

CHAPTER.....

AN ACT relating to education; eliminating the requirement for the administration of norm-referenced examinations in public schools; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the board of trustees of each school district and the governing body of each charter school to administer norm-referenced examinations in grades 4, 7 and 10 which compare the results of pupils enrolled in those grades in public schools in this State to a national reference group of pupils. (NRS 389.015) Senate Bill No. 416 of the 2009 Legislative Session suspended temporarily the administration of the norm-referenced examinations for the 2009-2011 biennium. (Chapter 423, Statutes of Nevada 2009, p. 2340) This bill eliminates the statutory requirement for the administration of norm-referenced examinations and revises existing law to delete references to the norm-referenced examinations.

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

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

Section 1. NRS 385.34692 is hereby amended to read as follows:

385.34692 1. The State Board shall prepare a summary of the annual report of accountability prepared pursuant to NRS 385.3469 that includes, without limitation, a summary of the following information for each school district, each charter school and the State as a whole:

(a) Demographic information of pupils, including, without limitation, the number and percentage of pupils:

(1) Who are economically disadvantaged, as defined by the State Board;

(2) Who are from major racial or ethnic groups, as defined by the State Board;

(3) With disabilities;

(4) Who are limited English proficient; and

(5) Who are migratory children, as defined by the State Board;

(b) The average daily attendance of pupils, reported separately for the groups identified in paragraph (a);

(c) The transiency rate of pupils;

(d) The percentage of pupils who are habitual truants;



(e) The percentage of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655;

(f) The number of incidents resulting in suspension or expulsion for:

- (1) Violence to other pupils or to school personnel;
- (2) Possession of a weapon;
- (3) Distribution of a controlled substance;
- (4) Possession or use of a controlled substance; and
- (5) Possession or use of alcohol;

(g) For kindergarten through grade 8, the number and percentage of pupils who are retained in the same grade;

(h) For grades 9 to 12, inclusive, the number and percentage of pupils who are deficient in the number of credits required for promotion to the next grade or graduation from high school;

(i) The pupil-teacher ratio for kindergarten and grades 1 to 8, inclusive;

(j) The average class size for the subject area of mathematics, English, science and social studies in schools where pupils rotate to different teachers for different subjects;

(k) The number and percentage of pupils who graduated from high school;

(l) The number and percentage of pupils who received a:

- (1) Standard diploma;
- (2) Adult diploma;
- (3) Adjusted diploma; and
- (4) Certificate of attendance;

(m) The number and percentage of pupils who graduated from high school and enrolled in remedial courses at the Nevada System of Higher Education;

(n) Per pupil expenditures;

(o) Information on the professional qualifications of teachers;

(p) The average daily attendance of teachers and licensure information;

(q) Information on the adequate yearly progress of the schools and school districts;

(r) Pupil achievement based upon the:

(1) Examinations administered pursuant to NRS 389.550, including, without limitation, whether public schools have made progress based upon the model adopted by the Department pursuant to NRS 385.3595; and

(2) High school proficiency examination 



~~—(s) To the extent practicable, pupil achievement based upon the examinations]~~ administered pursuant to NRS 389.015 ~~[for grades 4, 7 and 10; and~~

~~—(t)] ; and~~

(s) Other information required by the Superintendent of Public Instruction in consultation with the Bureau.

2. The summary prepared pursuant to subsection 1 must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents will likely understand.

3. On or before September 7 of each year, the State Board shall:

(a) Provide for public dissemination of the summary prepared pursuant to subsection 1 by posting the summary on the Internet website maintained by the Department; and

(b) Submit a copy of the summary in an electronic format to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district; and

(6) Governing body of each charter school.

4. The board of trustees of each school district and the governing body of each charter school shall ensure that the parents and guardians of pupils enrolled in the school district or charter school, as applicable, have sufficient information concerning the availability of the summary prepared by the State Board pursuant to subsection 1, including, without limitation, information that describes how to access the summary on the Internet website maintained by the Department. Upon the request of a parent or guardian of a pupil, the Department shall provide the parent or guardian with a written copy of the summary.

5. The Department shall, in consultation with the Bureau and the school districts, prescribe a form for the summary required by this section.

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

385.389 1. The Department shall adopt programs of remedial study for each subject tested on the examinations administered pursuant to NRS 389.015 ~~[]~~ and 389.550, including, without limitation, programs that are designed for pupils who are limited



English proficient. The programs adopted for pupils who are limited English proficient must be designed to:

- (a) Improve the academic achievement of those pupils; or
- (b) Assist those pupils with attaining proficiency in the English language.

↳ In adopting these programs of remedial study, the Department shall consider the recommendations submitted by the Committee pursuant to NRS 218E.615 and programs of remedial study that have proven to be successful in improving the academic achievement of pupils.

2. If a school fails to make adequate yearly progress ~~for if less than 60 percent of the pupils enrolled in a school who took the examinations administered pursuant to NRS 389.015 received an average score on those examinations that is at least equal to the 26th percentile of the national reference group of pupils to which the examinations were compared,]~~ *based upon the results of the examinations administered pursuant to NRS 389.015 or 389.550,* the school shall adopt a program of remedial study that has been adopted by the Department pursuant to subsection 1 or a program, practice or strategy recommended by the Commission on Educational Excellence pursuant to NRS 385.3785, or any combination thereof, as applicable.

3. A school district that includes a school described in subsection 2 shall ensure that each of the pupils enrolled in the school who failed to demonstrate at least adequate achievement on the examinations administered pursuant to NRS 389.015 *or 389.550, as applicable,* completes ~~[, in accordance with the requirements set forth in subsection 4 of NRS 389.015,]~~ remedial study that is determined to be appropriate for the pupil.

Sec. 3. NRS 385.3891 is hereby amended to read as follows:

385.3891 1. The Department shall establish a monitoring system for the statewide system of accountability. The monitoring system must ~~⌋:~~

~~—(a) Include a common formula that provides a comparison and analysis of the results of pupils on the examinations that are administered pursuant to NRS 389.015 and 389.550, identified by grade, school and school district.~~

~~—(b) Identify any inconsistencies of the results of the examinations administered pursuant to NRS 389.015 compared with the results of the examinations administered pursuant to NRS 389.550, including, without limitation, an identification of whether the results of one or more subject areas on the examinations administered pursuant to NRS 389.015 are significantly higher or~~



~~lower than the results of the same subject area or areas on the examinations that are administered pursuant to NRS 389.550.~~

~~—(c) Identify~~ **identify** significant levels of achievement of pupils on the examinations that are administered pursuant to NRS 389.550 and the high school proficiency examination that is administered pursuant to NRS 389.015, identified by school and by school district.

~~[(d) Include procedures for investigating, and if necessary, auditing any inconsistencies identified pursuant to paragraph (b). The audit must include a review of data from the applicable school district or school districts, school or schools, and if practicable, class or classes.]~~

2. On or before October 1 of each year, the Department shall prepare a written summary of the findings made pursuant to subsection 1. The written summary must be provided to:

(a) The Committee; and

(b) If the findings show inconsistencies applicable to a particular school district or school within a school district, the board of trustees of that school district.

3. The Committee shall review the report submitted pursuant to subsection 2 and take such action as it deems appropriate.

Sec. 4. NRS 389.015 is hereby amended to read as follows:

389.015 1. The board of trustees of each school district shall administer ~~[examinations]~~ **the high school proficiency examination** in all public **high** schools of the school district. The governing body of a charter school **that enrolls pupils at the high school grade levels** shall administer the same ~~[examinations]~~ **examination** in the charter school. The ~~[examinations]~~ **high school proficiency examination** administered by the board of trustees and governing body must determine the achievement and proficiency of pupils in:

(a) Reading;

(b) Mathematics; and

(c) Science.

2. The ~~[examinations]~~ **high school proficiency examination** required by subsection 1 must be:

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

~~—(b)] Administered in each school district and each charter school that enrolls pupils at the high school grade levels at the same time [during the spring semester. The time for the administration of the examinations must be], as prescribed by the State Board [-~~

~~—(c) Administered in each school] , and in accordance with uniform procedures adopted by the State Board. The Department~~



shall monitor the compliance of school districts and individual schools with the uniform procedures.

~~(d)~~ (b) Administered in each school in accordance with the plan adopted pursuant to NRS 389.616 by the Department and with the plan adopted pursuant to NRS 389.620 by the board of trustees of the school district in which the ~~examinations are~~ *high school proficiency examination is* administered. The Department shall monitor the compliance of school districts and individual schools with:

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

~~(e)~~ (c) Scored by a single private entity that has contracted with the State Board to score the examinations. The private entity that scores the ~~examinations~~ *high school proficiency examination* shall report the results of the examinations in the form and by the date required by the Department.

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

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

(b) By mailing the results of the ~~examinations~~ *high school proficiency examination* to the last known address of the parent or legal guardian of the pupil.

↳ If a pupil fails the high school proficiency examination, the school shall notify the pupil and the parents or legal guardian of the pupil of each subject area that the pupil failed as soon as practicable



but not later than 15 working days after the school receives the results of the examination.

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

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

(a) Is able, through remedial study, to pass the *high school* proficiency examination; or

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

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

~~[6.]~~ 5. A pupil who transfers during grade 12 to a school in this State from a school outside this State because of the military transfer of the parent or legal guardian of the pupil may receive a waiver from the requirements of subsection ~~[5]~~ 4 if, in accordance with the provisions of NRS 392C.010, the school district in which the pupil is enrolled:

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

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

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



~~[7.]~~ 6. The State Board shall prescribe ~~[standard examinations of achievement and proficiency to be administered pursuant to subsection 1. The]~~ *the* high school proficiency examination, *which* must include the subjects of reading, mathematics and science and, except for the writing portion prescribed pursuant to NRS 389.550, must be developed, printed and scored by a nationally recognized testing company in accordance with the process established by the testing company. ~~[The examinations on reading, mathematics and science prescribed for grades 4, 7 and 10 must be selected from examinations created by private entities and administered to a national reference group, and must allow for a comparison of the achievement and proficiency of pupils in grades 4, 7 and 10 in this State to that of a national reference group of pupils in grades 4, 7 and 10.]~~ The questions contained in the ~~[examinations]~~ *high school proficiency examination* and the approved answers used for grading them are confidential, and disclosure is unlawful except:

(a) To the extent necessary for administering and evaluating the ~~[examinations.]~~ *high school proficiency examination*.

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

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

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

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

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

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

(d) As required pursuant to NRS 239.0115.

Sec. 5. NRS 389.017 is hereby amended to read as follows:

389.017 1. The State Board shall adopt regulations requiring that each board of trustees of a school district and each governing body of a charter school submit to the Superintendent of Public Instruction and the Department, in the form and manner prescribed by the Superintendent, the results of ~~[achievement and proficiency examinations]~~ *the high school proficiency examination* administered pursuant to NRS 389.015 to ~~[public school]~~ *pupils enrolled in the high schools* of the district and *in* charter schools.



The State Board shall not include in the regulations any provision which would violate the confidentiality of the test scores of any individual pupil.

2. The results of ~~[examinations]~~ *the high school proficiency examination* must be reported for each school, including, without limitation, each charter school, school district and this State, as follows:

(a) The average score, as defined by the Department, of pupils who took the ~~[examinations]~~ *high school proficiency examination* under regular testing conditions; and

(b) The average score, as defined by the Department, of pupils who took the ~~[examinations]~~ *high school proficiency examination* with modifications or accommodations, if such reporting does not violate the confidentiality of the test scores of any individual pupil.

3. Not later than 10 days after the Department receives the results of the ~~[achievement and proficiency examinations.]~~ *high school proficiency examination*, the Department shall transmit a copy of the results of the ~~[examinations]~~ *high school proficiency examination* administered pursuant to NRS 389.015 to the Legislative Bureau of Educational Accountability and Program Evaluation in a manner that does not violate the confidentiality of the test scores of any individual pupil.

4. On or before July 1 of each year, each school district and each charter school shall report to the Department the following information for ~~[each examination]~~ *the high school proficiency examination* administered in the ~~[public]~~ *high* schools in the school district or charter school:

(a) ~~[The examination administered;~~
~~—(b)]~~ The grade level or levels of pupils to whom the examination was administered;

~~[(e)]~~ (b) The costs incurred by the school district or charter school in administering ~~[each]~~ *the* examination; and

~~[(d)]~~ (c) The purpose, if any, for which the results of the *high school proficiency* examination are used by the school district or charter school.

↪ On or before September 1 of each year, the Department shall transmit to the Budget Division of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau the information submitted to the Department pursuant to this subsection.

5. The superintendent of schools of each school district and the governing body of each charter school shall certify that the number of pupils who took the ~~[examinations]~~ *high school proficiency*



examination required pursuant to NRS 389.015 is equal to the number of pupils who are enrolled in each school in the school district or in the charter school who are required to take the ~~[examinations.]~~ *high school proficiency examination*.

6. In addition to the information required by subsection 4, the Superintendent of Public Instruction shall:

(a) Report the number of pupils who were absent from school on the day that the ~~[examinations were]~~ *high school proficiency examination was* administered; and

(b) Reconcile the number of pupils who were required to take the ~~[examinations]~~ *high school proficiency examination* with the number of pupils who were absent from school on the day that the ~~[examinations were]~~ *examination was* administered.

Sec. 6. NRS 389.632 is hereby amended to read as follows:

389.632 1. ~~[If the Department determines:~~

~~—(a) That at least one irregularity in testing administration occurred at a school, including, without limitation, a charter school, during 1 school year on the examinations administered pursuant to NRS 389.015, excluding the high school proficiency examination;~~

~~—(b) That in the immediately succeeding school year, at least one additional irregularity in testing administration occurred at that school on the examinations administered pursuant to NRS 389.015, excluding the high school proficiency examination; and~~

~~—(c) Based upon the criteria set forth in subsection 5, that the irregularities described in paragraphs (a) and (b) warrant an additional administration of the examinations;~~

~~→ the Department shall notify the school and the school district in which the school is located that the school is required to provide for an additional administration of the examinations to pupils who are enrolled in a grade that is required to take the examinations pursuant to NRS 389.015, excluding the high school proficiency examination, or to the pupils the Department determines must take the additional administration pursuant to subsection 6. The additional administration must occur in the same school year in which the irregularity described in paragraph (b) occurred. Except as otherwise provided in this subsection, the school district shall pay for all costs related to the administration of examinations pursuant to this subsection. If a charter school is required to administer examinations pursuant to this subsection, the charter school shall pay for all costs related to the administration of the examinations to pupils enrolled in the charter school.~~

~~—2.]~~ If the Department determines that:



(a) At least one irregularity in testing administration occurred at a school, including, without limitation, a charter school, during 1 school year on the examinations administered pursuant to NRS 389.550;

(b) In the immediately succeeding school year, at least one additional irregularity in testing administration occurred at that school on the examinations administered pursuant to NRS 389.550; and

(c) Based upon the criteria set forth in subsection ~~5.1~~ 2, the irregularities described in paragraphs (a) and (b) warrant an additional administration of the examinations,

↳ the Department shall notify the school and the school district in which the school is located that the school is required to provide for an additional administration of the examinations to pupils who are enrolled in a grade that is required to take the examinations pursuant to NRS 389.550 or to the pupils the Department determines must take the additional administration pursuant to subsection ~~6.1~~ 3. The additional administration must occur in the same school year in which the irregularity described in paragraph (b) occurred. Except as otherwise provided in this subsection, the school district shall pay for all costs related to the administration of examinations pursuant to this subsection. If a charter school is required to administer examinations pursuant to this subsection, the charter school shall pay for all costs related to the administration of the examinations to pupils enrolled in the charter school.

~~3. If the Department determines that:~~

~~—(a) At least one irregularity in testing administration occurred at a school, including, without limitation, a charter school, during 1 school year on the examinations administered pursuant to NRS 389.015, excluding the high school proficiency examination;~~

~~—(b) In the immediately succeeding school year, at least one additional irregularity in testing administration occurred at that school on the examinations administered pursuant to NRS 389.550; and~~

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

~~↳ the Department shall notify the school and the school district in which the school is located that the school is required to provide for an additional administration of the examinations to pupils who are enrolled in a grade that is required to take the examinations pursuant to NRS 389.550 or to the pupils the Department determines must take the additional administration pursuant to subsection 6. The~~



~~additional administration must occur in the same school year in which the irregularity described in paragraph (b) occurred. Except as otherwise provided in this subsection, the school district shall pay for all costs related to the administration of examinations pursuant to this subsection. If a charter school is required to administer examinations pursuant to this subsection, the charter school shall pay for all costs related to the administration of the examinations to pupils enrolled in the charter school.~~

~~4. If the Department determines that:~~

~~(a) At least one irregularity in testing administration occurred at a school, including, without limitation, a charter school, during 1 school year on the examinations administered pursuant to NRS 389.550;~~

~~(b) In the immediately succeeding school year, at least one additional irregularity in testing administration occurred at that school on the examinations administered pursuant to NRS 389.015, excluding the high school proficiency examination; and~~

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

~~the Department shall notify the school and the school district in which the school is located that the school is required to provide for an additional administration of the examinations to pupils who are enrolled in a grade that is required to take the examinations pursuant to NRS 389.015, excluding the high school proficiency examination, or to the pupils the Department determines must take the additional administration pursuant to subsection 6. The additional administration must occur in the same school year in which the irregularity described in paragraph (b) occurred. Except as otherwise provided in this subsection, the school district shall pay for all costs related to the administration of examinations pursuant to this subsection. If a charter school is required to administer examinations pursuant to this subsection, the charter school shall pay for all costs related to the administration of the examinations to pupils enrolled in the charter school.~~

~~5.] 2. In determining whether to require a school to provide for an additional administration of examinations pursuant to this section, the Department shall consider:~~

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

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



~~[6.]~~ 3. If the Department determines pursuant to subsection ~~[5]~~ 2 that a school must provide for an additional administration of examinations, the Department may consider whether the most recent irregularity in testing administration affected the test scores of a limited number of pupils and require the school to provide an additional administration of examinations pursuant to this section only to those pupils whose test scores were affected by the most recent irregularity.

~~[7.]~~ 4. The Department shall provide as many notices pursuant to this section during 1 school year as are applicable to the irregularities occurring at a school. A school shall provide for additional administrations of examinations pursuant to this section within 1 school year as applicable to the irregularities occurring at the school.

Sec. 7. NRS 389.640 is hereby repealed.

Sec. 8. This act becomes effective upon passage and approval.



