high school in which the pupil is enrolled administers*
24 *the practice test of the high school proficiency examination, the*
25 *results of the pupil on that test may be included as one of the*
26 *factors to determine the pupil's readiness.*

27 (b) *The parent or legal guardian of the pupil agrees in writing*
28 *with the determination of the principal, or the principal's*
29 *designee, and the teacher that the pupil is not academically ready*
30 *to take the high school proficiency examination in the subject area*
31 *of mathematics or science, or both.*

32 **2.** *If the administration of the mathematics or science subject*
33 *area of the high school proficiency examination is postponed for a*
34 *pupil pursuant to subsection 1, the principal of the school, or the*
35 *principal's designee, shall provide the pupil and his or her parent*
36 *or legal guardian a copy of the informational pamphlet*
37 *concerning the high school proficiency examination developed by*
38 *the Department pursuant to NRS 389.0173.*

39 **3.** *If the administration of the mathematics or science subject*
40 *area of the high school proficiency examination is postponed for a*
41 *pupil pursuant to subsection 1, the academic plan of the pupil*
42 *developed pursuant to NRS 388.205 must be revised to:*

43 (a) *Ensure that the pupil is enrolled in or scheduled to enroll*
44 *in the course work for his or her grade level and receives the*
45 *necessary preparation to enable the pupil to take the subject area*



1 *of the high school proficiency examination for which the*
2 *examination is postponed; and*

3 *(b) Require the pupil to participate in the statewide program to*
4 *prepare pupils for the high school proficiency examination*
5 *established pursuant to NRS 389.0175 or enroll in the course of*
6 *study designed to assist pupils with passing the high school*
7 *proficiency examination prescribed by the State Board pursuant to*
8 *NRS 389.045, or both.*

9 *4. On or before July 1 of each year, the board of trustees of*
10 *each school district shall submit a report to the Department and*
11 *the Legislative Committee on Education indicating:*

12 *(a) The number of pupils for whom the administration of the*
13 *high school proficiency examination is postponed in the*
14 *immediately preceding school year; and*

15 *(b) A notation indicating whether the administration was*
16 *postponed for the subject area of mathematics or science, or both.*

17 **Sec. 4.5.** NRS 389.006 is hereby amended to read as follows:

18 389.006 1. In addition to any other test, examination or
19 assessment required by state or federal law, the board of trustees of
20 each school district may require the administration of district-wide
21 tests, examinations and assessments , *including, without limitation,*
22 *the practice test of the high school proficiency examination to*
23 *pupils enrolled in high school,* that the board of trustees determines
24 are vital to measure the achievement and progress of pupils. In
25 making this determination, the board of trustees shall consider any
26 applicable findings and recommendations of the Legislative
27 Committee on Education.

28 2. The tests, examinations and assessments required pursuant
29 to subsection 1 must be limited to those which can be demonstrated
30 to provide a direct benefit to pupils or which are used by teachers to
31 improve instruction and the achievement of pupils.

32 3. The board of trustees of each school district and the State
33 Board shall periodically review the tests, examinations and
34 assessments administered to pupils to ensure that the time taken
35 from instruction to conduct a test, examination or assessment is
36 warranted because it is still accomplishing its original purpose.

37 **Sec. 5.** NRS 389.015 is hereby amended to read as follows:

38 389.015 1. The board of trustees of each school district shall
39 administer examinations in all public schools of the school district.
40 The governing body of a charter school shall administer the same
41 examinations in the charter school. The examinations administered
42 by the board of trustees and governing body must determine the
43 achievement and proficiency of pupils in:

44 (a) Reading;

45 (b) Mathematics; and



- 1 (c) Science.
- 2 2. The examinations required by subsection 1 must be:
- 3 (a) Administered before the completion of grades 4, 7, 10 and
- 4 11 **§**, *except for a pupil enrolled in grade 10 for whom the*
- 5 *administration of the high school proficiency examination in the*
- 6 *subject area of mathematics or science, or both, is postponed*
- 7 *pursuant to section 4 of this act.*
- 8 (b) Administered in each school district and each charter school
- 9 at the same time during the spring semester. The time for the
- 10 administration of the examinations must be prescribed by the State
- 11 Board.
- 12 (c) Administered in each school in accordance with uniform
- 13 procedures adopted by the State Board. The Department shall
- 14 monitor the compliance of school districts and individual schools
- 15 with the uniform procedures.
- 16 (d) Administered in each school in accordance with the plan
- 17 adopted pursuant to NRS 389.616 by the Department and with the
- 18 plan adopted pursuant to NRS 389.620 by the board of trustees of
- 19 the school district in which the examinations are administered. The
- 20 Department shall monitor the compliance of school districts and
- 21 individual schools with:
- 22 (1) The plan adopted by the Department; and
- 23 (2) The plan adopted by the board of trustees of the
- 24 applicable school district, to the extent that the plan adopted by the
- 25 board of trustees of the school district is consistent with the plan
- 26 adopted by the Department.
- 27 (e) Scored by a single private entity that has contracted with the
- 28 State Board to score the examinations. The private entity that scores
- 29 the examinations shall report the results of the examinations in the
- 30 form and by the date required by the Department.
- 31 3. Not more than 14 working days after the results of the
- 32 examinations are reported to the Department by a private entity that
- 33 scored the examinations, the Superintendent of Public Instruction
- 34 shall certify that the results of the examinations have been
- 35 transmitted to each school district and each charter school. Not more
- 36 than 10 working days after a school district receives the results of
- 37 the examinations, the superintendent of schools of each school
- 38 district shall certify that the results of the examinations have been
- 39 transmitted to each school within the school district. Except as
- 40 otherwise provided in this subsection, not more than 15 working
- 41 days after each school receives the results of the examinations, the
- 42 principal of each school and the governing body of each charter
- 43 school shall certify that the results for each pupil have been
- 44 provided to the parent or legal guardian of the pupil:



1 (a) During a conference between the teacher of the pupil or
2 administrator of the school and the parent or legal guardian of the
3 pupil; or

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

6 ➤ If a pupil fails the high school proficiency examination, the
7 school shall notify the pupil and the parents or legal guardian of the
8 pupil of each subject area that the pupil failed as soon as practicable
9 but not later than 15 working days after the school receives the
10 results of the examination.

11 4. If a pupil fails to demonstrate at least adequate achievement
12 on the examination administered before the completion of grade 4, 7
13 or 10, the pupil may be promoted to the next higher grade, but the
14 results of the pupil's examination must be evaluated to determine
15 what remedial study is appropriate. If such a pupil is enrolled at a
16 school that has failed to make adequate yearly progress or in which
17 less than 60 percent of the pupils enrolled in grade 4, 7 or 10 in the
18 school who took the examinations administered pursuant to this
19 section received an average score on those examinations that is at
20 least equal to the 26th percentile of the national reference group of
21 pupils to which the examinations were compared, the pupil must, in
22 accordance with the requirements set forth in this subsection,
23 complete remedial study that is determined to be appropriate for the
24 pupil.

25 5. Except as otherwise provided in subsection 6, if a pupil fails
26 to pass the high school proficiency examination, the pupil must not
27 be graduated unless he or she:

28 (a) Is able, through remedial study, to pass the proficiency
29 examination; or

30 (b) Passes the subject areas of mathematics and reading tested
31 on the proficiency examination, has at least a 2.75 grade point
32 average on a 4.0 grading scale and satisfies the alternative criteria
33 prescribed by the State Board pursuant to NRS 389.805,

34 ➤ but the pupil may be given a certificate of attendance, in place of
35 a diploma, if the pupil has reached the age of 18 years.

36 6. A pupil who transfers during grade 12 to a school in this
37 State from a school outside this State because of the military transfer
38 of the parent or legal guardian of the pupil may receive a waiver
39 from the requirements of subsection 5 if, in accordance with the
40 provisions of NRS 392C.010, the school district in which the pupil
41 is enrolled:

42 (a) Accepts the results of the exit or end-of-course examinations
43 required for graduation in the local education agency in which the
44 pupil was previously enrolled;



1 (b) Accepts the results of a national norm-referenced
2 achievement examination taken by the pupil; or

3 (c) Establishes an alternative test for the pupil which
4 demonstrates proficiency in the subject areas tested on the high
5 school proficiency examination, and the pupil successfully passes
6 that test.

7 7. The State Board shall prescribe standard examinations of
8 achievement and proficiency to be administered pursuant to
9 subsection 1. The high school proficiency examination must include
10 the subjects of reading, mathematics and science and, except for the
11 writing portion prescribed pursuant to NRS 389.550, must be
12 developed, printed and scored by a nationally recognized testing
13 company in accordance with the process established by the testing
14 company. The examinations on reading, mathematics and science
15 prescribed for grades 4, 7 and 10 must be selected from
16 examinations created by private entities and administered to a
17 national reference group, and must allow for a comparison of the
18 achievement and proficiency of pupils in grades 4, 7 and 10 in this
19 State to that of a national reference group of pupils in grades 4, 7
20 and 10. The questions contained in the examinations and the
21 approved answers used for grading them are confidential, and
22 disclosure is unlawful except:

23 (a) To the extent necessary for administering and evaluating the
24 examinations.

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

26 (1) State officer who is a member of the Executive or
27 Legislative Branch to the extent that it is necessary for the
28 performance of his or her duties;

29 (2) Superintendent of schools of a school district to the
30 extent that it is necessary for the performance of his or her duties;

31 (3) Director of curriculum of a school district to the extent
32 that it is necessary for the performance of his or her duties; and

33 (4) Director of testing of a school district to the extent that it
34 is necessary for the performance of his or her duties.

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

40 (d) As required pursuant to NRS 239.0115.

41 **Sec. 6.** This act becomes effective on July 1, 2011.



