

SENATE BILL NO. 2—COMMITTEE ON EDUCATION

(ON BEHALF OF THE CLARK COUNTY SCHOOL DISTRICT)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Education

SUMMARY—Revises provisions relating to education. (BDR 34-429)

FISCAL NOTE: Effect on Local Government: No. 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; revising requirements to conduct certain assessments; removing requirements to measure the height and weight of certain pupils; revising provisions relating to budgeting; eliminating certain reporting requirements; removing the requirement to take an examination relating to civics to graduate from high school; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law requires the board of trustees of a school district or the governing
- 2 body of a charter school to develop a plan to assess the proficiency of a pupil in
- 3 reading when the pupil enters kindergarten or enrolls in an elementary school.
- 4 (NRS 388.157) **Section 1** of this bill instead requires a pupil to take such an
- 5 assessment during each grade level of elementary school as is determined to be
- 6 necessary. Existing law requires the board of trustees of a school district and the
- 7 governing body of a charter school to report certain information concerning pupils
- 8 with disabilities to the Department of Education. (NRS 388.422) **Section 2** of this
- 9 bill removes this requirement. Existing law requires the board of trustees of a
- 10 school district in certain counties to direct certain employees of a school to measure
- 11 the height and weight of a representative sample of pupils in certain grades. (NRS
- 12 392.420) **Section 3** of this bill removes this requirement.
- 13 Existing law requires a school district to submit a tentative budget for the
- 14 ensuing fiscal year to the Department of Taxation and the Department of Education
- 15 on or before April 15 of each year. Existing law also requires that the board of
- 16 trustees of a school district hold a public hearing on the tentative budget not sooner
- 17 than the third Monday in May and not later than the last day in May of each year.
- 18 (NRS 354.596) Existing law requires the board of trustees of a school district to



19 adopt a final budget on or before June 8 of each year. (NRS 354.598) Under
20 existing law, a school district is also required to adopt an amendment to its final
21 budget on or before January 1 of each year after the average daily enrollment of
22 pupils is reported for the preceding quarter. (NRS 354.598005) **Section 4** of this
23 bill requires a school district to submit a tentative budget to the Department of
24 Taxation and the Department of Education on or before June 8 of each year.
25 **Section 4** also requires the board of trustees of a school district to hold a public
26 hearing on the tentative budget not sooner than the third Monday in July and not
27 later than the last day in July. **Section 5** of this bill requires the board of trustees of
28 a school district to adopt a final budget before December 31 of each year, while
29 **section 6** of this bill removes the requirement that a school district adopt an
30 amendment to its final budget.

31 **Section 8** of this bill eliminates the requirement in existing law that the
32 Department of Education report to the Aging and Disability Services Division of
33 the Department of Health and Human Services certain information relating to
34 pupils with autism spectrum disorders. (NRS 388.451)

35 **Section 8** also removes the requirement in existing law that pupils take an
36 examination in civics in order to graduate from high school. (NRS 389.009)

37 **Section 7** of this bill makes conforming changes to remove references to
38 repealed sections.

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

1 **Section 1.** NRS 388.157 is hereby amended to read as follows:
2 388.157 1. The board of trustees of each school district and
3 the governing body of each charter school shall prepare a plan to
4 improve the literacy of pupils enrolled in an elementary school.
5 Such a plan must include, without limitation:

6 (a) A program to provide intervention services and intensive
7 instruction to pupils who have been identified as deficient in the
8 subject area of reading to ensure that those pupils achieve adequate
9 proficiency in the requisite reading skills and reading
10 comprehension skills necessary to perform at a level determined by
11 a statewide assessment to be within a level determined by the State
12 Board for a pupil enrolled in the same grade in which the pupil is
13 enrolled. Such a program must include, without limitation, regularly
14 scheduled reading sessions in small groups and specific instruction
15 designed to target any area of reading in which the pupil
16 demonstrates a deficiency, including, without limitation,
17 phonological and phonemic awareness, decoding skills, reading
18 fluency and vocabulary and reading comprehension strategies;

19 (b) Procedures for assessing a pupil's proficiency in the subject
20 area of reading using valid and reliable standards-based assessments
21 that have been approved by the State Board by regulation ~~§~~

22 ~~—(1) Within the first 30 days of school after the pupil enters~~
23 ~~kindergarten or upon enrollment in the elementary school if the~~



~~1 pupil enrolls after that period and has not previously been assessed;
2 and~~

~~3 — (2) During]~~ *during* each grade level of the elementary school
4 at which the pupil is enrolled as determined necessary;

5 (c) A program to improve the proficiency in reading of pupils
6 who are English learners; and

7 (d) Procedures for facilitating collaboration between licensed
8 teachers designated as literacy specialists and classroom teachers.

9 2. The board of trustees of each school district or the governing
10 body of a charter school, as applicable, shall:

11 (a) Submit its plan to the Department for approval on or before
12 the date prescribed by the Department on a form prescribed by the
13 Department; and

14 (b) Make such revisions to the plan as the Department
15 determines are necessary.

16 **Sec. 2.** NRS 388.422 is hereby amended to read as follows:

17 388.422 ~~[1. — On or before July 1 of each year, the board of
18 trustees of each school district and the governing body of each
19 charter school shall report to the Department:~~

20 ~~— (a) The number of pupils enrolled in each school in the district
21 or charter school, as applicable, during the immediately preceding
22 school year who had an individualized education program or a plan
23 developed in accordance with section 504 of the Rehabilitation Act
24 of 1973, 29 U.S.C. § 794; and~~

25 ~~— (b) The disabilities with which those pupils were diagnosed.~~

26 ~~— 2. — On or before August 1 of each year, the Department shall
27 compile a report of the information reported pursuant to subsection
28 1 and post the report on an Internet website maintained by the
29 Department.~~

30 ~~— 3.]~~ The Department shall provide to each school district and
31 charter school in this State information concerning services for
32 children with disabilities provided by the Aging and Disability
33 Services Division of the Department of Health and Human Services.
34 The board of trustees of a school district or the governing body of a
35 charter school shall ensure that the information described in this
36 ~~[subsection]~~ *section* is provided to the parent or guardian of each
37 pupil enrolled in the school district or charter school, as applicable,
38 who has an individualized education program or a plan developed in
39 accordance with section 504 of the Rehabilitation Act of 1973, 29
40 U.S.C. § 794.

41 **Sec. 3.** NRS 392.420 is hereby amended to read as follows:

42 392.420 1. In each school at which a school nurse is
43 responsible for providing nursing services, the school nurse shall
44 plan for and carry out, or supervise qualified health personnel in
45 carrying out, a separate and careful observation and examination of



1 every child who is regularly enrolled in a grade specified by the
2 board of trustees or superintendent of schools of the school district
3 in accordance with this subsection to determine whether the child
4 has scoliosis, any visual or auditory problem, or any gross physical
5 defect. The grades in which the observations and examinations must
6 be carried out are as follows:

7 (a) For visual and auditory problems:

8 (1) Before the completion of the first year of initial
9 enrollment in elementary school;

10 (2) In at least one additional grade of the elementary schools;
11 and

12 (3) In one grade of the middle or junior high schools and one
13 grade of the high schools; and

14 (b) For scoliosis, in at least one grade of schools below the high
15 schools.

16 ↪ Any person other than a school nurse, including, without
17 limitation, a person employed at a school to provide basic first aid
18 and health services to pupils, who performs an observation or
19 examination pursuant to this subsection must be trained by a school
20 nurse to conduct the observation or examination.

21 2. ~~In addition to the requirements of subsection 1, the board of~~
22 ~~trustees of each school district in a county whose population is~~
23 ~~100,000 or more shall direct school nurses, qualified health~~
24 ~~personnel employed pursuant to subsection 6, teachers who teach~~
25 ~~physical education or health or other licensed educational personnel~~
26 ~~who have completed training in measuring the height and weight of~~
27 ~~a pupil provided by the school district, to measure the height and~~
28 ~~weight of a representative sample of pupils who are enrolled in~~
29 ~~grades 4, 7 and 10 in the schools within the school district. The~~
30 ~~Division of Public and Behavioral Health of the Department of~~
31 ~~Health and Human Services, in consultation with the board of~~
32 ~~trustees of each school district and each local health district, as~~
33 ~~applicable, shall determine the number of pupils necessary to~~
34 ~~include in the representative sample.~~

35 ~~—3.]~~ If any child is attending school in a grade above one of the
36 specified grades and has not previously received such an
37 observation and examination, the child must be included in the
38 current schedule for observation and examination. Any child who is
39 newly enrolled in the district must be examined for any medical
40 condition for which children in a lower grade are examined.

41 ~~[4.]~~ 3. A special examination for a possible visual or auditory
42 problem must be provided for any child who:

43 (a) Is enrolled in a special program;

44 (b) Is repeating a grade;



1 (c) Has failed an examination for a visual or auditory problem
2 during the previous school year; or

3 (d) Shows in any other way that the child may have such a
4 problem.

5 ~~[5.]~~ 4. The school authorities shall notify the parent or guardian
6 of any child who is found or believed to have scoliosis, any visual or
7 auditory problem, or any gross physical defect, and shall
8 recommend that appropriate medical attention be secured to correct
9 it. Any written notice provided to the parent or guardian of a child
10 pursuant to this subsection must include, to the extent that
11 information is available, a list of any resources that may be available
12 in the community to provide such medical attention, including,
13 without limitation, resources available at no charge or at a reduced
14 cost. If such a list is provided, the principal, his or her designee, or
15 any employee of the school or the school district is not responsible
16 for providing such resources to the pupil or ensuring that the pupil
17 receives such resources.

18 ~~[6.]~~ 5. In any school district in which state, county or district
19 public health services are available or conveniently obtainable, those
20 services may be used to meet the responsibilities assigned under the
21 provisions of this section. The board of trustees of the school district
22 may employ qualified personnel to perform them. Any nursing
23 services provided by such qualified personnel must be performed in
24 compliance with chapter 632 of NRS.

25 ~~[7.]~~ 6. The board of trustees of a school district may adopt a
26 policy which encourages the school district and schools within the
27 school district to collaborate with:

28 (a) Qualified health care providers within the community to
29 perform, or assist in the performance of, the services required by
30 this section; and

31 (b) Postsecondary educational institutions for qualified students
32 enrolled in such an institution in a health-related program to
33 perform, or assist in the performance of, the services required by
34 this section.

35 ~~[8.— Except as otherwise provided in subsection 9, the]~~

36 7. The school authorities shall provide notice to the parent or
37 guardian of a child before performing on the child the examinations
38 required by this section. The notice must inform the parent or
39 guardian of the right to exempt the child from all or part of the
40 examinations. Any child must be exempted from an examination if
41 the child's parent or guardian files with the teacher a written
42 statement objecting to the examination.

43 ~~[9.— The school authorities are not required to provide notice to~~
44 ~~the parent or guardian of a child before measuring the child's height~~
45 ~~or weight pursuant to subsection 2 if it is not practicable to do so.~~



1 ~~—10.]~~ 8. Each school nurse or a designee of a school nurse,
2 including, without limitation, a person employed at a school to
3 provide basic first aid and health services to pupils, shall report the
4 results of the examinations conducted pursuant to this section in
5 each school at which he or she is responsible for providing services
6 to the Chief Medical Officer in the format prescribed by the Chief
7 Medical Officer. Each such report must exclude any identifying
8 information relating to a particular child. The Chief Medical Officer
9 shall compile all such information the Officer receives to monitor
10 the health status of children and shall retain the information.

11 ~~[(11.—The Division of Public and Behavioral Health of the~~
12 ~~Department of Health and Human Services shall:~~

13 ~~—(a) Compile a report relating to each region of this State for~~
14 ~~which data is collected regarding the height and weight of pupils~~
15 ~~measured pursuant to subsection 2 and reported to the Chief~~
16 ~~Medical Officer pursuant to subsection 10;~~

17 ~~—(b) Publish and disseminate the reports not later than 12 months~~
18 ~~after receiving the results of the examinations pursuant to subsection~~
19 ~~10; and~~

20 ~~—(c) Submit a copy of the report disseminated pursuant to~~
21 ~~paragraph (b) to the superintendent of each school district located in~~
22 ~~a county whose population is 100,000 or more.]~~

23 **Sec. 4.** NRS 354.596 is hereby amended to read as follows:

24 354.596 1. The officer charged by law shall prepare, or the
25 governing body shall cause to be prepared, on appropriate forms
26 prescribed by the Department of Taxation for the use of local
27 governments, a tentative budget for the ensuing fiscal year. The
28 tentative budget for the following fiscal year must be submitted to
29 the county auditor and filed for public record and inspection in the
30 office of:

31 (a) The clerk or secretary of the governing body; and

32 (b) The county clerk.

33 2. ~~[On]~~ *Except as otherwise provided in subsection 7, on* or
34 before April 15, a copy of the tentative budget must be submitted ~~[-~~

35 ~~—(a) To]~~ to the Department of Taxation. ~~[-and~~

36 ~~—(b) In the case of school districts, to the Department of~~
37 ~~Education.]~~

38 3. At the time of filing the tentative budget, the governing body
39 shall give notice of the time and place of a public hearing on the
40 tentative budget and shall cause a notice of the hearing to be
41 published once in a newspaper of general circulation within the area
42 of the local government not more than 14 nor less than 7 days before
43 the date set for the hearing. The notice of public hearing must state:

44 (a) The time and place of the public hearing.



1 (b) That a tentative budget has been prepared in such detail and
2 on appropriate forms as prescribed by the Department of Taxation.

3 (c) The places where copies of the tentative budget are on file
4 and available for public inspection.

5 4. ~~[The]~~ *Except as otherwise provided in subsection 7, the*
6 *public hearing on the tentative budget must be held by the governing*
7 *body not sooner than the third Monday in May and not later than the*
8 *last day in May.*

9 5. The Department of Taxation shall examine the submitted
10 documents for compliance with law and with appropriate
11 regulations and shall submit to the governing body at least 3 days
12 before the public hearing a written certificate of compliance or a
13 written notice of lack of compliance. The written notice must
14 indicate the manner in which the submitted documents fail to
15 comply with law or appropriate regulations.

16 6. Whenever the governing body receives from the Department
17 of Taxation a notice of lack of compliance, the governing body shall
18 forthwith proceed to amend the tentative budget to effect
19 compliance with the law and with the appropriate regulation.

20 *7. On or before June 8, a school district shall submit a copy*
21 *of the tentative budget to the Department of Taxation and the*
22 *Department of Education. The public hearing on the tentative*
23 *budget must be held by the governing body of the school district*
24 *not sooner than the third Monday in July and not later than the*
25 *last day in July.*

26 **Sec. 5.** NRS 354.598 is hereby amended to read as follows:

27 354.598 1. At the time and place advertised for public
28 hearing, or at any time and place to which the public hearing is from
29 time to time adjourned, the governing body shall hold a public
30 hearing on the tentative budget, at which time interested persons
31 must be given an opportunity to be heard.

32 2. At the public hearing, the governing body shall indicate
33 changes, if any, to be made in the tentative budget and shall adopt a
34 final budget by the favorable votes of a majority of all members of
35 the governing body. Except as otherwise provided in this subsection,
36 the final budget must be adopted on or before June 1 of each year.
37 The final budgets of school districts must be adopted ~~on or before~~
38 ~~June 8]~~ *before December 31* of each year ~~]~~ *and after the average*
39 *daily enrollment of pupils is reported for the immediately*
40 *preceding quarter pursuant to subsection 1 of NRS 387.1223.*
41 Should the governing body fail to adopt a final budget that complies
42 with the requirements of law and the regulations of the Committee
43 on Local Government Finance on or before the required date, the
44 budget adopted and used for certification of the combined ad
45 valorem tax rate by the Department of Taxation for the current year,



1 adjusted as to content and rate in such a manner as the Department
2 of Taxation may consider necessary, automatically becomes the
3 budget for the ensuing fiscal year. When a budget has been so
4 adopted by default, the governing body may not reconsider the
5 budget without the express approval of the Department of Taxation.
6 If the default budget creates a combined ad valorem tax rate in
7 excess of the limit imposed by NRS 361.453, the Nevada Tax
8 Commission shall adjust the budget as provided in NRS 361.4547 or
9 361.455.

10 3. The final budget must be certified by a majority of all
11 members of the governing body, and a copy of it, together with an
12 affidavit of proof of publication of the notice of the public hearing,
13 must be transmitted to the Nevada Tax Commission. If a tentative
14 budget is adopted by default as provided in subsection 2, the clerk of
15 the governing body shall certify the budget and transmit to the
16 Nevada Tax Commission a copy of the budget, together with an
17 affidavit of proof of the notice of the public hearing, if that notice
18 was published. Certified copies of the final budget must be
19 distributed as determined by the Department of Taxation.

20 4. Upon the adoption of the final budget or the amendment of
21 the budget in accordance with NRS 354.598005, the several
22 amounts stated in it as proposed expenditures are appropriated for
23 the purposes indicated in the budget.

24 5. No governing body may adopt any budget which
25 appropriates for any fund any amount in excess of the budget
26 resources of that fund.

27 6. If a local government makes a change in its final budget
28 which increases the combined ad valorem tax rate, the local
29 government shall submit the amended final budget to the county
30 auditor within 15 days after making the change.

31 **Sec. 6.** NRS 354.598005 is hereby amended to read as
32 follows:

33 354.598005 1. If anticipated resources actually available
34 during a budget period exceed those estimated, a local government
35 may augment a budget in the following manner:

36 (a) If it is desired to augment the appropriations of a fund to
37 which ad valorem taxes are allocated as a source of revenue, the
38 governing body shall, by majority vote of all members of the
39 governing body, adopt a resolution reciting the appropriations to be
40 augmented, and the nature of the unanticipated resources intended to
41 be used for the augmentation. Before the adoption of the resolution,
42 the governing body shall publish notice of its intention to act
43 thereon in a newspaper of general circulation in the county for at
44 least one publication. No vote may be taken upon the resolution
45 until 3 days after the publication of the notice.



1 (b) If it is desired to augment the budget of any fund other than a
2 fund described in paragraph (a) or an enterprise or internal service
3 fund, the governing body shall adopt, by majority vote of all
4 members of the governing body, a resolution providing therefor at a
5 regular meeting of the body.

6 2. A budget augmentation becomes effective upon delivery to
7 the Department of Taxation of an executed copy of the resolution
8 providing therefor.

9 3. Nothing in NRS 354.470 to 354.626, inclusive, precludes the
10 amendment of a budget by increasing the total appropriation for any
11 fiscal year to include a grant-in-aid, gift or bequest to a local unit of
12 government which is required to be used for a specific purpose as a
13 condition of the grant. Acceptance of such a grant and agreement to
14 the terms imposed by the granting agency or person constitutes an
15 appropriation to the purpose specified.

16 4. A local government need not file an augmented budget for
17 an enterprise or internal service fund with the Department of
18 Taxation but shall include the budget augmentation in the next
19 quarterly report.

20 5. Budget appropriations may be transferred between
21 functions, funds or contingency accounts in the following manner, if
22 such a transfer does not increase the total appropriation for any
23 fiscal year and is not in conflict with other statutory provisions:

24 (a) The person designated to administer the budget for a local
25 government may transfer appropriations within any function.

26 (b) The person designated to administer the budget may transfer
27 appropriations between functions or programs within a fund, if:

28 (1) The governing body is advised of the action at the next
29 regular meeting; and

30 (2) The action is recorded in the official minutes of the
31 meeting.

32 (c) Upon recommendation of the person designated to
33 administer the budget, the governing body may authorize the
34 transfer of appropriations between funds or from the contingency
35 account, if:

36 (1) The governing body announces the transfer of
37 appropriations at a regularly scheduled meeting and sets forth the
38 exact amounts to be transferred and the accounts, functions,
39 programs and funds affected;

40 (2) The governing body sets forth its reasons for the transfer;
41 and

42 (3) The action is recorded in the official minutes of the
43 meeting.

44 6. In any year in which the Legislature by law increases or
45 decreases the revenues of a local government, and that increase or



1 decrease was not included or anticipated in the local government's
2 final budget as adopted pursuant to NRS 354.598, the governing
3 body of any such local government may, within 30 days of
4 adjournment of the legislative session, file an amended budget with
5 the Department of Taxation increasing or decreasing its anticipated
6 revenues and expenditures from that contained in its final budget to
7 the extent of the actual increase or decrease of revenues resulting
8 from the legislative action.

9 7. In any year in which the Legislature enacts a law requiring
10 an increase or decrease in expenditures of a local government,
11 which was not anticipated or included in its final budget as adopted
12 pursuant to NRS 354.598, the governing body of any such local
13 government may, within 30 days of adjournment of the legislative
14 session, file an amended budget with the Department of Taxation
15 providing for an increase or decrease in expenditures from that
16 contained in its final budget to the extent of the actual amount made
17 necessary by the legislative action.

18 8. An amended budget, as approved by the Department of
19 Taxation, is the budget of the local government for the current fiscal
20 year.

21 ~~[9. On or before January 1 of each school year, each school~~
22 ~~district shall adopt an amendment to its final budget after the~~
23 ~~average daily enrollment of pupils is reported for the preceding~~
24 ~~quarter pursuant to subsection 1 of NRS 387.1223. The amendment~~
25 ~~must reflect any adjustments necessary as a result of the report.]~~

26 **Sec. 7.** NRS 427A.872 is hereby amended to read as follows:

27 427A.872 1. The Division, in cooperation and guidance with
28 the Department of Education, representatives of the school districts
29 in this State and the Commission, shall prescribe by regulation a
30 statewide standard for measuring outcomes and assessing and
31 evaluating persons with autism spectrum disorders through the age
32 of 21 years who receive services through the State or a local
33 government or an agency thereof. The regulations must designate a
34 protocol based upon accepted best practices guidelines which
35 includes at least one standardized assessment instrument that
36 requires direct observation by the professional conducting the
37 assessment for determining whether a person is a person with autism
38 spectrum disorder, which must be used by personnel employed by
39 the State or a local government or an agency thereof who provide
40 assessments, interventions and diagnoses of persons with autism
41 spectrum disorders through the age of 21 years and by the persons
42 with whom the State or a local government or an agency thereof
43 contracts to provide assessments, interventions and diagnoses of
44 persons with autism spectrum disorders through the age of 21 years.
45 The protocol must require that the direct observation conducted by a



1 professional pursuant to this subsection include, without limitation,
2 an evaluation to measure behaviors of the person which are
3 consistent with autism spectrum disorder, cognitive functioning,
4 language functioning and adaptive functioning.

5 2. The protocol designated pursuant to subsection 1 must be
6 used upon intake of a person suspected of having autism spectrum
7 disorder or at any later time if a person is suspected of having
8 autism spectrum disorder after intake. The results of an assessment
9 must be provided to the parent or legal guardian of the person, if
10 applicable.

11 3. The Division shall prescribe the form and content of reports
12 relating to persons with autism spectrum disorders through the age
13 of 21 years that must be reported to the Division pursuant to NRS
14 ~~[388.451 and]~~ 615.205. ~~[Except as otherwise provided in NRS~~
15 ~~388.451, the]~~ *The* Division shall ensure that the information is
16 reported in a manner which:

17 (a) Allows the Division to document the services provided to
18 and monitor the progress of each person with autism spectrum
19 disorder through the age of 21 years who receives services from the
20 State or an agency thereof; and

21 (b) Ensures that information reported for each person who
22 receives services which identifies the person is kept confidential,
23 consistent with ~~[the Family Educational Rights and Privacy Act of~~
24 ~~1974, 20 U.S.C. § 1232g, and any other]~~ applicable state and federal
25 privacy laws.

26 4. The Division shall prepare annually a summary of the
27 reports submitted pursuant to NRS ~~[388.451 and]~~ 615.205 and make
28 the summary publicly available. The Division shall ensure that
29 information contained in the summary does not identify a person
30 who received services.

31 **Sec. 8.** NRS 388.451 and 389.009 are hereby repealed.

32 **Sec. 9.** This act becomes effective on July 1, 2021.

TEXT OF REPEALED SECTIONS

388.451 Pupils with autism spectrum disorder: Department required to submit annual report to Aging and Disability Services Division.

1. The Department of Education shall report annually to the Aging and Disability Services Division of the Department of Health and Human Services information relating to pupils with autism spectrum disorders. The information must:



(a) Be submitted in the form required by the Aging and Disability Services Division; and

(b) Include the total number of pupils with autism spectrum disorders who are enrolled in public schools in this State, including all pupils with autism spectrum disorders who have an individualized education program.

2. A pupil with autism spectrum disorder who is designated as a pupil with more than one physical or mental impairment or disability must be included as a pupil with autism spectrum disorder for the purposes of reporting information pursuant to this section.

3. The reporting made pursuant to this section must comply with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any other applicable state and federal privacy laws.

389.009 Public high school to administer certain examination concerning civics; requirements for administration of examination; pupil required to take examination as condition for graduation; waiver from examination.

1. A public high school shall administer an examination containing a number of questions, determined by the public high school, which are identical to the questions contained in the civics portion of the naturalization test adopted by the United States Citizenship and Immigration Services of the Department of Homeland Security to each pupil enrolled in the public high school.

2. A public high school shall:

(a) Determine the course in which the examination will be administered;

(b) Establish the number of questions which will be included on the examination, which must not be less than 50;

(c) Determine the desired score on the examination and the manner in which the results of the examination administered to a pupil will affect the grade of the pupil in the course in which the examination is administered; and

(d) Not later than August 31 of each year, aggregate the results of the examination for all pupils at the public high school and report the aggregated results to the board of trustees of the school district in which the public high school is located.

3. Except as otherwise provided in subsection 4, no pupil in any public high school may receive a certificate or diploma of graduation without having taken the examination described in subsection 1.

4. A pupil may receive a waiver from the examination administered pursuant to subsection 1 if:

(a) The pupil is a pupil with a disability and the waiver is in accordance with his or her individualized education program;



(b) The pupil is identified as an English learner and the public high school is unable to offer the examination in the language which would be most likely to provide accurate results for the pupil; or

(c) The principal or administrator of the public high school determines that the pupil has completed all other academic requirements to receive a certificate or diploma of graduation and has shown good cause for a waiver. The principal or administrator of a public high school shall not grant a waiver pursuant to this paragraph to more than 10 percent of each graduating class of the public high school.

5. As used in this section, "public high school" includes, without limitation, any charter school that operates as a high school.

