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on
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SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE ON EDUCATION (NEVADA REVISED STATUTES 218.5352) ADOPTED AT MEETINGS OF THE COMMITTEE ON JUNE 20, 2000, AND NOVEMBER 14, 2000

The following is a summary of the recommendations for bill draft requests (BDRs) adopted by the Legislative Committee on Education for transmittal to the 71st Session of the Nevada Legislature.

- 1. Appropriate funding in the amount of \$5,180,505 for Fiscal Year (FY) 2001-2002, and \$6,046,972 for FY 2002-2003 to the Nevada Department of Education for the operation of the four Regional Professional Development Programs. Further, include a statement in the final report of the Committee expressing the Committee's intent that the Regional Professional Development Programs work with the Department with regard to meeting statewide professional development requirements of any state or federal grant. Further, include a statement supporting at least two meetings per year between the Regional Professional Development Program coordinators, representatives of the Council to Establish Academic Standards, and the Commission on Educational Technology. (BDR 34-219)**
- 2. Require by statute that the State Board of Education adopt a statewide policy regarding school sale of soft drinks and candy consistent with those standards. Further, appropriate an additional \$1.7 million to the Regional Professional Development Programs to provide training in health, physical education, and wellness training for school personnel to reinforce the state health and physical education standards. (BDR 34-835)**
- 3. Include a statement in the Committee's final report encouraging the Regional Professional Development Centers to review the extent of the need by high school teachers for training in reading instruction to help high school students acquire the necessary reading ability, and to ensure students have the reading related testing skills needed to master the High School Proficiency Examination.**
- 4. Include a statement in the Committee's final report encouraging the Regional Professional Development Centers to review the extent of the need by high schools for a mathematics trainer to evaluate teacher performance and act as a teacher resource.**

5. **Appropriate \$150,000 for the biennium to the Nevada Department of Education for the purpose of reimbursing up to \$2,000 of related costs incurred by a teacher in gaining national certification by the National Board for Professional Teaching Standards. Teachers wishing to obtain such reimbursement must file a statement of intent with the school district at least one year prior to anticipated certification; upon completion and certification, the school district shall notice the Department to reimburse the teacher up to \$2,000 of the costs directly related to applying for and receiving National Board for Professional Teaching Standards certification. (BDR 34-219)**
6. **Amend statutes (primarily at *Nevada Revised Statutes* [NRS] 391.160) to change the notification requirement for teachers to submit evidence that they have received certification by the National Board for Professional Teaching Standards for the purpose of acquiring the existing 5 percent salary benefit. Current law requires this be completed by September 15 of each year; instead require that teachers submit this evidence by January 31 and provide that the additional 5 percent be paid retroactively to the beginning of the contract for that school year. (BDR 34-219)**
7. **Include a statement in the Committee's final report supporting a reasonable pay increase for teachers and sign-on bonuses as incentives to attract qualified teachers to Nevada. Further, support revision of current retirement rules to allow retired teachers to return to teach under-served subject specialties (such as special education, mathematics, and science), if fully qualified, and return at their previous rates of pay without reducing their retirement benefits. The Nevada Department of Education would certify the specific shortage subjects, and the district would need to demonstrate that it had recruited but failed to hire sufficient teachers.**
8. **Transmit a letter of support from the Committee directing the State Board of Education to work with an organization representing classified school employees, the Commission on Professional Standards in Education, Nevada institutions of higher education, and other interested parties to establish a statewide career ladder program for nonlicensed educational personnel, based upon components within the California model.**
9. **Appropriate \$14.8 million over the next biennium for one additional day of required professional development, to be added to the master schedules of each school district and funded through the Distributive School Account. Additionally, increase by one the number of days of a school year to address the increased instructional demands for the new academic standards. (BDR 34-219)**

10. **Revise current statutory requirements that limit teacher licensure to United States citizens, by specifying that the State Superintendent of Public Instruction may issue a license to teachers identified by a school district who hold temporary visas and who have academic qualifications that would otherwise qualify them for a license in a subject area that has been declared by the school district to be a high-need shortage subject area. (BDR 34-219)**
11. **Amend statutes to authorize the State Superintendent of Public Instruction to declare that an emergency condition exists in the hiring and assignment of licensed personnel in specific licensure subject areas within a school district. The State Superintendent of Public Instruction may then authorize the district (for a period not to exceed two years) to hire and assign personnel who do not meet the specific licensure requirements set forth in regulation in the identified licensure subject area. During such period of time, the Commission on Professional Standards in Education will consider changes to licensure requirements that would address the emergency condition. (BDR 34-219)**
12. **Amend statutes (primarily at NRS 391.011) to increase from 9 to 11 the number of members of the Commission on Professional Standards in Education (the teacher licensure board). The additional two members (part of subsection 3 of NRS 391.011), would be appointed by the Governor (as are all current members), and would be individuals employed by school districts in roles involving the recruitment, selection, and placement of licensed personnel. (BDR 34-837)**
13. **Appropriate through funding an allocation from the Distributive School Account in the amount of \$1 million for each of the Fiscal Years for the 2001-2003 biennium, for continued state support of approved remedial education or tutoring programs outside the school day for pupils at any grade level who need additional instructional time in order to pass or to reach a level considered proficient. Districts must submit a report to the Interim Finance Committee and the Nevada Department of Education concerning the number of pupils, the curriculum utilized, program success, and total expenditures. (BDR S-216)**
14. **Appropriate through funding an allocation from the Distributive School Account to the Nevada Department Education in the amount of \$3.5 million for each of the Fiscal Years in the 2001-2003 biennium for remedial education programs approved by the Department as being effective in improving pupil achievement in low achieving schools. (BDR S-216)**

15. **Appropriate \$8,965,424 to the Nevada Department of Education in additional remediation funding to extend eligibility of schools that had previously been classified as needing improvement and had received state remediation funds in the past. Schools must have low scores in at least one of the four subjects tested, must meet certain eligibility criteria, and after three years of funding, such schools would need to use matching funds. (BDR S-216)**
16. **Require by statute, that panel reports be submitted to the district board of trustees in advance of public release. Further, require a specific written response from the board of trustees (similar to an audit response) be contained within the panel report concerning how the district plans to implement changes, resources to be used, and other responses by statute, that panel reports be submitted to the district board of trustees in advance of public release. Further, require that the board of trustees of a school district with schools having such panel reports review the reports at a meeting of the board. Further, the school district also must report actions taken by the board and the district to implement recommendations contained within the report. (BDR 34-218)**
17. **Amend the panel report sections of statute to require the following additional information in panel reports: detailed information about the school's current plan for improvement and any proposed revisions; additional school statistics; linking findings or recommendations to increasing student academic achievement; and prioritizing recommendations, ensuring they are measurable, indicating who is responsible for implementing the recommendations, and providing timelines for implementation. Further require that plans for improvement prepared by the Nevada Department of Education for schools designated as needing improvement shall be comprehensive and unique to the needs and goals of each school, should address the recommendations of the panel reports, and should contain measurable goals and objectives. (BDR 34-218)**
18. **Appropriate the sum of \$276,217 from the State General Fund to the Interim Finance Committee to continue the contractual services for the financial analysis model program (In\$ite) implemented in each school district and each charter school to track individual expenditures by individual schools and to provide for uniformity in financial reporting among school districts and charter schools. (BDR S-838)**
19. **Include a statement in the Committee's final report encouraging the Regional Professional Development Programs to review recommendations by George Hill, Associate Professor, Educational Leadership Department, University of Nevada, Reno, in his evaluation of Nevada's accountability**

system, concerning the need by the small school districts for training or assistance in interpreting test data.

20. Amend statutes to make various changes to charter school provisions, including: (a) providing that charter schools may operate an independent study program, subject to the independent study statutes and regulations, as designated within their application and charter; (b) that a charter school may only serve students residing outside its district in a facility located within its home district; (c) clarifying that statutes concerning reassignment of charter school employees within a school district if the charter is revoked, apply only to employees that had been employed by the school district at the time they transferred to the charter school; (d) specifying that a charter school include in the application and written charter a mechanism for the removal of a member of the school's governing body for cause; and (e) appropriating \$10,000 for case study evaluations of Nevada charter schools. Additionally, the Committee supports appropriations for additional discretionary special education program units and inclusion of an allowance for charter schools to apply directly for discretionary units. Further, the Committee urges Nevada Department of Education participation in the Federal Public Charter School Program, supports inclusion of charter school in funding for Nevada's program of automated student record management (SMART), and recommends funding in the Department's budget for a full-time position of charter school consultant. (BDR 34-833)
21. Provide, in statute, for the delivery of instruction through distance education programs by school districts, charter schools, and consortia. Distance education students would remain subject to state requirements for proficiency testing, curriculum, and other statutory requirements. Distance education courses or programs may be developed by commercial vendors, charter schools, school districts, higher education institutions, or the Nevada Department of Education. Such courses or programs would require the approval of the Department in accordance with regulations adopted by the State Board of Education. The regulations will ensure that distance education programs meet all state requirements, including the academic standards. For students enrolling in distance education programs out of their resident school district, funding would follow the student, provided the resident school district approved. Funding for full-time distance education students would be based on actual costs, not to exceed the basic support guarantee of the resident district. (BDR 34-834)
22. Amend statutes to make certain program changes to Nevada's system of adult and alternative education needed to increase retention and completion rates. Specific changes include deleting reference to "part time" when describing students in adult high school diploma programs and removing

requirements for reporting “average daily attendance” of pupils in the adult high school diploma program. (BDR 34-218)

23. Amend statutes to provide that a student who is no longer enrolled in high school and who is between 16 and 18 years of age must submit written permission signed by a parent or guardian to his local board of trustees in order to take the General Educational Development test. Currently, the law provides that this written permission is to be submitted to the State Board of Education. Further specify that the school board may set forth reasonable conditions prior to giving consent and provide a specific exemption from the compulsory attendance law for these pupils. (BDR 34-218)
24. Include a letter of support for certain funding and service changes, including requiring districts to average enrollments or allow funds to follow students as they enter and leave programs; providing for adequate services for English as Second Language (ESL) students in order to accommodate growth in this category; and allowing up to 1.5 percent of these funds to be used for state level administration of the Adult High School Diploma Program, Alternative Education, and General Educational Development testing.
25. Provide, by statute, the same whistle-blower protections that are currently provided to state employees for school district employees for disclosing test security or testing irregularities. Such provisions include a declaration of public policy encouraging disclosures and protecting the rights of the employee; prohibiting employees from influencing or interfering with the disclosure; providing for a hearing process to be conducted by the State Board of Education concerning appeals filed alleging reprisal or retaliation occurring within two years of a disclosure; prohibiting the use of the disclosure statutes to harass another employee; providing that disciplinary action against an employee for untruthful information about an alleged improper governmental action is not prohibited; providing each employee, annually, with a summary of the disclosure law; and defining the effect upon criminal law. Further, provide that school districts and the Department may compel witnesses to provide information while investigating such matters. (BDR 34-836)
26. Require by statute, that school district boards of trustees establish and enforce a plan containing test security procedures to be followed for all statewide and district-wide student achievement tests. Such procedures should include procedures for reporting possible security irregularities; procedures to ensure the security of test materials; and, for secondary schools, the method by which the school district verifies the identity of students taking statewide proficiency examinations. Copies of these plans

and procedures shall be submitted to the State Board of Education and the Legislative Committee on Education annually. (BDR 34-836)

27. Provide that a letter be sent by the Committee directing the Nevada Department of Education to “cost out” options to improve security for statewide high-stakes tests, and provide a report to the Legislative Committee on Education, the Senate Committee on Finance, and the Assembly Committee on Ways and Means prior to the start of the 2001 Legislative Session.
28. Amend statutes (primarily at NRS 389.017[5]) to revise state proficiency reporting requirements. Current law requires districts and charter schools to report statewide results to the Nevada Department of Education before November 1, and for the Department to report this information by December 1. Due to district testing practices and contractual “turn-around” times from test vendors, the dates need to be changed to November 15 and December 15, respectively. (BDR 34-218)
29. Include a statement in the final report of the Committee encouraging the Nevada Department of Education and the school district test directors to work together to resolve problems involving statewide proficiency tests, including: receipt of materials in a time frame that allows for test administration planning, test scheduling, and the reduction of turnaround time for test results and reporting scores. The High School Proficiency Exam is a particular source of anxiety for students and parents. The earlier results are shared, the sooner student remediation within specific areas of skill can be addressed.
30. Further require, by statute, that the Nevada Department of Education enforce any pertinent penalties and sanctions set forth in contracts for late delivery of test results to school districts by national test vendors administering statewide proficiency tests. (BDR 34-836)
31. Incorporate within the Committee’s final report the recommendations submitted to the Committee by the Nevada Mathematics Advisory Task Force in their report of Nevada’s High School Proficiency Examination (HSPE) in Mathematics. The report includes recommendations concerning student test reports; the inclusion of constructed response questions, such as essays; public awareness efforts concerning the high stakes nature of the test; district use of state remediation funds; district public awareness efforts; and district efforts to ensure that the local curriculum and instructional programs adequately prepare students for the examination, revising those programs to meet the 1998-1999 content and performance standards in mathematics.

32. **Appropriate \$212,500 to the Nevada Department of Education to conduct statewide public engagement/public relations with parents of school age children with regard to the new academic standards. The activities for this project include communicating through people, through research, and through print and electronic media. (BDR S-838)**
33. **Revise statutes to delete the one-year requirement for courses of study in American history and American government. Further, provide that the instruction in these subjects may be part of a course in social studies. (BDR 34-218)**
34. **Include a statement within the Committee's final report encouraging each school district to establish a comprehensive plan for the implementation of Nevada's academic standards within the district curriculum and the associated testing within the district's testing schedule. The plan also must specify how the district will address students, parents, and teachers involved with programs for Limited English Proficient students and special education students, including a description of special teaching methods, special assistance models, and comprehensive curriculum and outreach programs. The plan shall be transmitted to the Nevada Department of Education, the Legislative Committee on Education, and the Council to Establish Academic Standards.**
35. **Include a statement in the Committee's final report emphasizing the importance of coordinating funds for professional development (at the state, district, and Regional Professional Development Program levels) to ensure teachers have the information necessary to improve pupil achievement. Further, urge that the Regional Professional Development Program and the Council to Establish Academic Standards consult with regard to this and other issues of mutual interest. Further, emphasize the importance of coordinating all sources of remedial funding to assist students in achieving the new standards. Encourage the school districts to utilize remedial funds to assist special populations, including English Language Learners and Special Education students, who are experiencing difficulties in achieving the standards, and support additional funding from the Legislature for these students. Further, urge the Nevada Department of Education to complete a survey of school districts for the Council to ensure standards are in place statewide, are part of the curriculum being taught, and that all students have the classroom experiences necessary to have received instruction in all areas being tested. Further, provide a statement of support for the Department's budget request to adequately fund test development and administration costs for all statewide tests associated with the new academic standards. Finally, provide a statement of support for**

- the development and funding of an 8th grade criterion-referenced test based upon the academic standards.
36. **Revise statutes (primarily at NRS 387.1233[2]) to provide that school districts have an extra year (two years total) in the “hold harmless” clause of the Nevada Plan for school finance to adjust for negative student growth. (BDR 34-218)**
 37. **Amend statutes to allow the board of trustees of a school district the authority to allow exceptions, on a case-by-case basis, to the requirement that a student classified as a habitual discipline problem be prohibited from enrolling in an alternative education program (programs for at-risk students or juvenile detention facilities/programs). (BDR 34-217)**
 38. **Include a statement in the final report of the Committee in support of continued funding for current computer technology in classrooms, especially with regard to funding for the technical support needed to maintain this equipment.**

**REPORT TO THE 71ST SESSION OF THE NEVADA LEGISLATURE BY
THE LEGISLATIVE COMMISSION'S COMMITTEE ON EDUCATION**

I. INTRODUCTION

The 1997 Legislature enacted Senate Bill 482 (Chapter 473, *Statutes of Nevada*), creating a new statutory committee – the Legislative Committee on Education. The bill, known as the Nevada Education Reform Act (NERA), establishes a permanent eight-member Legislative Committee on Education to provide for legislative review of the reform process. The Committee is charged with reviewing statewide programs in accountability; the Statewide Management of Automated Record Transfer (SMART), an automated student record program; class size reduction; and any other fiscal or policy concerns associated with public education in the state.

Members of the committee during the 1999-2001 period included the following legislators:

Assemblyman Wendell P. Williams, Chair
Senator William J. Raggio, Vice Chair
Senator Bernice Mathews
Senator Raymond D. Rawson
Senator Maurice E. Washington
Assemblywoman Barbara K. Cegavske
Assemblyman Marcia de Braga
Assemblyman Mark A. Manendo

Legislative Counsel Bureau staff services for the Committee were provided by:

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Roxanne Duer, Principal Research Secretary
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The Committee held a total of 15 meetings; three in 1999, 11 in 2000, and one in January of 2001. Members received a series of policy briefings concerning national and state education reform activities, including the Indiana teacher licensing system; funding school improvement initiatives; and methods of reallocating Federal Title I funds. Committee members led a panel discussion of teachers and administrators about the comprehensive review of education reform. The members also reviewed Nevada's current accountability and school improvement programs, the impact of remediation funds on at-risk schools, test equity matters, special education, career ladder programs

for paraprofessionals, the Governor's Millennium Scholarship Program, the findings of the Nevada Mathematics Advisory Task Force, the state's Class Size Reduction Program, and Elko's pilot program, as well as the automated SMART program. As required by statute, the Committee adopted a list of recommended remedial education programs that have proven to be successful in increasing the academic achievement of pupils and forwarded that list to the State Board of Education.

The Committee on Education also received regular progress reports from two other entities created by NERA: (1) the Council to Establish Academic Standards in Public Education; and (2) the Commission on Educational Technology. In addition, the Committee approved various consultant contracts for both the council and the Commission to facilitate the work of those bodies. Regular reports from the Regional Professional Development Programs (RPDPs) also were reviewed.

Members of the Committee reviewed a number of proposals with regard to public education in Nevada, including issues involving training and recruitment incentives for Nevada teachers, adult and alternative education, academic standards, accountability, teacher quality, charter schools, distance education, and testing and test security. Major recommendations adopted include proposals to:

- Continue funding for the RPDPs for administrators and teachers linked to the new student academic standards and expand the role of these programs;
- Appropriate funds to continue to provide remedial programs for students in low-performing schools;
- Encourage teachers to become certified by the National Board for Professional Teaching Standards;
- Revise teacher licensing provisions and change the makeup of the teacher licensing board;
- Encourage recruitment and licensing of teachers in certain subject areas;
- Promote Nevada's academic standards and link them to district planning, professional development, and technology efforts;
- Strengthen test security and encourage the reporting and investigation of irregularities and breaches in the proficiency testing program;
- Revise the content of panel reports for schools placed on academic probation;
- Revise certain charter school statutes;

- Establish an approved method to provide distance education services to students; and
- Address various school district concerns with regard to pupils classified as habitual discipline problems, students taking the General Educational Development (GED) test, and the adult and alternative education programs.

Subsequent sections of this report contain detailed descriptions and background information for each of these recommendations, along with relevant appendices. Copies of Committee Bill Draft Requests (BDRs) are contained within Appendix H.

II. REVIEW OF MAJOR ISSUES AND COMMITTEE ACTIVITIES

The Legislative Committee on Education considered a number of issues relating to education reform in Nevada and in other states. A major portion of the Committee's time involved oversight of the Nevada Education Reform Act (NERA) of 1997 and evaluating the impact of NERA and other school improvement efforts over the past decade. As has been the case in previous years, a number of education task forces and other entities associated with school improvement efforts made periodic status reports to the Committee. In reviewing progress made in Nevada's reform efforts, the Committee also received information with regard to future school improvement needs including teacher quality issues; testing issues; and student remediation efforts.

A. COMPREHENSIVE REVIEW OF EDUCATION REFORM IN NEVADA

1. Purpose

At the request of the chairman, staff of the Legislative Committee on Education conducted an in-depth review concerning the impact of major reform initiatives over the last decade. At its September 26, 2000, meeting, members were presented with a report titled *Comprehensive Review of Education Reform in Nevada*. The document provided a profile and analyses of two significant reform initiatives that were presented for legislative action during this period that continue to have financial and policy impacts at the state level: (a) the Class Size Reduction Act of 1989; and (b) the Nevada Education Reform Act of 1997.

The data contained within the report provides an overview of the implementation and impacts of those initiatives. The Committee requested this data in an effort to inform the discussion about future directions for these initiatives. One section provides profiles of schools that have made significant achievement gains under the current school improvement effort. The report's two data sections review reform implementation and results. They describe through key indicators how each element of reform has been implemented, in effect providing an outline of the new educational

infrastructure. The data included in these sections also shows the impact the system has had upon student achievement and school improvement to date.

2. Major Findings

Based upon reports submitted to the Legislative Committee on Education and from the data contained within the review document, the report concluded that:

- Targeting state funds for effective remediation programs has had a profound impact upon Nevada's at-risk schools;
- Focusing funds toward effective professional development programs has had a positive impact upon the implementation of academic standards; and
- Focusing statewide policy upon the academic achievement of all students has helped individual school improvement efforts.

3. Areas for Additional Inquiry

The *Comprehensive Review of Education Reform in Nevada* also identified a number of policy questions associated with the subject areas reviewed within the report. Areas that may be explored further include:

Measurement And Accountability

- What effects do state-level assessments have on districts, schools, student populations, teachers, and curricula?
- What mechanisms might be employed to discourage test security breaches, and what are the incentives and disincentives involved with this issue?
- What mechanisms are in place to ensure test validity and reliability requirements?
- What must be done to ensure assessments are aligned with and reflect state standards?
- What is the relationship between statewide tests and teachers' classroom practices?
- What effects do high-stakes tests have on dropout rates?
- Why do significant gaps exist among the various demographic subgroups? What can be done to close those gaps?
- What types of remediation and changes in instruction and curriculum will it take to improve test scores, especially in low-performing schools?

Academic Standards

- What are the consequences of setting high standards all at once versus raising the bar incrementally; for example, should the passing score for the future standards-based tests be set at a lower level and increased over time?
- Is there adequate provision for the remediation needs of students who do not meet the standards?
- What are the most effective mechanisms to communicate with parents and the community concerning the state's academic standards?
- How will the standards and the standards-based assessments be aligned with the state accountability system?

Regional Professional Development Program

- What effect does professional development have on raising student achievement in a standards-based environment?
- Does training for teachers and principals in data interpretation help inform instruction to help students meet standards?
- Does the regional model for professional development increase teacher confidence and competence with teaching to higher standards?

Educational Technology

- Are funding mechanisms in place to support the ongoing needs for technology in the classroom, based on growth as well as equipment replacement needs?
- What are the state and district roles in responsibilities in providing for effective training for teachers in the use of technology?
- Who is responsible for providing for the ongoing maintenance needs of the technology already in place?

Class-Size Reduction Program

- What can be learned from the Elko County School District's pilot study for the statewide program to reduce the pupil-to-teacher ratio?
- What impact does a self-contained classroom versus a team-teaching configuration have upon student achievement?

- Can Nevada continue to attract trained teachers to staff the program in light of the national teacher shortage?
- What are the future class size reduction program-related facility needs for Nevada's school districts, given the projected growth in student population?
- Are there more effective and less costly methods of improving pupil achievement?

Additional Questions

- What can be done to better communicate with the public about the condition and needs of Nevada's public schools?
- Are there significant policy gaps that need to be addressed with regard to the reform effort as a whole?

The Committee and a panel of invited stakeholders reviewed many of these issues at the September 26, 2000, meeting. In general, the consensus was that school improvement efforts of the last decade were having a significant, positive impact upon Nevada's system of public schools. Furthermore, specific initiatives, such as the Regional Professional Development Centers and targeted remediation funding, were having a considerable, sustained impact in improving pupil achievement. The full report is available on-line at the Committee's Legislative Counsel Bureau (LCB) web site: <http://www.leg.state.nv.us/70th/Interim/Statcom/Education/crer.pdf>, or from the Research Library of the LCB.

B. REPORTS TO THE COMMITTEE

The Committee has certain statutory duties with regard to the state's accountability system. In addition, a number of entities are required and others are requested to provide the Committee with regular status reports. Appendix B lists the bodies required to submit reports under the *Nevada Revised Statutes*. Further, the 1999 Legislature enacted a series of bills requiring that various reports be submitted to the Committee. These measures included:

- **Senate Bill 555** – Section 2 of the measure requires that the Nevada Department of Education (NDE) report to the Committee concerning its findings and recommendations with regard to the Department's annual audit of count of pupils in each school district.
- **Assembly Bill 521** – The NDE is required to submit an evaluation of the pilot program for alternative placement of pupils by November 1, 2000.
- **Assembly Bill 700** – The Class Size Reduction Program appropriation bill required the Elko County School District pilot program authorized under the bill

to prepare an interim report for the Committee by February 15, 2000. A final report will be submitted to the full Legislature by February 15, 2001.

- **Senate Bill 466** – Section 13 requires the Council to Establish Academic Standards to evaluate results of the criterion-referenced tests (CRTs) matched to the standards and determine whether the standards need revision. The Council must also make a report concerning pupil success in achieving those standards to the State Board of Education and to the Committee prior to June 30, 2001.
- **Senate Bill 466** – Section 22 requires the Council to Establish Academic Standards to provide a report to the Committee with regard to standards and assessments established by the Council and adopted by the State Board of Education.
- **Senate Bill 466** – Section 37 requires the Nevada Mathematics Advisory Task Force to report its findings and recommendations with regard to the high school proficiency tests to the Committee by December 1, 1999.

The Committee received information from these bodies and from other entities that make periodic status reports concerning their activities. Following is a summary of the significant activities or findings of the Nevada Mathematics Advisory Task Force; the Statewide Management of Automated Record Transfer (SMART) system, the Adult and Alternative Education Task Force, the consultant's review of school district accountability reports, the Regional Professional Development Programs, the Council to Establish Academic Standards in Public Schools, the Commission on Educational Technology, and the Elko Class Size Reduction Pilot Program.

1. Nevada Mathematics Advisory Task Force

During the spring of 1999, concerns were raised about the new, more rigorous High School Proficiency Examination (HSPE). Concerns included questions as to whether students had been adequately prepared by the curriculum to pass the test, and whether some test questions were in the public school curriculum. Additional concerns were raised about the timely delivery of individual student reports, whether some forms of the test were more difficult than others, and whether the curriculum and associated test questions were more difficult than business and “real world” requirements.

In response to these concerns, the 1999 Legislature, in Senate Bill 466, established a temporary ten-member task force, which included two legislators, to compare the contents of the various forms of the HSPE with the course of study adopted by the State Board of Education and the curriculum offered in the public schools of the state. The members of the task force were also charged with reviewing the method by which the results of the exam are reported to schools and parents to determine whether another method of reporting might be more helpful in identifying pupils' areas of deficiency so that remedial help might be focused on specific skills pupils lack.

The task force was required to report its findings and recommendations to the State Board of Education and the Legislative Committee on Education on or before December 1, 1999.

The task force held four meetings in the fall of 1999, and issued a formal report with both findings and recommendations. The members of the task force presented two basic findings: (a) all forms of the high school proficiency exam were closely aligned with the mathematics course of study that had been adopted in 1994, although forms varied in difficulty; and (b) the NDE reporting methods that assist in individualized student remediation efforts need improvement.

The task force also approved a series of recommendations concerning: student test reports; inclusion of constructed response questions, such as essays; public awareness efforts concerning the high stakes nature of the HSPE; district use of state remediation funds; district public awareness efforts; district efforts to ensure that the local curriculum and instructional programs adequately prepare students for the HSPE; and revisions to those programs to meet the 1998-1999 content and performance standards in mathematics. Additional detail concerning these recommendations is contained within Section III of this report beginning with page 66. In addition, the “Executive Summary” of the task force’s report, titled *Nevada Mathematics Advisory Task Force Report on the Nevada High School Proficiency Examination (HSPE) In Mathematics*, is included as Appendix C of this document.

2. Nevada’s Automated Student Record Program – SMART

The Statewide Management of Automated Record Transfer (SMART) program is an electronic data system that is designed to increase educational accountability, to provide student record management and transfer capacities to school and district offices statewide, and to establish an electronic repository of statewide student records at the NDE. When fully operational, SMART is expected to provide data useful to school and district staff and policymakers and will increase the quantity and quality of information regarding the actual status of education in Nevada.

In 1995, the Nevada Legislature provided funding to support Phase I of SMART. This phase included: (a) development of a data dictionary for the standardization of state and federal reporting; (b) development of a student administrative technology plan for each of the 17 school districts and the NDE; (c) development of standards and procedures for the collection and transmission of SMART data; (d) customization of school and district office student information system software to accommodate SMART data elements and transmission standards; (e) full implementation of SMART in five pilot school districts (Churchill, Elko, Lincoln, Pershing, and Washoe Counties); (f) detailed planning for, and minimal implementation of, SMART in the Clark County School District (CCSD); and (g) development of data conversion/translation software.

The 1997 Nevada Legislature provided additional funding to support SMART Phase II. Phase II activities included: (a) full implementation of SMART in the 11 non-pilot school districts; (b) substantial implementation of SMART in the CCSD; (c) additional customization of school and district office student information system software to accommodate SMART data elements and transmission standards; (d) test data submissions to the NDE of SMART data from all school districts; (e) development of the SMART web page; (f) development of a formative evaluation of Phase II; (g) development of the NDE student information system and repository; and (h) improvement of the data conversion/translation software.

Again, with support from the 1999 Legislature, Phase III activities began in August 1999. Phase III activities for SMART include: (a) submission of SMART data from all school districts to the NDE; (b) additional customization of school and district office student information system software to accommodate modifications in SMART data elements due to changes in state and federal reporting statutes and regulations; (c) data integrity analysis to detect problems with data collection/transmission procedures and/or software; (d) continued implementation of SMART in the CCSD; and (e) improvement of the NDE SMART system/repository.

The Committee received a status report with regard to the system at its September 26, 2000, meeting. Members were advised that Phase IV plans for the next biennium (2001-2003) include bringing all districts into the system. The majority of SMART data elements will be available for all districts (except Clark County and Lyon County School Districts) by the end of the 2000-2001 school year. The CCSD expects to complete implementation of SMART hardware and software by December 2002, with data available for research and reporting purposes by March of 2003.

Although additional budgetary support is needed for the next biennium (see Appendix D, the SMART Project Budget), the CCSD has made a commitment to finish implementing the system without requesting additional funds. The non-Clark County school districts will continue to participate in SMART-related activities, maintain their student information systems, enter SMART data and transmit SMART data to the NDE, and to address the policy and technical issues associated with data integrity. The NDE will continue to coordinate all activities associated with the administration of statewide programs, provide technical assistance, integrate modifications to data elements for state or federal changes, begin elimination of other collections, request the addition of one programmer for local control of software and a management analyst to address the added demand for ad-hoc and research reports.

3. Adult and Alternative Education Task Force

Senate Bill 555 of the 1999 Legislative Session charged the NDE with allocating funding for adult high school diploma programs among the school districts "in accordance with a plan or formula developed by the NDE to ensure the money is

distributed equitably and in a manner that permits the accounting of the expenditures of school districts.” Later, in a letter of intent from the Senate Committee on Finance and the Assembly Committee on Ways and Means, the NDE was directed to update outcome indicators and performance standards and to conduct a “customer satisfaction” survey to measure the effectiveness of the Adult Basic Education (ABE) program.

The NDE convened a task force comprised of representatives from the Adult High School Diploma (AHSD), ABE, and prison education programs, school districts, business interests, legislators, legislative staff, the State Board of Education, and Nevada’s Departments of Education and Employment, Training and Rehabilitation. In response to a later legislative concern, the task force also addressed the issue of directing students into the AHSD program to take advantage of state funding and the low graduation rate of the program. After a series of meetings between July 1999 and July 2000, the task force put together a set of recommendations for statutory and regulatory changes, as well as programmatic changes. These recommendations proposed various actions by the State Board of Education or the Legislature, including: (a) statutory changes to the AHSD sections to delete outdated references; (b) allowance for funding to follow students between programs; (c) accommodation of the growth in the English Speaking Language (ESL) programs; (d) use of up to 1.5 percent of adult education funding for state administrative costs; (e) redefinition of adult education to include both AHSD and ABE; and (f) permission for students 16 years or older to enroll in AHSD. The task force later withdrew several recommendations desiring to consider those issues further.

To respond to the Legislature’s call for an equitable formula and also to address the disproportionate assignment of students to the AHSD program, the NDE proposed a new funding formula. The new formula also sought to equalize the per-pupil costs among the programs and would result in less funding for the prison education programs. The task force did not support the proposed formula and a representative of the prison programs testified against the proposed formula. The Committee considered the task force recommendations, and several were adopted. More detailed discussion of these recommendations are contained in Section III of this document, on page 60. Excerpts from the task force’s October 24, 2000, report to the Committee are included as Appendix E.

4. Consultant Review of School District Accountability Reports

Each year, the Legislative Bureau of Educational Accountability and Program Evaluation (LeBEAPE) contracts for an independent evaluation of school district accountability programs. For the past two years, the contract has gone to George “Gus” Hill, as editor and chairman of a group of University of Nevada, Reno (UNR) and University of Nevada, Las Vegas (UNLV) professors of education who have performed a review to determine the manner in which school districts are complying with the state accountability law. Many of the reviewers have been present since the inception of the accountability review process and witnessed positive changes

over the time period. Each reviewer was assigned one or more district accountability reports to evaluate, and a secondary reviewer also reviewed each district. The process included:

- Reviewing the district reports;
- Determining how the districts complied with both the spirit and letter of state law;
- Evaluating the state accountability handbook by which districts are charged with preparing reports;
- Comparing the state accountability handbook with the district report;
- Determining whether the information in the districts' reports is consistent with the statewide data tables; and
- Ascertaining whether Part III, which contains plans for improvement in areas with exceptional results, is congruent with Part I, which is the building report typically prepared by the principal of a school.

Recommendations of the 1999 Evaluation

The 1999 evaluation noted that accountability is working in the State of Nevada and school districts have made a yeoman's effort to deliver a quality product in terms of reporting to the public. The school districts are using the process to improve education program delivery. The consultant also noted that district-level reporting has improved by consistent identification of accountability-related issues. The 1999 data showed that the number of schools in need of improvement (previously designated "inadequate") have been greatly reduced. Even schools that are still in that designation are showing progress. Specific recommendations included:

- Mathematics – There is need for improvement in mathematics instruction from 4th to 10th grade, particularly when factoring in high school proficiency examination results. A recommendation was made that mathematics instruction be a key priority from kindergarten through 12th grade.
- Attendance – Low attendance rates were a concern. Reviewers noted that although 90 percent attendance does not appear to be onerous, it amounts to 10 percent of the school year, or almost one month of school and it is difficult to keep students in a good learning environment with that amount of missed attendance.
- Interpreting test data – Some of the small school districts are in need of assistance interpreting test data. The report noted that a section of Senate Bill 555 of the 1999 Legislative Session addresses regional professional development programs. The section requires data interpretation training for teachers and administrators.

The report urged the Committee ensure such training be included in the programs.

- Science – A number of schools have been designated “in need of improvement” because of their science scores. The funding for remediation after a school has been removed from the “in need of improvement” designation needs to be enhanced
- Extra data – Some school districts include extra data; however, doing so makes it difficult from a review standpoint. The panel prefers more uniformity in the data in regard to what is, and is not, allowed.
- Reporting instances of violence – The panel indicated CCSD reported 80 instances of violence at the elementary school level, and Washoe County School District reported 62 instances of violence in one elementary school during the reviewed school year. The panel members were uncertain whether reporting instances of violence was the best measure of school safety. It is possible that an administrator who runs a “tight ship” or has a very strict no-nonsense policy may skew the number of instances of violence.
- Longitudinal data – The panel recommended more longitudinal data recorded over a period of four or five years, particularly on *TerraNova* scores. Attendance rate data might also be considered.

Committee members noted that school safety has become a paramount nationwide topic and is one of the reasons it was included in the accountability reports. Further, uniformity of reporting is a primary concern.

Recommendations of the 2000 Evaluation

The 2000 evaluation commended the districts overall for their efforts to report and use the required accountability data. The consultant noted that most of the school districts made improvements from their 1997-1998 to 1998-1999 reports; that Clark, Douglas, and Elko Counties developed excellent models for collecting and analyzing accountability data; and that most districts had a strong sense of resolve by the leadership to make this system of accountability work. The evaluation also noted the effort in most districts to assist school site leadership in the collection and use of achievement data to identify problems and to engage the full staff and community in resolving the problems. The 2000 evaluation also included the following recommendations:

- A statewide validation process/system for test scores at the school level, to be implemented when wide differences are found on test scores from year-to-year.

- For charter schools, alignment of Part III reporting requirements with district reporting requirements.
- Renewed attention and (probably) financial assistance to schools with low scores on *TerraNova* (a majority of students scoring in the bottom quarter in one to three areas).
- Improvement and enhancement of the mathematics curriculum at both the elementary and secondary levels.
- Improving student attendance rates and providing appropriate incentives for students to attend school. (The average student in Nevada misses 12 days per year.)
- Assistance to districts in correctly interpreting and reporting test score data; such assistance is an appropriate function for the NDE.
- Reduction of the ratio of students to computers across the state and connection of each school to the Internet.
- Certain rural districts should consider hiring regional consultants to assist in the interpretation of test data, and, if necessary, the preparation of reports.

The consultant also noted several recommendations from the 1999 evaluation continue to be pertinent, including districts taking advantage of professional development priority for training in interpreting data; determining the extent to which district reports are used to inform state level educational policy and practice; better definitions of instances of violence; focusing district goals on improving student achievement; continuation of the curriculum alignment process for the new standards; and a high priority for professional development activities for school-site personnel. In addition, the consultant continues to recommend that those school districts that are developing, or that have developed, criterion-referenced tests or other valid and reliable achievement tests, should report the scores in the school level accountability reports, even though the reporting of such tests is not required.

5. Regional Professional Development Programs

In response to a series of regional workshops conducted by the Committee during the 1997-1998 interim period, teachers, administrators, and others proposed a regional professional development model to help educators teach the new state academic standards. The mission of the Regional Professional Development Program (RPDP) is to provide professional training for administrators and teachers in order to implement Nevada's high standards.

As part of the Nevada Education Reform Act, Senate Bill 555 of the 1999 Legislative Session provides \$3.5 million in each year of the biennium to establish and operate four regional training programs to prepare instructors to teach to new, more rigorous academic standards, and to evaluate the effectiveness of such programs. The four regional training programs serve the school districts identified in the table.

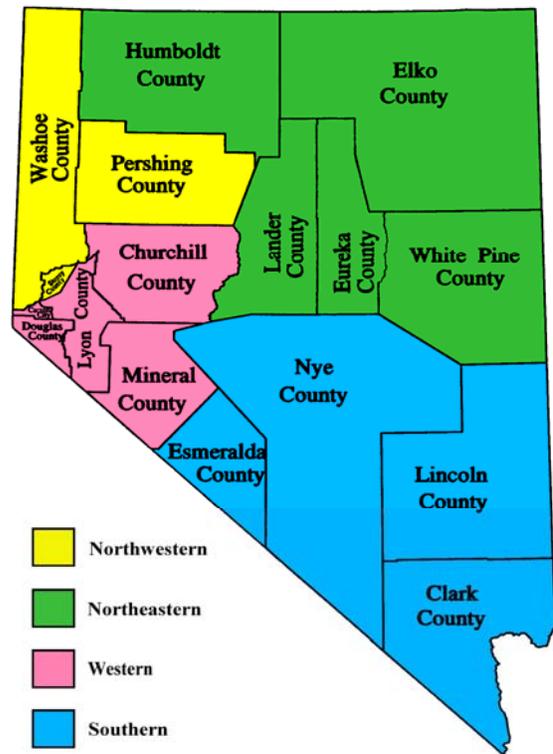


Table 1

Training Content

Implementation of each RPDP is overseen by a governing body composed of superintendents of schools, representatives of the University and Community College System of Nevada, teachers, and employees of the NDE. It is the responsibility of the governing body to assess the training needs of teachers in the region and adopt priorities of training based upon the assessment of needs.

Based upon the assessment of needs for training within the region and the priorities of training adopted by the governing body, each RPDP must provide at least one of the following types of training: (a) new state standards; (b) assessment and measurement of pupil achievement and the effective methods to analyze the test results and scores of pupils to improve the achievement and proficiency of pupils; and (c) specific content areas to enable teachers to provide a higher level of instruction in their respective fields of teaching.

During Fiscal Year 1999-2000 and the summer of 2000, the RPDPs have provided training in the following types of training sessions:

- State Standards (reading, mathematics, and science);
- Backward Assessment Model (assessment drives instruction);
- Standards-based Instruction;
- Cognitive Coaching (teacher mentoring);
- State, District, and Classroom Assessment;
- Integrated Instruction Through Unit Planning;
- Differentiated Instruction for Classroom Teachers;
- State Standards for Special Education, English as a Second Language, and Gifted Students;
- Effective Teaching Strategies for English Language Learners and Special Education Students;
- Techniques for Improving Student Achievement in the Classroom; and
- Variety of Content/Pedagogy Classes.

Participation of Teachers and Administrators

As reported by Nevada school districts in October 1999, there are approximately 942 school administrators (i.e., principals, assistant principals, directors, supervisory personnel, associate superintendents, and superintendents), and 17,728 teachers in Nevada's public school system. The RPDPs report that almost 60 percent of teachers and 50 percent of administrators have received training through the RPDPs, to date.

- Training sessions to date – **469**
- Teachers trained to date – **10,547**
- Administration trained to date – **445**

Evaluation of the Regional Professional Development Programs

In addition to providing funds for the implementation of the RPDPs, Senate Bill 555 of the 1999 Legislative Session authorizes the four RPDPs to form a consortium and to receive up to \$50,000 in each year of the biennium from the State Distributive School Account to hire a qualified, independent consultant to conduct an evaluation of the effectiveness of the professional development programs that are offered. For the 2000-2001 biennium, the evaluation of the effectiveness of the programs is being conducted by WestEd, an independent, nonprofit educational research, development and service agency. The evaluation, as designed, will answer five primary questions:

1. How are the RPDPs organized?
2. What is the nature and extent of RPDP training?
3. What is the quality of training?
4. Are teachers learning new skills and content and using them to improve instruction?
5. Are students making achievement gains?

In order to answer the evaluation plan questions, data will be collected through a variety of methods:

- § Review of meeting minutes;
- § Interviews;
- Regional Professional Development Program database; and
- § The RPDP Activity Evaluation Form.

The formal evaluation of the program will be completed and delivered to the 2001 Legislature by February 2001.

6. Council to Establish Academic Standards in Public Schools

History

The 1997 Legislature also took action with regard to standards and assessments. Senate Bill 482, the Nevada Education Reform Act of the 1997 Session, created a nine-member Council to Establish Academic Standards for Public Schools. The Council was required to review and recommend statewide standards in English, mathematics, and science before September 1, 1998. The Council convened a series of statewide writing teams for each of these topics, with team members consisting of educators, community members, parents, and others. In addition, several focus groups of parents and teachers addressed issues related to academic standards that guided the work of the writing teams and the Council. The State Board of Education, in a joint meeting with the Council, adopted standards and the statewide tests linked to these standards in August 1998. The standards for English, mathematics, and science took effect within the public schools during the 1999-2000 school year. During Phase II of the Council's activities, statewide writing teams consisting of teachers, other educators, parents, and community members drafted standards in the arts, computer education, health/physical education, and social studies. The Council adopted standards for these subjects in March 2000, effective for public school students during the 2000-2001 school year.

The Council's future activities include establishing grade-by-grade standards in mathematics and English and creating a process and schedule for the periodic review of existing standards, as required by Senate Bill 466 of the 1999 Legislative Session.

The permanent Council consists of an eight-member panel, with four members appointed by the Governor, including two parents and two licensed educators. The remaining four members are appointed by legislative leadership and include two legislators, one from each house, and two business or industry representatives. Current members of the Council include Ms. Debbie Smith (Chairman), Senator Ann O'Connell, Assemblywoman Vonne Chowning, Mr. Kirk Kelly Adams, Ms. Evelyn Allred, Mr. Scott Craigie, Dr. Benjamin Hart, and Ms. Elaine Wynn.

Expenditure Of Funds On Academic Standards

Since its inception in 1997, the Council has used the staff and services of the NDE and the Washington, D.C.-based Council of Basic Education to carry out its mission. For the 1997-1999 biennium, over \$500,000 was expended on development of the core academic standards and an engagement plan to educate the public. In the 1999-2001 biennium, an additional \$352,795 was expended to finish the core academic standards, and to develop the non-core standards.

The following chart provides more detail on the expenditures for academic standards.

FUNDS	BIENNIUM 1997-1999	BIENNIUM 1999-2001	FOUR-YEAR TOTAL
State - Operational Costs	\$ 23,950	\$ 33,000	\$ 56,950
State - Contractor (CBE)	253,325	90,995	344,320
Nevada Department of Education	89,094	0	89,094
State Funds - Subtotal	366,369	123,995	490,364
Federal funds	184,256	228,800	413,056
TOTAL	\$550,625	\$352,795	\$903,420

Table 2

Note that these funds do not include the indirect contributions associated with the assistance of the NDE staff, teachers, postsecondary personnel, parents, and business people. The NDE estimates the indirect contributions to be several hundred thousand dollars. In the first biennium, state funds were the primary funding source, but in the second biennium, state funds comprise less than one-third of the funds spent on the standards.

Adoption Of The Standards

In August 1998, the Council adopted content standards for English, mathematics, and science. Performance standards in those core academic subjects were adopted in February 1999. State content and performance standards for social studies (includes civics, economics, geography, and history) were adopted in March 2000. Standards for

the non-core academic subjects of health/physical education, computer/technology education, and the arts were adopted in March 2000.

Since the adoption of the core academic standards for English, mathematics, and science in 1998, the school districts have been working to align their curricula with the academic standards. The social studies standards were adopted in March 2000. The school districts report that existing curricula covered about three-quarters of the core academic standards. By September 2000, the majority of the school districts report that the core academic standards are over 90 percent covered in their curricula – with the exception of social studies, which is averaging about 75 percent.

The non-core academic standards for the arts, computer/educational technology, and health/physical education were adopted in March 2000. The school districts report that approximately one-half of each of these standards were already covered by the existing curricula. After working on curriculum mapping over the summer, the school districts now report an average of 75 percent coverage for the non-core standards of computer/educational technology and health/physical education. The arts standards have the most inconsistent implementation, with one district reporting its arts program as discontinued and two districts reporting complete coverage.

The Council continues to meet regularly, and will be turning its attention to establishing a regular schedule for review and revision of statewide standards. During the early part of 2001, members will also be reviewing the results of the pilot CRTs examinations for grades 3 and 5 that are linked to the academic standards.

7. Nevada's Commission on Educational Technology

The Legislature's 1997 Nevada Education Reform Act also contained a significant commitment to technology in the classroom. The measure created an 11-member Commission on Educational Technology charged with developing and updating a statewide plan for the use of educational technology within the public schools. Members serve two-year terms, and must have knowledge and experience in the use of educational technology. The Commission includes representatives of the private sector, public libraries, parents, University and Community College System of Nevada, educational personnel, and the Legislature. The Governor must select seven members, with the remaining four members appointed by legislative leadership.

The state technology plan contains recommendations to incorporate technology within the schools, increase pupil access to the Internet, increase teacher access to continuing education opportunities through technology, improve pupil achievement, and incorporate teacher-training needs associated with the new technology. In addition, the Commission makes recommendations for the distribution of funds from the Trust Fund for Educational Technology and develops technical standards for educational technology and uniform specifications to ensure statewide compatibility. The final plan was completed by December 1999 and annual updates have been produced.

The 1997 Legislature provided a \$27.5 million one-time appropriation for educational technology for schools for purchasing and installing hardware, software, and electrical wiring for computer laboratories; upgrading computer software; and purchasing additional computers and other technology for instruction purposes in the classroom. The 1997 appropriation contained an additional \$8.6 million for school districts for costs associated with educational technology including: (a) training; (b) repair; (c) maintenance; (d) replacement; and (e) contracting for technical support. The Commission distributed this funding based upon applications submitted by the school districts.

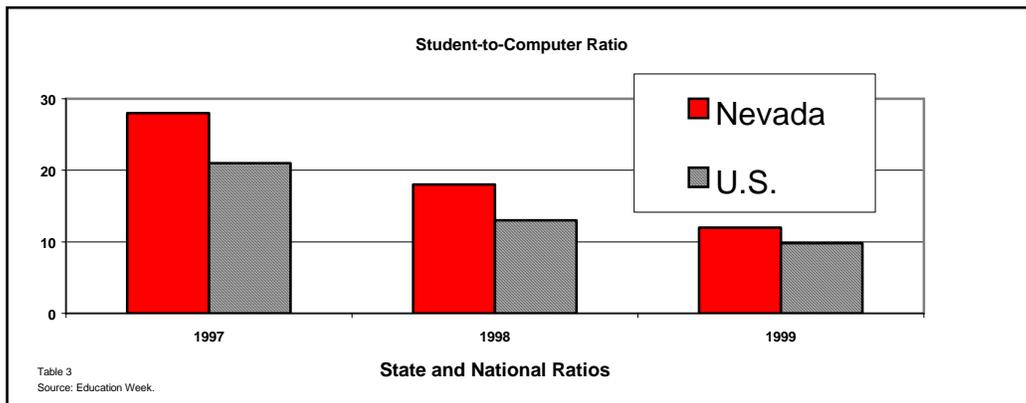
The 1999 Legislature appropriated an additional \$4.2 million for the 1999-2000 biennium to be distributed by the Commission for assistance to local school districts in bringing schools up to a minimal technological level, for school library databases, and for maintenance contracts for software. That allocation also has been distributed to the districts.

State Appropriations For Educational Technology

Since 1995, Nevada has been working to provide its public schools with the hardware, software, and network systems needed to incorporate educational technology into the school day. Beginning with a multimillion-dollar appropriation in 1995 and the creation of the Commission on Educational Technology in 1997, Nevada has continued its commitment to improving technology in the public schools. State appropriations approximate an expenditure of \$156 per student over a six-year period, or \$26 per year per student.

Student-To-Computer Ratio

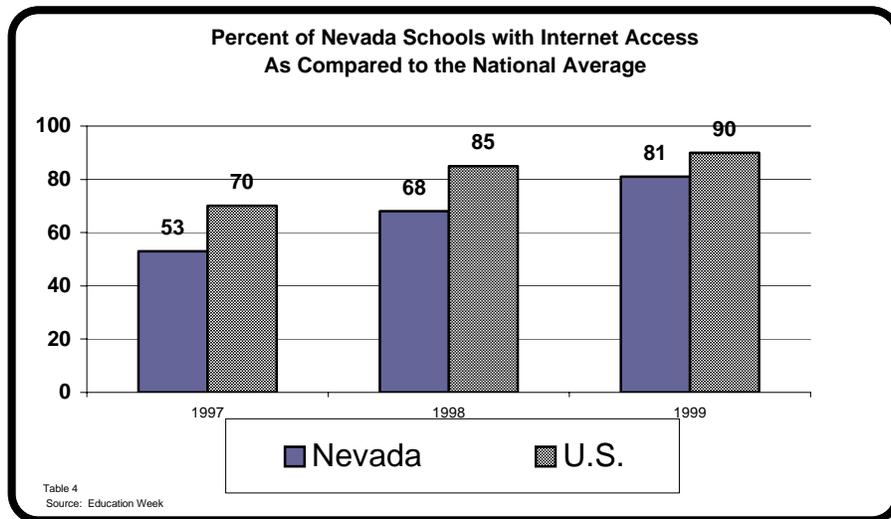
A national measure of progress in integrating technology into the educational system is based upon the number of multimedia computers available in schools for instruction. The actual number of computers used for instruction in the schools is greater because not all instructional computers have a sound card or a CD-ROM drive and are considered multimedia. The student-to-computer ratio in Nevada was 28 to 1 in 1997, and has dropped to 12 to 1. Nevada has almost closed the gap with the national average student-to-computer ratio of 9.8 to 1.



School Connectivity To The Internet

Since the Internet explosion several years ago, state policies and funding have increasingly supported, even demanded, that schools connect to the Internet. Nevada is no exception. Each school district reports annually on the “technological facilities and equipment available at each school” as required by NRS 385.347. Internet connections for each school, and ultimately each classroom, are a common goal.

Nevada has made progress in this area and should soon reach the goal of having every school connected to the Internet. A connection for each classroom is the next goal. Nevada is also rapidly closing the gap with the national average. Connection to the Internet requires that at least one computer in the school – a classroom, computer lab, or library – have Internet access.



8. Class Size Reduction Pilot Program

Assembly Bill 700, Section 9, of the 1999 Legislative Session, authorized a Class-Size Reduction Demonstration Project for the Elko County School District. In part, the authorization language approved the District’s request to eliminate team teaching in grades 1 through 5 and implement pupil-teacher ratios of 22:1 for school years 1999-2000 and 2000-2001. The Legislature also required in Section 9 of A.B. 700, that the Elko County School District evaluate the effectiveness of its demonstration project in improving pupil achievement and report its findings in an interim report to the Legislative Committee on Education on or before February 15, 2000, with a final report to the Legislature on or before February 15, 2001.

The evaluation of the pilot project includes collecting data from classroom observations, teacher interviews, principal interviews, and parent focus groups. Preliminary results from the classroom observations indicate that the greatest differences will most likely be found in the comparison of grades 3 through 6 that were at a 30:1 student-teacher ratio during the 1999-2000 school year, and those same grades that are now at the pilot

ratio of 22:1 for school year 2000-2001. According to class-size reduction theory, a smaller number of students per teacher should make possible greater individualization of instruction and greater engagement in learning on the part of students. It should also make classroom management easier and discipline more positive. To date, it appears that many of the goals of lowering class size are occurring in grades 3 through 6 classrooms that are now limited to 22 students to one teacher.

C. OTHER COMMITTEE ACTIONS

The Committee held a total of 15 meetings during the 1999-2001 period – three in 1999, 11 in 2000, and one in January of 2001. In addition to numerous reports and briefings, the Committee approved a list of effective remedial education programs, and adopted a Committee resolution in recognition of the efforts of Jeanne Botts, former education staff specialist with the Legislative Counsel Bureau.

1. Reports, Briefings, and Contract Services

Members received a series of policy briefings concerning national and state education reform activities, including the Indiana teacher licensing system; funding school improvement initiatives; and methods of reallocating Federal Title I funds. Committee members led a panel discussion of teachers and administrators about the comprehensive review of education reform. The members also reviewed Nevada's current accountability and school improvement programs, the impact of remediation funds on at-risk schools, test equity matters, special education, career ladder programs for paraprofessionals, the Governor's Millennium Scholarship Program, the findings of the Nevada Mathematics Advisory Task Force, the state's Class-Size Reduction Program (CSR), and Elko's pilot CSR program, as well as the SMART automated student record program.

The Committee on Education also approved various consultant contracts for two other entities created by the Nevada Education Reform Act (NERA): (a) the Council to Establish Academic Standards; and (b) the Commission on Educational Technology. Finally, the Committee reviewed reports by its contractor concerning school district use of, and compliance with, state accountability data reports.

2. List of Approved Remedial Programs

Under *Nevada Revised Statutes* 218.5354, the Legislative Committee on Education must approve a recommended list of programs of remedial study for the NDE. These programs must be available to provide remedial assistance to schools classified as needing improvement. The staff of the Legislative Bureau of Education Accountability and Program Evaluation prepares such a list annually. The following lists were reviewed and approved by the Committee during the 1999-2001 period:

List of Effective Remediation Programs 2000-2001	
<ul style="list-style-type: none"> • Accelerated Mathematics • Accelerated Reader • Brainchild • Bridges • California Early Literacy Learning (CELL/ExLL) • Compass Learning • Computer Curriculum Corporation (CCC) • Core Knowledge • Direct Instruction • Everyday Mathematics • Fast ForWord • Full Option Science System (FOSS) • Help One Student to Succeed (HOSTS) 	<ul style="list-style-type: none"> • Image-Making Within the Writing Process • Lightspan • MathematicsWings • NovaNET • Read 180 • Read Right • Reading Recovery • Saxon Mathematics • Saxon Phonics • Soar to Success • Success for All • Voyager • Waterford Early Reading

The following list was approved by the Committee at its January 9, 2001, hearing:

List of Effective Remediation Programs 2001-2002	
<ul style="list-style-type: none"> • Accelerated Mathematics • Accelerated Reader • Brainchild • Bridges • California Early Literacy Learning (CELL/ExLL) • Compass Learning • Computer Curriculum Corporation (CCC) • Core Knowledge • Direct Instruction • Everyday Mathematics • Fast ForWord • Full Option Science System (FOSS) • Help One Student to Succeed (HOSTS) • Image-Making Within the Writing Process • Lightspan 	<ul style="list-style-type: none"> • MathematicsWings • NovaNET • Read 180 • Read Right • Read XL • Reading Counts • Reading Recovery • Saxon Mathematics • Saxon Phonics • Science and Technology for Elementary and Middle School • Soar to Success • Success for All • Thinking Maps • Voyager • Waterford Early Reading • Wiggle Works

Although state remediation funds may be directed toward any of the subject areas of reading/language arts, mathematics, or science, the majority of schools have chosen to focus on the subject area of reading/language arts, as a first step in increasing pupil achievement. The following chart shows the percentage of state remediation funds directed toward each subject area over time:

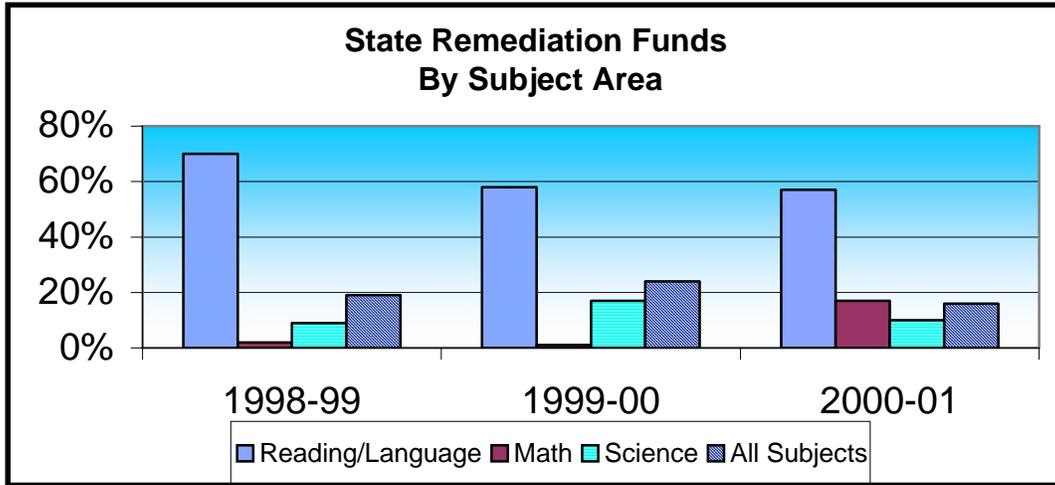


Table 5

3. Jeanne Botts Resolution

The Committee also learned of the illness of Jeanne Botts, long-time education staff specialist with the Legislative Counsel Bureau. The Committee directed that a resolution be prepared commending Jeanne for her many years of service to the Committee and the Legislature. The Committee approved a resolution that commended Ms. Botts for her outstanding expertise and breadth of knowledge of education finance and public education programs, as well as for her leadership with the Nevada Education Reform Act of 1997. Further, the resolution noted her many years of experience in all aspects of the public education system, her knowledge of the Nevada Plan for School Finance, and her years of service with the Legislature. Finally, the members of the Committee, on behalf of the people of the State of Nevada, expressed their sincere appreciation for her continuing dedication and commitment to public education in the state. A copy of the resolution is included as Appendix F of this report.

D. TEACHER QUALITY ISSUES

A growing body of evidence confirms that the quality of teaching students receive is the single most influential determinant, outside of home and family circumstances, of their academic success. Studies reviewed by the Committee show that, regardless of socioeconomic factors, students who have effective teachers make significantly more progress than students with less effective teachers. The same studies conclude that schools need to have the best teachers possible in every classroom to maximize the educational opportunities for all students. States face a number of challenges in their efforts to attain this goal. Already there are shortages of qualified teachers in certain

parts of the nation (including Nevada), in perennially hard-to-staff schools, and in specific subject areas – particularly mathematics, science, bilingual, and special education. Other parts of the country are beginning to experience similar problems. Nationally, many teachers are poorly prepared, often lacking both adequate subject-matter knowledge and good teaching skills. The situation is even worse in high-poverty rural and urban schools, which also tend to have a higher proportion of less-experienced teachers.

Nevada initiatives with regard to teacher quality have revolved around licensing, induction programs, and national certification, all balanced against significant growth pressures and recruiting efforts.

1. Recruitment

According to the NDE's Teacher Licensing Office, the NDE granted 7,611 initial licenses in calendar year 1999, and 10,307 additional endorsements (which means individuals who already hold a license and want to expand their area of teaching can apply for an additional endorsement once they have met the requirements), and 3,497 renewals, which was a total licensing activity of 21,415. This activity was approximately the same in 1998; therefore, approximately 7,500 new teacher applications are processed in Nevada every year. According to the NDE approximately 28 percent of the new teachers hired last year graduated from an approved teacher education program within the State of Nevada, and approximately 72 percent relocated from out-of-state.

Nevada has few incentives compared to other states. For example, Connecticut offers a \$20,000 sign-on bonus for five years of teaching and the Delta Region in Mississippi provides up to \$10,000 for a down payment on a house to teach in that particular area. On the other hand, recruiters for Nevada districts note that Nevada generally has a good climate, no state income tax, less congestion, and more reasonable real estate prices than California.

2. Licensing Models

The Committee also reviewed the model system in place in Indiana for tiered or graduated licenses based upon specific standards. The Indiana system is based upon:

- What an educator is expected to know and be able to do;
- Teacher standards based on student standards; and
- Accountability.

The members of the Committee also learned that Indiana's teaching standards begin with that state's student academic standards. Indiana has a comprehensive list of student standards by grade and subject matter upon which the teacher standards were built. The education system and teachers are held accountable and must comply with

Indiana's student standards. Teachers must be adept at helping students learn the standards, and are assessed based upon those standards.

Staged licensing has been developed and is anticipated to go into effect in Indiana in January 1, 2002. Components include:

- **Teacher preparation** – The teacher preparation program at state institutions of higher education emphasizes performance-based assessment and is built around student standards. The licensing board reviews unit accreditation and assessment proposals.
- **Initial Practitioner License** – Prospective teachers will be granted a two-year induction Initial Practitioner License after college graduation. These teachers are held to a high professional standard, are supported by a mentor grant, and principals are asked not to assign them extracurricular duties their first year.
- **Proficient Practitioner License** – After passing the assessment for the Initial Practitioner License, teachers are granted a five-year renewable Proficient Practitioner License, which may remain with them for the remainder of their career.
- **Accomplished Practitioner License** – The Accomplished Practitioner License is a one-time-only, ten-year license that will be granted to anyone receiving national board certification, as well as individuals who obtain an Ed.D., a Ph.D., or Master's degree.

The actual Indiana teacher licenses will show school setting, licensing area, and special competencies; therefore, the license will identify information regarding student development, special skills in teaching, and a number of specialized subject areas in middle and high school settings.

3. Teacher Training (Induction) Programs in Nevada

The members of the Committee were also advised concerning recent Nevada activities with regard to licensing. Due to the passage of new Nevada academic standards, Nevada's former Superintendent of Public Instruction, Mary L. Peterson, in conjunction with the State Board of Education, organized the Standards Alignment Steering Committee (SASC), which included representatives from Nevada's Department of Education, public and private colleges and universities, school districts, Commissions, and boards with direct impact, as well as the Nevada State Education Association (NSEA). Subsequently, the SASC found no correlation of alignment of standards between the new Nevada academic standards and teacher preparation standards. Consequently, the SASC and all interested parties met in September 1999 to address the situation. Since that time the SASC has met several times to create guidelines for the submission of teacher preparation programs to the NDE,

combined with the standards agreed to and being used by all public and private teacher preparation programs in the state.

The national standards for preparation of teachers are established by the National Council for Accreditation of Teacher Education (NCATE). These standards are the same standards with which the colleges of education at UNLV and UNR abide. Educational institutions are specifically being asked to demonstrate their graduates can teach to the new Nevada academic standards. For example, under the new NCATE standards, teachers who are not able to give examples of important principles or concepts delineated in professional state and institutional standards will be judged to have inadequate knowledge of the subject matter they plan to teach.

After the entire standards process is accomplished, teacher education schools will submit a unit assessment plan, which will include the NCATE standards. The NCATE standards will incorporate NCATE curriculum guidelines, which are specific items required by each program on a national level. Both UNLV and UNR are required to meet the performance-based standards that answer whether or not teachers are taught to do something, and what assessments are used throughout the program to assure the teachers can do what they are taught. Subsequently, the NCATE institutions will be required to submit their unit assessment plan to the Specialty Professional Associations (SPAs); for example, the National Council on Teachers of English and the National Council on Teachers of Mathematics. Non-NCATE institutions will be required to either submit their unit assessment plan to the SPAs or the NDE. Programs will be assessed using identical standards. The Committee was advised that Nevada is moving its focus from teachers' claims of credits without assurance they know the content and can teach, toward a performance-based system.

4. National Board of Professional Teaching Standards

The National Board for Professional Teaching Standards (NBPTS) is an independent, nonprofit, nonpartisan organization whose mission is to establish high and rigorous standards for what accomplished teachers should know and be able to teach. The Board operates a national, voluntary system to assess and certify teachers who meet these standards. In the last few years, certification by the NBPTS has been generally recognized as a method of producing a body of high quality, master level teachers. The Committee was advised that 50 viable candidates from Nevada were undertaking National Board certification during the 1999-2000 school year; the previous year there were no candidates. There are two National Board certification centers in Nevada: one in Reno, coordinated by Diane Barone, and one in Las Vegas, coordinated by Dr. George Ann Rice.

The certification process takes about 400 hours during a year and is fairly rigorous with an average passing rate of approximately 44 percent; the passing rate for Nevada's initial group of applicants was 48 percent. Each Nevada candidate was provided \$1,000 by the Federal Government toward the \$2,000 application fee, and \$165.69 was

bestowed by the Teacher Enhancement Grant; therefore, approximately \$1,200 has come from subsidized funding. In consultation with the NSEA, it was determined that \$10,000 provided by the Legislature would be equally divided among the successful candidates obtaining the National Board certification. The Legislature stipulated that successful candidates must teach in Nevada for two years, and the NDE has established a tracking system to ensure compliance.

E. TESTING ISSUES

Since 1997, the Legislature has required statewide testing to measure how Nevada’s pupils compare to those in other states and the nation as a whole. Beginning in 1995, the Legislature appropriated funds to fully pay for the required tests. These tests include the following: a standardized, norm-referenced test in reading, language, art, and mathematics in grades 4 and 8; a state-designed, direct writing assessment in grades 8 and 11; and a HSPE covering reading and mathematics. Students are required to pass the HSPE to obtain a diploma.

The 1997 Nevada Education Reform Act increased testing requirements as a part of increased accountability for public schools. A norm-referenced test for grade 10 was added, as was a writing test for 4th graders. Science was added as a subject to be tested at grades 4, 8, 10, and 11, and criterion-referenced tests based on new academic standards will be administered in grades 3 and 5 to measure skills in reading and mathematics. The NERA established a procedure for ranking schools on the basis of the norm-referenced test scores. Schools designated “in need for improvement” based on the test scores are required to prepare plans for improvement and to adopt proven remedial education programs based upon needs identified in the tests.

GRADES IN WHICH STUDENTS ARE TESTED ON STATE MANDATED EXAMS							
	3	4	5	8	10	11	12*
Norm-Referenced Test- <i>TerraNova</i>		●		●	●		
Writing Exam		●		●		●	●
National Assessment of Education Progress (NAEP)**		●		●	●		
High School Proficiency Exam						●	●
Criterion-referenced Test***	●		●				

* Not all 12th grade students take the tests; students who pass the test at 11th grade do not take it in 12th grade.
 **Only 4th, 8th, and 10th grade students in the schools included in the sample for NAEP take the test in even- numbered years.
 ***The test will be administered to the students required to take the test commencing in the spring semester of 2001.

Table 6

Issues considered by the Committee included the advantages and disadvantages of testing; class time spent on testing; recent Nevada assessment issues; and test security issues.

1. Pros and Cons of Testing

The Committee received testimony from several parties with regard to the advantages and disadvantages of student testing. Most of the issues raised by these parties can be categorized as follows.

Critics of testing programs argue that the assessment tests in use today:

Interfere with good teaching and learning by narrowing the curriculum and emphasizing rote memory;

Discriminate against minorities and poor students;

Increase the dropout rate;

Cost states and districts precious dollars more effectively spent in other ways;

Do not offer accurate measures of student performance and potential;

Create rewards and penalties not conducive to comprehensive, long-term school improvement; and

Are not yet fully integrated with curriculum, standards, teacher and administrator preparation and professional development, and additional resources for school improvement.

Advocates, on the other hand, say testing:

Motivates students to excel;

Focuses teachers and students on state education goals;

Offers quality assurances to the public;

Provides uniform data for comparing student, teacher and school performance, and targeting rewards and resources for improvement; and

Establishes or raises standards for student performance.

2. Class Time Used on Testing

In past years, school districts were requested to provide information pertaining to the amount of class time used on administration of statewide and district-wide tests. Since 1998, school districts have also provided information regarding the amount of class time used for test preparation and the amount of class time lost due to schedule changes. The Committee reviewed information concerning both recent school years.

The highest amount of class time used on testing for School Year (SY) 1999-2000 is approximately 31 hours, as reported by the Churchill County School District in grade 4. Of the 31 hours, nearly seven hours were spent on statewide tests and 24 hours were used on district-wide tests. Eight school districts reported no class time was used in testing for 1st grade and four school districts reported no class time was

used in testing for 2nd grade. Students in 4th grade spent more time than students in other grades for SY 1999-2000 in most school districts. It appears that the amount of class time spent on testing at grades 4, 8, 10, and 11 for SY 1999-2000 was less than the amount of class time used for SY 1998-1999 for all the four grades in question. The decreases in class time used on testing in these grades, however, may be due to the fact that the amount of class time spent on testing for SY 1999-2000 did not include the amount of class time lost due to scheduled changes, as it did in SY 1998-1999.

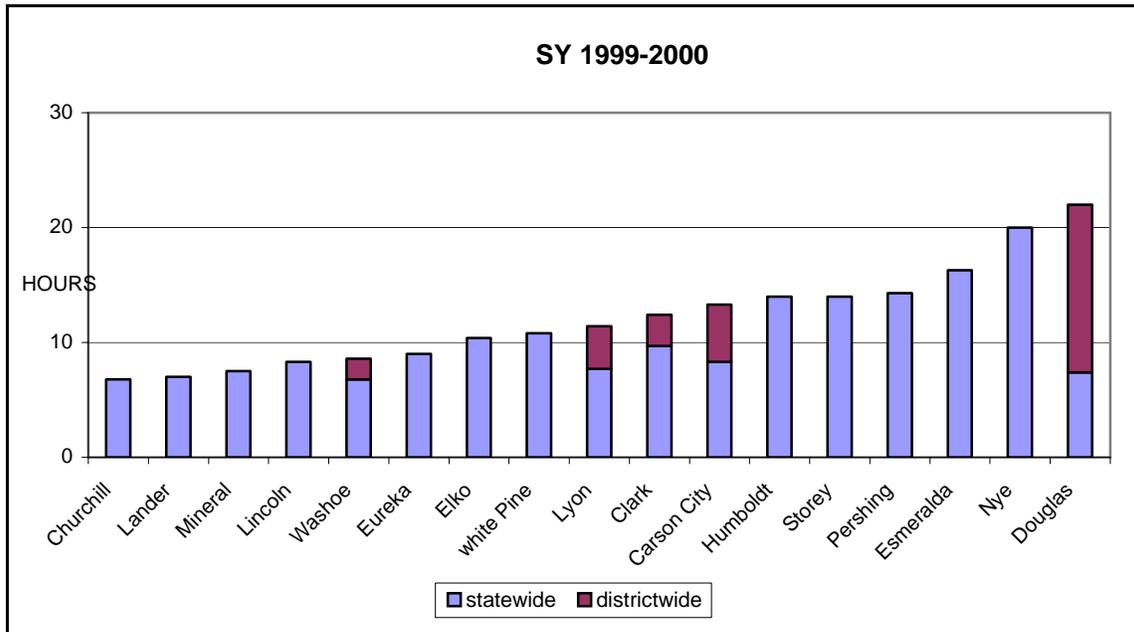


Table 7

3. Recent Nevada Assessment Issues

The members of the Legislative Committee on Education received numerous briefing concerning testing issues. The NDE made note of the following points:

- As of November 2000, testing results disaggregated by ethnicity show that average test scores for Black, Native American, and Hispanic students are consistently below the state averages for language, mathematics, reading, and science, while average test scores for Asian and Caucasian students are typically above that mark.
- Test directors conducted an informal survey to determine the reason students do not graduate. Contrary to testing “backlash” by parents, the survey data indicates insufficient credits as the reason why the majority of students do not graduate.
- Disparities in performance occur frequently within the Black student population.
- The primary obstacle for all students is the mathematics test.

- Test forms for the HSPE are reviewed extensively prior to being administered to high school students. The review panels represent a diverse population that is vigilant in its efforts to eliminate any form of bias. Test versions vary from eight unique mathematical and reading forms. The reuse of test forms typically occurs during summer school and is dependent upon frequency of use. Reused test forms are rotated to maintain uniqueness.

There are no HSPE exemptions for a student seeking a standard high school diploma and all sections of the HSPE must be passed.

There are *TerraNova* exemptions at grades 4, 8, and 10, for students with disabilities and Limited English Proficiency (LEP). Certain disabled students are required to participate in the State Computerized Alternate Assessment for Nevada Students (SCAANS), described as a type of electronic portfolio, if the exemption is based on an individual education plan (IEP). The SCAANS assessment is appropriate for students with the most severe disabilities. Exemptions for LEP students are based on performance on the Language Acquisition Scales (LAS), described as a English proficiency test.

4. Test Security Issues

The Committee also received several reports throughout the 1999-2001 period concerning test security problems. At its November 13, 2000, meeting, the Committee received an update by the Nevada Department of Education and the CCSD concerning state-level test security matters. These incidents included six reports of compromise in reference to the combined testing programs of the HSPE and *TerraNova*, and one complaint regarding the 8th grade writing test. These incidents are currently under review and investigation, specifically:

1. Ten security breaches since 1996 on the *TerraNova* test, not including seven incidents of test irregularity.
2. Twenty-nine breaches in security with the HSPE, not including two incidents of test irregularity.
3. Several reports of compromise pertaining to the administration of the Nevada proficiency examinations were received and include: (a) four reports received in reference to the HSPE program; and (b) two reports received in reference to the *TerraNova* test.

The NDE noted that student cheating is taken seriously. If cheating is identified at the state level, the test is invalidated and the school district involved is responsible to take appropriate disciplinary actions based on its rules and practice. Additionally, they noted that test security should be viewed through its proper context. Based on an initial presentation to the Committee on August 29, 2000, and current figures, test breaches

and irregularities are occurring infrequently. Additionally, test scores vary indiscernibly and consistent disparities in performance indicate the absence of widespread cheating in Nevada. Usually, cheating is manifested by increased performance trends and greater pass rates on the HSPE. This is not the case with Nevada scores.

Also at the November 13, 2000, hearing, a number of documents concerning past and present incidents of test security breaches were delivered to the Committee under subpoena. These documents included case files maintained by the NDE and the CCSD with regard to test security breaches or testing irregularities, involving statewide tests administered as part of Nevada's proficiency examination program. The documents were requested to assist the Committee in its investigation of test security matters, including possible problems with the prevention, investigation, and consequences of alleged violations. To obtain these documents, the Legislative Counsel entered into a stipulation that provides for the redaction of all names and other identifying information from the documents concerning pupils, parents, teachers, and school administrators to ensure compliance with the Federal Family Educational Rights and Privacy Act, and to ensure that the Committee's investigation of this issue does not result in irreparable harm or injury to individual pupils, parents, teachers, or school administrators. The Nevada Legislature's Committee on Education directed LCB staff to review documents delivered to the Legislative Counsel Bureau in response to its subpoena. In accordance with those instructions, staff identified four general categories for review corresponding to phases involved with incidents of test security breaches and testing irregularities. These categories are:

1. Prevention – The protocols, procedures, and other mechanisms in place that are designed to prevent such incidents;
2. Reporting – The protocols, procedures, and other mechanisms in place to report such incidents;
3. Investigation – The protocols, procedures, and other mechanisms in place for investigation; and
4. Resolution – The follow-up, consequences, and imposition of discipline or other penalties resulting from an investigation.

At the Committee's January 9, 2001, meeting, staff made a report of its findings with regard to this matter. In general, the report found that in a majority of incidents, district staff had not received adequate training; most incidents involved staff lapses in following protocols already in place; in general, reporting of incidents was timely, although district test administrators were often informed prior to state administrators; certain investigatory protocols needed to be established; and consideration should be given to providing for uniform disciplinary procedures. Additional suggestions

concerning documentation and follow-up procedures also were made. The complete report is included as Appendix G of this document.

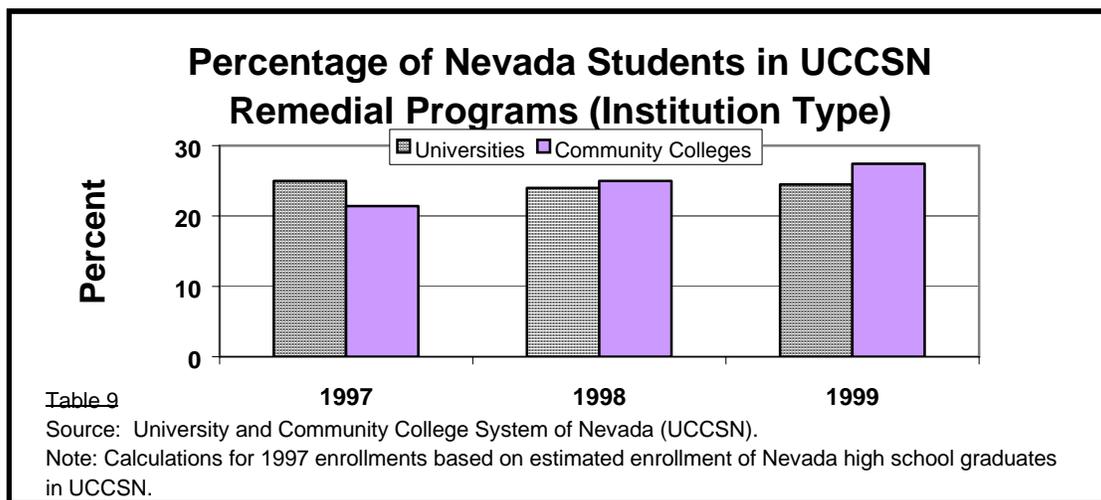
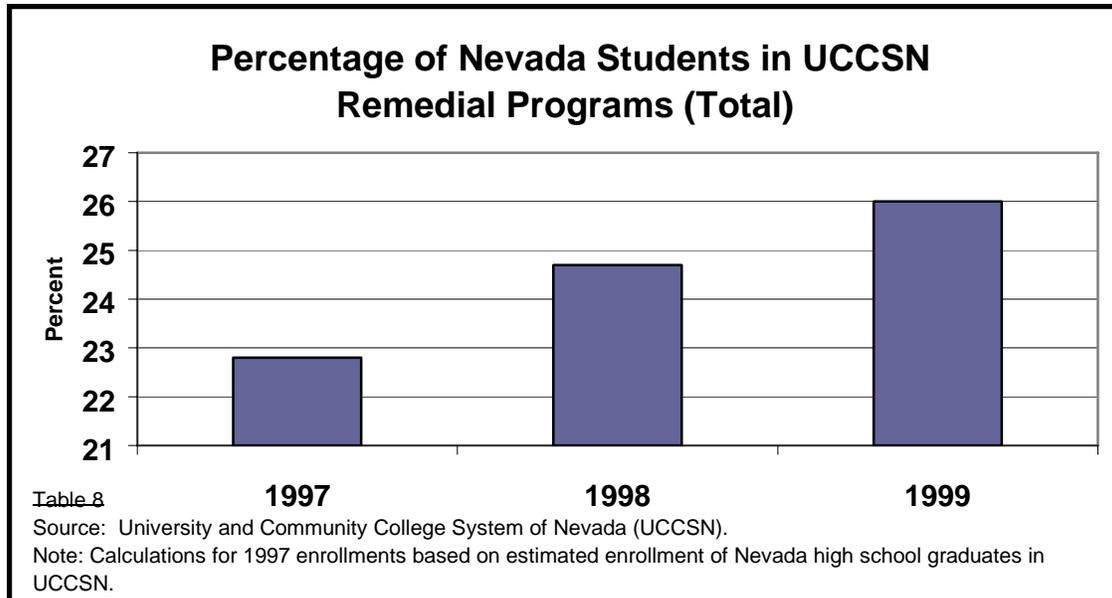
F. REMEDIATION ISSUES

At the national and state levels, efforts are in progress to set high standards for student learning. State policies are being set to challenge, support, and monitor schools as they work to improve learning for all students. Rewards for improvement and sanctions for low performance are being established. At the same time, a number of remediation programs across the country are being evaluated for their effect upon the academic achievement of students. With the state standards movement maturing and with increasing numbers of remedial program developers showing data to support the effectiveness of their programs, the importance of remedial programs is increasing.

The Committee reviewed student remediation issues in considerable depth this interim, receiving reports concerning the need to provide remedial courses for recent Nevada high school graduates at institutions of the University and Community College System of Nevada, as well as detailed reports concerning remediation programs and funding for public schools.

1. Remedial Enrollments at the University And Community College System of Nevada (UCCSN)

As part of the Nevada Education Reform Act, the UCCSN is tracking the number of high school graduates enrolled in a Nevada community college or university who require remedial courses. The percentage of high school graduates requiring remedial courses has increased slightly (from 22.8 percent to 26 percent) over the three years for which data is available. When the data is disaggregated between the universities and community colleges, the community colleges show an increase in the number of students (6 percent) enrolling in remedial courses over the last three years, while the universities show a slight decrease as shown in the following tables.



2. Remediation Funds for Schools – Title I, CSRD, and State

One section of the Committee’s *Comprehensive Review of Education Reform* in Nevada examined the role of remediation funding in assisting low performing schools in Nevada. State and Federal programs are the primary sources of remedial funding for Nevada schools. Primary sources include Federal Title I funds, federal funds from the Comprehensive School Reform Demonstration (CSRD) program, state remediation funds for low performing schools, and (as of 1999) state remediation funds for at-risk pupils (for programs outside the regular school day).

Following is the amount of funding available to schools for remediation purposes and how those funds are distributed:

Federal Title I Funds

Distribution

Each school in Nevada receives a Title I allocation based upon the number of students at poverty level in the district.

Upon receipt of the allocation, the district is required to pay (off of the top) all Title I services that are provided throughout the district. Some examples are as follows:

- District-level Title I Administrative Salaries.

Title I teachers' salaries. With regard to salaries, there is an agreed-upon base salary that every teacher receives out of Title I funds. Each school may then supplement this base salary from other district funds, as necessary.

- Evaluations of Title I Funded Programs.

Once all district-wide Title I services have been paid, school allocations are made based upon the number of students at poverty level in each school. The data utilized in ranking the schools is contained in the Annual Poverty Count Report. The Title I appropriation is a per-pupil amount, which is the same for all schools. Once all Title I funds have been exhausted, the remaining schools continue to be Title I eligible, but receive no funding for that year.

Each year, all Title I schools are re-ranked according to the Annual Poverty Count Report and appropriations are made as noted above.

Funding

The following presents the total amount of Title I funding received by the State of Nevada and the total number of schools served for Fiscal Year (FY) 1997 through FY 2001:

	1996-1997 Allocation	1997-1998 Allocation	1998-1999 Allocation	1999-2000 Allocation	2000-2001 Allocation
Funding	\$19,031,652	\$22,398,744	\$22,570,473	\$23,244,968	\$23,707,428
Number of Schools	95	92	95	100	Not Determined

Table 10

Comprehensive School Reform Demonstration (CSRSD) Funds

Federal CSRSD funds were made available to schools for the first time in FY 1998-1999. Comprehensive school reform allows teachers, administrators, parents, and policymakers to improve all aspects of a school's operations. It is believed that by addressing curriculum and instruction, teacher training, parental involvement, funding issues and school management, schools can better improve student learning.

Distribution

- Any school may apply for the funds.
- Distribution of funds to schools is on a competitive basis.
- A pre-application is submitted to the NDE for review by a review panel.
- Pre-applications are reviewed and scored using a scoring-rubric developed by the Southwest Comprehensive Center.
- Schools selected by the review panel complete a formal application and submit it to the NDE.
- The same review panel convenes to review the applications and a final selection is made.
- CSRSD funds are distributed directly to the school sites chosen.

Funding

The following table presents the total amount of CSRSD funding received by the State of Nevada and the total number of schools served for Fiscal Year (FY) 1999 through FY 2002:

	1998-1999 Allocation	1999-2000 Allocation	2000-2001 Allocation	2001-2002 Allocation
Funding	\$500,000	\$500,000	\$800,000	\$800,000
Number of Schools	8	8	13	13

Table 11

Although any school may apply for the funds, all but three of the 13 schools must be Title I eligible schools. Each selected school receives funding for two years. For FY 2000-2001 and FY 2001-2002, the original eight schools will again receive two more years of funding, and five new schools will be selected.

State Remediation Funds For Low Performing Schools

The Nevada Education Reform Act of 1997, provided, for the first time, remediation funds for low performing schools. These funds must be used to purchase programs of remedial study that have proven to be successful in improving the academic achievement of pupils in the subject areas of reading, writing, mathematics, and science. Remediation programs that schools must select from are published annually in Nevada's *List of Effective Remediation Programs*.

Distribution

During Fiscal Year (FY) 1997-1998, schools that were designated as demonstrating "need for improvement" were eligible for funding (designations are made when more than 40 percent of the pupils enrolled in a school score in the bottom quarter, below the 26th percentile) in all four subject areas tested on the state-required norm-referenced examination, *TerraNova*). During the 1999 Legislative Session, funding was expanded to include certain schools that have been designated as having adequate achievement; these schools are eligible as follows:

- A school that did not receive a designation because the school had too few pupils enrolled in a grade level that is tested (i.e., fewer than ten pupils), but the test scores of the pupils indicate that the school would have received a designation as demonstrating "need for improvement";
- A school that has more than 40 percent of the pupils enrolled in the school with an average score in the bottom quarter in three of four subjects tested (also known as "Bubble Schools"); and
- A school that was designated as demonstrating "need for improvement" in the immediately preceding school year.

Schools that are eligible for state remediation funds submit an application to the NDE on May 1 of each year. A review committee, which includes representatives of the Nevada Department of Education, the Budget Division and the Legislative Bureau of Educational Accountability and Program Evaluation, is convened to examine the requests and make recommendations on the amount of funding needed by each school. Recommendations for funding are reviewed by the State Board of Examiners and approved by the Interim Finance Committee. Schools receive remediation funding in July of each year and implement the funded remediation program(s) in the fall.

Funding

The following table presents the total amount of state remediation funding made available to schools in the State of Nevada and the total number of schools served during FYs 1999–2001:

	1998-99 Allocation	1999-00 Allocation	2000-01 Allocation
Funding	\$3,000,000	\$3,300,000	\$3,300,000
Number of Schools	23	36	30

Table 12

The following table presents a breakdown of schools by the different categories of schools eligible for funding:

	In Need for Improvement			Adequate 2nd Year Schools			Bubble Schools		
	1998- 1999	1990- 2000	2000- 2001	1998- 1999	1999- 2000	2000- 2001	1998- 1999	1999- 2000	2000- 2001
Number of Schools	23	6*	10	NA	14	3	NA	16	17

Table 13

* Includes one school that had too few students to be officially designated.

It is important to note the large reduction in the number of schools designated as demonstrating need for improvement. It is also important to note that of the 14 schools that were allocated remediation funds for demonstrating “need for improvement” in School Year 1998-1999, and were subsequently designated as demonstrating “adequate achievement” in the following school year, all but four have continued to demonstrate adequate achievement.

State Remediation Funds for At-Risk Pupils
(Before-School; After-School; Intersession; Summer School)

In addition to authorizing state remediation funds for low performing schools, the 1999 Legislature authorized, for the first time, remediation funds for remedial education programs or tutoring for pupils who need additional instructional time in order to pass or to reach a level considered proficient. Programs may be targeted to any age group (i.e., elementary, middle, or high school), but must be conducted before or after school, on weekends, during the summer, or between sessions in schools with year-round school calendars. In addition, these funds must be used to provide remedial education programs or tutoring programs that have been approved by the NDE as being effective in improving pupil achievement.

Distribution

- Any school district or charter school in the State of Nevada is eligible to apply for state remediation funds for at-risk pupils.
- A review committee, which includes representatives of the NDE, the Budget Division, and the Legislative Bureau of Educational Accountability and Program Evaluation, is convened to examine the requests and make recommendations on the amount of funding needed by each school district.
- Recommendations for funding are reviewed by the State Board of Examiners and approved by the Interim Finance Committee.
- School districts receive remediation funding in July of each year and implement the funded remediation program(s) in the Fiscal Year in which the funds are received.

The following table presents the total amount of state remediation funding made available to school districts in the State of Nevada during Fiscal Years (FYs) 2000 and 2001:

	1999-2000 ALLOCATION	2000-2001 ALLOCATION
Funding	\$1,000,000	\$1,000,000
Number of School Districts/ Charter Schools	8 School Districts; 1 Charter School	12 School Districts; 3 Charter Schools

Table 14

It is interesting to note that while this funding may be targeted to any age group, almost half of the remediation funding for at-risk pupils for FYs 1999-2000 and 2000-2001 was directed toward assisting pupils to pass the HSPE.

<u>Funding for Remedial HSPE Tutoring Programs</u>	
Fiscal Year 1999-2000	\$572,277
Fiscal Year 2000-2001	\$427,701
Total	\$999,978

Table 15

3. Review Of Data for Low Performing Schools

The Nevada Education Reform Act of 1997 provided, for the first time, remediation funds for low performing schools. Pursuant to NRS 385.389, these funds must first be applied to the pupils enrolled in the school who failed to demonstrate at least adequate achievement on the state-required norm-referenced examination (*TerraNova*) and must be used to purchase programs of remedial study that have proven to be successful in improving the academic achievement of pupils in the subject areas of reading, writing, mathematics, and science. Remediation programs that schools must select from are published annually in Nevada's *List of Effective Remediation Programs*. Although state remediation funds may be directed toward any of the subject areas of reading/language arts, mathematics, or science, the majority of schools have chosen to focus on the subject areas of reading/language arts, as a first step in increasing pupil achievement.

With regard to reading remediation programs, there are four programs that have been selected by the majority of low performing schools – *Accelerated Reader*, *CELL/ExLL*, *Reading Recovery*, and *Success for All*. As a requirement for receiving state remediation funds, schools are required to provide data regarding the effectiveness of the remediation programs and report any other efforts taken by school staff to improve the academic achievement of students. An in-depth analysis of the data submitted by schools is currently being conducted; it is anticipated that the results on the effectiveness of the remediation programs will be available in a separate report by January of 2001. With regard to other efforts taken by school staff to increase student achievement, the most frequent responses are listed in the following table:

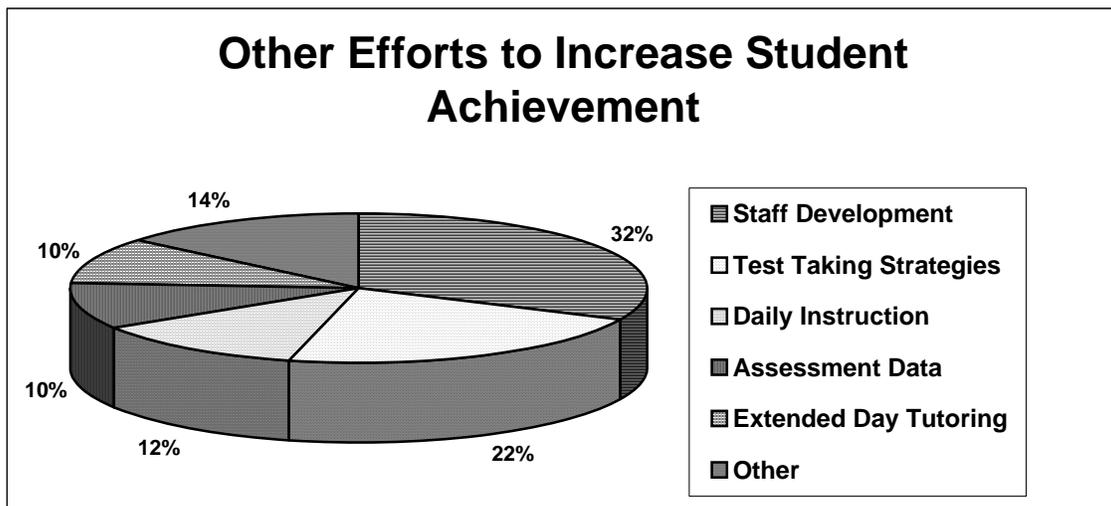


Table 16

As was stated in the *Comprehensive Review of Education Reform in Nevada*, it appears from reports submitted to the Legislative Committee on Education and from the data contained within that review, that the practice of targeting state funds for effective remediation programs has had a profound beneficial impact upon Nevada's at-risk schools.

III. FINDINGS AND RECOMMENDATIONS

The Legislative Committee on Education held two work sessions to consider recommendations, on June 20, 2000, and November 14, 2000. Members of the Committee adopted 38 proposals with regard to public education in Nevada, including issues involving training and recruitment incentives for Nevada teachers, teacher licensing, academic standards, accountability, charter schools, distance education, as well as recommendations involving assessment and test security matters.

A. TRAINING AND RECRUITMENT INCENTIVES FOR NEVADA'S TEACHERS

The Committee approved a series of recommendations concerning the broad topic of training for educators and recruitment incentives for teachers. The proposals forwarded to the 2001 Legislature include continued funding for the Regional Professional Development Programs; continued funding to encourage national board certification for teachers; and various teacher recruitment and retention proposals.

1. Regional Professional Development Programs (RPDPs)

In response to a series of regional workshops conducted by the Committee during the 1997-1998 interim period, teachers, administrators, and others proposed a regional professional development model to help educators teach the new state academic standards. The mission of the Regional Professional Development Program is to provide professional training for administrators and teachers in order to implement Nevada's academic standards. As part of the Nevada Education Reform Act, Senate Bill 555 of the 1999 Legislative Session provides \$7 million for the biennium to establish and operate four regional training programs to prepare teachers to teach to new, more rigorous academic standards, and to evaluate the effectiveness of such programs.

Preliminary survey information from teachers and testimony from district superintendents indicate that the RPDPs have been effective in providing high-quality, standards-based professional development to Nevada teachers and school administrators. Preliminary conclusions from the evaluation report indicate that the RPDPs have provided significant assistance to schools in implementing Nevada's academic standards, and have met or exceeded their goals in providing quality training for district educators.

The Committee acknowledged the success of the programs and endorsed the regional approach for providing effective professional development. The Committee would like to continue the program for the next biennium and, therefore, recommends that the 2001 Legislature:

- **Appropriate funding in the amount of \$5,180,505 for Fiscal Year (FY) 2001-2002, and \$6,046,972 for FY 2002-2003 to the Nevada Department of Education for the operation of the four Regional Professional Development Programs. (BDR 34-219)**

Members of the Committee also noted the increasing stature and respect the RPDPs have gained within the education community. At meetings of the regional directors, agencies, including the NDE and university representatives, have requested RPDP endorsement of various programs and activities; additionally, the NDE asked for RPDP support of its application for funds through the Federal Reading Excellence Act. Additionally, representatives of the Council on Academic Standards and the Commission of Educational Technology have met to coordinate proposals and have discussed future cooperative efforts. Recognizing the value of coordination of services, and the need to involve the RPDPs, the Council and the Commission, the Committee, therefore, adopted a recommendation to:

- **Include a statement in the final report of the Committee expressing the Committee's intent that the Regional Professional Development Programs work with the Nevada Department of Education with regard to meeting statewide professional development requirements of any state or federal grant. Further, include a statement supporting at least two meetings per year between the Regional Professional Development Program coordinators, representatives of the Council to Establish Academic Standards, and the Commission on Educational Technology.**

Two members of the Committee attended a conference sponsored by the National Conference of State Legislatures with regard to children's health. One initiative developed at the conference concerned the role of state academic standards with regard to health and physical education and the importance of promoting healthy eating and exercise habits among students. Members endorsed the request for funds to provide training in health wellness and physical education for teachers to reinforce those new standards.

Additionally, there was general agreement that the widespread presence of snack foods in schools might be in conflict with those standards and could serve to undermine the health-oriented message to be delivered to students. In an effort to send a consistent message to students about health behaviors, it was agreed that a statewide policy with regard to the sale of snack foods should be consistent with the new health and physical education standards. While recognizing the difficulties in restricting the sale of snack foods, especially in secondary schools, the Committee agreed that the topic was worthy of debate by the full Legislature.

The Committee, therefore, recommends that the 2001 Legislature:

- **Require by statute that the State Board of Education adopt a statewide policy regarding school sale of soft drinks and candy consistent with those standards. Further, appropriate an additional \$1.7 million to the Regional Professional Development Programs to provide training in health, physical education, and wellness training for school personnel to reinforce the state health and physical education standards. (BDR 34-835)**

During the course of the biennium, teachers and district administrators expressed concern regarding remediation needs for students failing the English portion of the High School Proficiency Examination (HSPE). Students with poor reading skills typically have problems with all areas of the HSPE. Many high school students cannot read and are in need of remediation in the subjects of reading and writing. This poses a new problem for many secondary schools since it is relatively rare to have a high school English teacher who is also a reading specialist. The Committee learned that many high school English teachers have sought guidance from primary teachers on reading and writing techniques, but their remediation efforts with high school students have not met with the same degree of success experienced at the elementary school level.

Teachers at Churchill County High School requested that high school English teachers be provided with appropriate training so they may help high school students acquire the reading and writing skills necessary to pass the HSPE. The Committee directed the NDE to review possible funding sources to provide such training, and agreed that the Regional Professional Development Programs might be utilized to determine the extent of the need by their member districts.

The Committee, therefore, adopted a recommendation to:

- **Include a statement in the Committee's final report encouraging the Regional Professional Development Centers to review the extent of the need by high school teachers for training in reading instruction to help high school students acquire the necessary reading ability, and to ensure students have the reading related testing skills needed to master the High School Proficiency Examination.**

At its Fallon, Nevada, January of 2000, meeting, the Committee heard from teachers with regard to difficulties students and teachers had encountered in the higher standards for mathematics. One suggestion involved assigning a special mathematics trainer to secondary schools, especially in rural areas, who could evaluate teacher performance in the classroom and act as a resource for teachers. Although the larger school districts are able to provide a similar service, it was recognized that many rural school districts might have difficulty in obtaining additional staff with this level of expertise. The RPDPs have surveyed their service areas concerning professional development

needs. It was noted that the RPDPs might be able to review the extent of the need for this type of approach.

Based on the preceding testimony, the Committee adopted a recommendation to:

- **Include a statement in the Committee's final report encouraging the Regional Professional Development Centers to review the extent of the need by high schools for a mathematics trainer to evaluate teacher performance and act as a teacher resource.**

2. National Board Certification

The National Board for Professional Teaching Standards is an independent, nonprofit, nonpartisan organization whose mission is to establish high and rigorous standards for what accomplished teachers should know and be able to teach. The board operates a national, voluntary system to assess and certify teachers who meet these standards. In the last few years, certification by the NBPTS has been generally recognized as a method of producing a body of high quality, master level teachers. The Committee learned that the incentive program adopted during the 1999 Legislative Session in Senate Bill 46 had been a success. In addition to providing for an additional 5 percent salary differential for certified teachers, the Legislature approved funding to offset the cost of applying for certification for teachers who were successful in obtaining certification. Over 50 Nevada teachers applied in 2000 to become nationally certified, with 24 of those succeeding.

Based upon input from the school districts, the Committee recognizes the strong commitment of the NBPTS to quality teaching and acknowledges the value in encouraging board certification for Nevada teachers. The Committee, therefore, recommends that the 2001 Legislature:

- **Appropriate \$150,000 for the biennium to the Nevada Department of Education for the purpose of reimbursing up to \$2,000 of related costs incurred by a teacher in gaining national certification by the National Board for Professional Teaching Standards. Teachers wishing to obtain such reimbursement must file a statement of intent with the school district at least one year prior to anticipated certification; upon completion and certification, the school district shall notice the Department to reimburse the teacher up to \$2,000 of the costs directly related to applying for and receiving National Board for Professional Teaching Standards certification. (BDR 34-219)**

The 1999 Legislature acted to require districts to provide a board certified teacher with a 5 percent salary increase upon receiving evidence from the teacher concerning certification. Current law requires this evidence be provided by September 15 of each year. The Committee was informed of delays between the time candidates for certification by the National Board for Professional Teaching Standards complete all

required applications and assessments, and the time they are notified concerning their certification status. Often the NBPTS provides notice to teachers in late December or early January.

The Committee recognized the need to adjust the September 15 deadline set forth in statute, while maintaining the salary increase for the entire contract year. Based on these concerns, the Committee recommends that the 2001 Legislature:

- **Amend statutes (primarily at *Nevada Revised Statutes 391.160*) to change the notification requirement for teachers to submit evidence that they have received certification by the National Board for Professional Teaching Standards for the purpose of acquiring the existing 5 percent salary benefit. Current law requires this be completed by September 15 of each year; instead require that teachers submit this evidence by January 31 and provide that the additional 5 percent be paid retroactively to the beginning of the contract for that school year. (BDR 34-219)**

3. Teacher Recruitment and Retention

The issue of teacher recruitment has several dimensions. Recruitment itself can focus on attracting people into the teaching profession, in general, or into “shortage” positions in particular districts or schools. With increasing frequency, states and districts are using various financial incentives to lure teachers, including signing bonuses, housing allowances, moving expenses, and salary increases, to teach in high-demand subjects or hard-to-staff schools. States have confirmed that states and districts successfully draw teachers from neighboring states and districts by paying higher entry level teacher salaries or offering attractive bonuses. Other states are trying to make it easier for retired teachers to return to the classroom by revising retirement policies.

The Committee noted some Nevada districts had experienced shortages or recruitment difficulties in certain specialty areas, including mathematics, science, and special education. There was general support for districts and the NDE to continue to pursue these incentive approaches. The Committee, therefore, adopted a recommendation to:

- **Include a statement in the Committee’s final report supporting a reasonable pay increase for teachers and sign-on bonuses as incentives to attract qualified teachers to Nevada. Further, support revision of current retirement rules to allow retired teachers to return to teach under-served subject specialties (such as special education, mathematics, and science), if fully qualified, and return at their previous rates of pay without reducing their retirement benefits. The Nevada Department of Education would certify the specific shortage subjects, and the district would need to demonstrate that it had recruited but failed to hire sufficient teachers.**

A study completed in the 1980s demonstrates that teachers who train with parallel experience, such as classroom volunteering or enrollment in a paraprofessional program, tend to remain in the teaching profession longer. At its October 24, 2000, meeting, Committee members received a presentation concerning California's Capistrano Unified School District Career Ladder Program for education paraprofessionals. The model is an incentive style program that enables instructional assistants the opportunity to provide increasingly responsible instruction to students while advancing through the career ladder and increasing their skills and knowledge through formal course work. Each "rung" on the career ladder has an educational requirement before advancement to the next level is possible. California unions for education support personnel determine the educational requirements, job descriptions, and compensation, through negotiations and the collective bargaining process. It is not possible for an individual to join the career ladder program with no intention of advancing.

The benefits of a career-ladder program include: (a) the creation of a list of qualified teachers and substitutes within a district; (b) increasing community involvement; (c) establishing a logical system of advancement from peer educator to fully licensed teacher; (d) sharing the benefit of experienced educators; (e) forming a stable and accountable instructional routine; (f) developing partnerships between local and state educational institutions; and (g) forming a collaborative employer-employee relationship.

The Committee made note of these benefits and also endorsed this model as a practical method of addressing future teacher shortages. While California had some statutory and funding support, much of it was worked out through the local district with local post-secondary institutions through union contact agreements. Members were of the opinion there should be state level coordination to establish such programs in interested districts.

The Committee, therefore, adopted a recommendation to:

- **Transmit a letter of support from the Committee directing the State Board of Education to work with an organization representing classified school employees, the Commission on Professional Standards in Education, Nevada institutions of higher education, and other interested parties to establish a statewide career ladder program for nonlicensed educational personnel, based upon components within the California model.**

4. Professional Development Day

The Council to Establish Academic Standards in Public Schools and others have emphasized the importance of the state's academic standards in other aspects of public education, most notably the need for teachers to teach to those higher standards. The Council adopted several funding priorities, including the need for continued

professional development for teachers, administrators, and other educational personnel that is directly linked to those standards. To this end, the Council recommended that, for the next biennium, one additional day of required professional development in the state academic standards be added to the contract school year.

The Committee recognized the need to balance budget constraints against the need for at least one additional day for professional development activities. While the existing “train the trainer” model in use by the RPDPs has proven effective, direct instruction for all teachers was desirable.

Therefore, based on these issues, the Committee recommends that the 2001 Legislature:

- **Appropriate \$14.8 million over the next biennium for one additional day of required professional development, to be added to the master schedules of each school district and funded through the Distributive School Account. Additionally, increase by one the number of days of a school year to address the increased instructional demands for the new academic standards. (BDR 34-219)**

B. TEACHER LICENSING

The national focus on teacher quality has run into the reality of a growing shortage of well-qualified teachers. To a large extent, that shortage is a problem of supply, demand, and distribution. Teacher preparation programs may produce a sufficient quantity of graduates, but many of those graduates do not go into teaching, and the attrition rate of those who do is high. The result is there are not enough good teachers in the nation’s classrooms, especially in areas of rapid population growth, hard-to-staff schools and high-demand subjects such as mathematics, science, and bilingual and special education.

1. Special Provisions for Teachers in Shortage Categories

Under current Nevada law, teachers cannot be licensed in Nevada unless they are citizens of the United States. Other states allow foreign teachers who are otherwise qualified and who hold a temporary visa to teach, especially if they teach in subject areas in which there is a shortage, such as mathematics, science, and special education. The Committee was advised that many highly qualified teachers from countries such as Canada could be utilized in these shortage areas. Representatives of the Commission on Professional Standards in Education, the Nevada teacher licensing board, noted that it was prepared to process the appropriate documentation and perform any needed education background checks for such personnel.

Due to documented shortages in the subject areas mentioned, the Committee members felt a limited expansion of the restriction was in order, based upon local needs. The Committee, therefore, recommends that the 2001 Legislature:

- **Revise current statutory requirements that limit teacher licensure to United States citizens, by specifying that the State Superintendent of Public Instruction may issue a license to teachers identified by a school district who hold temporary visas and who have academic qualifications that would otherwise qualify them for a license in a subject area that has been declared by the school district to be a high-need shortage subject area. (BDR 34-219)**

Although a Nevada school district may be allowed relief from *Nevada Administrative Code* regulations under the hardship clause, members of the Committee noted that a more formal process might need to be put into place. Since this proposal was part of a package of district requests designed to address staff shortages, the Committee requested that the full Legislature review the issue in greater depth. Therefore, the Committee recommends that the 2001 Legislature:

- **Amend statutes to authorize the State Superintendent of Public Instruction to declare that an emergency condition exists in the hiring and assignment of licensed personnel in specific licensure subject areas within a school district. The State Superintendent of Public Instruction may then authorize the district (for a period not to exceed two years) to hire and assign personnel who do not meet the specific licensure requirements set forth in regulation in the identified licensure subject area. During such period of time, the Commission on Professional Standards in Education will consider changes to licensure requirements that would address the emergency condition. (BDR 34-219)**

2. Commission on Professional Standards in Education

The rules governing teacher licensure are set by the Commission on Professional Standards in Education. This Commission was originally created by the 1979 Legislature to serve in an advisory capacity to the State Board of Education. During that time, the body made recommendations concerning teacher licensing matters to the State Board of Education.

In 1987, the Legislature established the Commission permanently within statute, and transferred to the Commission the Nevada Department of Education's responsibility for establishing licensing standards. The Commission consists of nine members appointed by the Governor. Four members must be teachers (from elementary, middle, secondary, and special education classrooms); two must be school administrators (at least one must be a principal); one member must be a school counselor or psychologist; one of the teachers, counselors, or administrators must be employed by a private school; one member must be a representative of the general public; and the final member must be one of the two deans from the Colleges of Education within the University and Community College System of Nevada, or a designee. The term of office is set at three years (with the exception of the university dean) and no member

may serve more than two terms. As with most boards and Commissions, terms are staggered to allow for continuity with regard to policies and procedures. The NDE is responsible for providing the staff necessary for the Commission to carry out its duties.

Under current law, the Commission adopts regulations prescribing the qualifications for licensing and relicensing teachers and other educational personnel in this state. It also sets forth the continuing education requirements necessary for teachers to be relicensed. Further, the Commission must establish the educational standards needed for teachers to obtain specialty endorsements to their licenses.

As a control mechanism, the State Board of Education may choose to reject a regulation made by the Commission within 90 days of adoption, if it determines that the regulation would: (a) cause any undue hardship on school districts or educational personnel; or (b) threaten the efficient operation of the State. In addition, the State Board retains the authority to revoke or suspend a license, and the Superintendent of Public Instruction is responsible for issuing those licenses. The criteria for licensure and renewal, however, are set within regulations established by the Commission.

School district representatives approached the Legislative Committee on Education requesting that the Commission be expanded to include members with district-level human resources experience. It was argued that such persons have broader experience in the problems districts face in recruiting, selecting, and placing personnel within school systems. In reviewing the manner of appointment and composition of the Commission, members of the Committee noted the absence of human resources expertise. Members endorsed the concept of expanding the membership of the Commission. The Committee, therefore, recommends that the 2001 Legislature:

- **Amend statutes (primarily at NRS 391.011) to increase from 9 to 11 the number of members of the Commission on Professional Standards in Education (the teacher licensure board). The additional two members (part of subsection 3 of NRS 391.011), would be appointed by the Governor (as are all current members), and would be individuals employed by school districts in roles involving the recruitment, selection, and placement of licensed personnel. (BDR 34-837)**

C. NEVADA'S PROGRAM OF ACCOUNTABILITY FOR PUBLIC SCHOOLS

The Nevada Education Reform Act of 1997 established a system to evaluate the performance of public schools through criteria that place schools into one of four categories: (1) schools demonstrating exemplary achievement; (2) schools demonstrating high achievement; (3) schools showing adequate achievement; and (4) schools needing improvement. The criteria for such placement include academic achievement based upon average test scores, as well as student attendance rates. Schools that need improvement advance through three phases. The first year a school is identified as demonstrating inadequate achievement, the school district is required

to establish a school improvement plan. Remediation programs that have been demonstrated to improve pupil achievement must be adopted. If the school is again designated as needing improvement, it is placed upon academic probation and the NDE must adopt an improvement plan and appoint a panel to evaluate the school. The appointment of a panel may be waived if a school continues to show significant improvement. If the school is ranked for a third year as demonstrating need for improvement, the panel may recommend that the Superintendent of Public Instruction appoint a new administrator for the school. Both the 1997 and 1999 Legislatures recognized the need to target additional remediation funds to schools and pupils that need additional academic assistance.

1. Remediation Funding

Prior to the 1999 Legislature, most state remediation funding efforts had been directed at school-wide programs. However, late in the 1999 Legislative Session, parents, educators, and others expressed concerns about individual student performance, especially with regard to students having difficulties with the “high stakes” High School Proficiency Examination. In addition to authorizing state remediation funds for low performing schools, the 1999 Legislature authorized, for the first time, remediation funds for remedial education programs or tutoring for pupils who need additional instructional time in order to pass or to reach a level considered proficient. Programs may be targeted to any age group (such as elementary, middle, or high school), but must be conducted before or after school, on weekends, during the summer, or between sessions in schools with year-round school calendars. In addition, these funds must be used to provide remedial education programs or tutoring programs that have been approved by the NDE as being effective in improving pupil achievement.

The Committee noted that these funds had been well spent by the districts that had applied for them. Although students of any age were eligible, school districts utilizing these funds spent half (\$1 million) on tutoring for students having difficulty passing the HSPE. Noting that the new HSPE tied to the academic standards would be administered to high school juniors beginning in October 2001, members endorsed continuing this fund. The Committee, therefore, recommends that the 2001 Legislature:

- **Appropriate through funding an allocation from the Distributive School Account in the amount of \$1 million for each of the Fiscal Years for the 2001-2003 biennium, for continued state support of approved remedial education or tutoring programs outside the school day for pupils at any grade level who need additional instructional time in order to pass or to reach a level considered proficient. Districts must submit a report to the Interim Finance Committee and the Nevada Department of Education concerning the number of pupils, the curriculum utilized, program success, and total expenditures. (BDR S-216)**

The Nevada Education Reform Act of 1997, provided, for the first time, remediation funds for low performing schools. These funds are to be used to purchase programs of remedial study that have proven to be successful in improving the academic achievement of pupils in the subject areas of reading, writing, mathematics, and science. Remediation programs that schools must select from are published annually in Nevada's *List of Effective Remediation Programs*.

During Fiscal Year (FY) 1997-1998, schools that were designated as demonstrating "need for improvement" were eligible for funding (this designation is made when more than 40 percent of the pupils enrolled in a school score in the bottom quarter in all four subject areas tested on the state-required norm-referenced examination, *TerraNova*). During the 1999 Legislative Session, funding was expanded to include certain schools that have been designated as having adequate achievement; these schools are as follows:

- A school that did not receive a designation because it had too few pupils enrolled in a grade level that is tested (i.e., fewer than ten pupils), but the test scores of the pupils indicate that the school would have received a designation as demonstrating need for improvement;
- A school that has more than 40 percent of the pupils enrolled in the school with an average score in the bottom quarter in three of four subjects tested (also known as "Bubble Schools"); and
- A school that was designated as demonstrating need for improvement in the immediately preceding school year.

The Committee noted that these funds had also been well spent by the schools that had applied for them, and there was substantial evidence that the programs purchased by the schools have played a significant role in improving pupil achievement levels. The Committee endorsed continuing this fund and recommends that the 2001 Legislature:

- **Appropriate through funding an allocation from the Distributive School Account to the Nevada Department Education in the amount of \$3.5 million for each of the Fiscal Years in the 2001-2003 biennium for remedial education programs approved by the Department as being effective in improving pupil achievement in low achieving schools. (BDR S-216)**

A number of schools that received remediation funding and purchased school-wide programs with those funds, have successfully removed themselves from the "needs improvement" list. Some have even removed themselves from the "bubble school" category. In some cases, district budgets and other considerations have made it difficult to continue the remedial programs without state funding assistance. The Committee members expressed concern that these schools may be forced to end the programs responsible for improving pupil achievement, again placing the school at risk of being classified as "needing improvement." Since a number of schools will no

longer be eligible to receive this source of state funding and since many of the schools wished to continue their programs, the Committee indicated its willingness to provide additional funds for a transitional program. Schools would be required to meet certain eligibility requirements to apply for the funds, and sources of matching and replacement funds need to be identified for the future.

Based on these concerns, the Committee recommends that the 2001 Legislature:

- **Appropriate \$8,965,424 to the Nevada Department of Education in additional remediation funding to extend eligibility of schools that had previously been classified as needing improvement and had received state remediation funds in the past. Schools must have low scores in at least one of the four subjects tested, must meet certain eligibility criteria, and after three years of funding, such schools would need to use matching funds. (BDR S-216)**

2. Reports By Panels for Schools on Academic Probation

If a school is classified as “needing improvement” for two consecutive years, the school is placed on academic probation and a special panel is appointed to evaluate the school. The panel makes school site visits, reviews certain information, conducts interviews, and issues a report. In reviewing the state school accountability system, members identified a potential policy gap in the manner in which these panel reports were presented and reviewed. There is no requirement in statute that the board of trustees of a school district respond to the findings contained within a report, nor was there a mechanism to document and monitor district actions with regard to findings or recommendations made by the report.

Members of the Legislative Committee on Education noted that the first series of reports had attracted little attention from districts. If the reports are to be a useful part of the school improvement process, a more formal process should be put into place to ensure that school districts and their boards of trustees have reviewed and responded to any pertinent findings or recommendations.

The Committee, therefore, recommends that the 2001 Legislature:

- **Require by statute, that panel reports be submitted to the district board of trustees in advance of public release. Further, require a specific written response from the board of trustees (similar to an audit response) be contained within the panel report concerning how the district plans to implement changes, resources to be used, and other responses by statute, that panel reports be submitted to the district board of trustees in advance of public release. Further, require that the board of trustees of a school district with schools having such panel reports review the reports at a meeting of the board. Further, the school district also must report actions taken by the**

board and the district to implement recommendations contained within the report. (BDR 34-218)

At its March 1, 2000, meeting, members of the Legislative Committee on Education reviewed the contents of the panel reports for schools on “academic probation.” Due to criticisms with regard to the content and format of the reports, the Committee reviewed a number of recommended changes to the report.

The Committee asked that, in the future, reports should be required to contain the following additional information:

- Include detailed information about the school’s current plan for improvement, provide information about how well the school has implemented the plan, and make recommendations regarding revisions that should be made to the plan;
- Include additional school statistics (most are available in school accountability reports) such as data on enrollment, transiency rate, attendance rate, student demographics and testing results, data regarding teachers (years teaching, staff turnover), remediation money (all sources), discipline problems, and parent participation;
- Provide that all findings or recommendations by the panel must be made with the goal of increasing student academic achievement and must include data to support the findings; and
- Prioritize recommendations, ensure they are measurable, indicate who is responsible for implementing the recommendations, and provide timelines for implementation.

Additionally, plans for improvement prepared by the NDE for schools designated as “needing improvement” should include the following additional characteristics:

- Plans for improvement should be comprehensive and unique to the needs and goals of each school, and should address the recommendations of the panel reports; and
- Goals and objectives in the NDE plan must be measurable to evaluate the effectiveness of the plan.

The Committee agreed that these changes should be specified within statute to help clarify intent and to provide consistency to the school accountability program. Therefore, based on these issues, members of the Committee recommend that the 2001 Legislature:

- **Amend the panel report sections of statute to require the following additional information in panel reports: detailed information about the school’s current plan for improvement and any proposed revisions; additional school statistics; linking findings or recommendations to increasing student academic achievement; and prioritizing recommendations, ensuring they are measurable, indicating who is responsible for implementing the recommendations, and providing timelines for implementation. Further, require that plans for improvement prepared by the Nevada Department of Education for schools designated as needing improvement shall be comprehensive and unique to the needs and goals of each school, should address the recommendations of the panel reports, and should contain measurable goals and objectives. (BDR 34-218)**

3. Fiscal Reporting Requirements

Among other provisions, Senate Bill 466 of the 1999 Legislative Session contained a \$300,000 appropriation to the Interim Finance Committee (IFC) for the purchase of a financial analysis model program designed to track expenditures of individual schools. The system selected by the IFC, was In\$ite, from Fox River Learning, Inc., and it provides financial information to school districts; the NDE; the Budget Division of Nevada’s Department of Administration; and the Legislature. The purpose of the program was to create a more cohesive structure for financial accountability by providing policymakers with access to spending information at the school-site level.

At the request of the IFC, the Committee reviewed the program and its products. Members were informed at the October 24, 2000, meeting that representatives from In\$ite applied fiscal analysis software to each district’s general ledger database to produce results containing common elements. As a result, In\$ite offers comparable general ledger data that is available and easily accessible. The presentation noted the benefits of In\$ite analysis: (a) the reports will improve communication with school district staff and the public; (b) the data provides a base for policy decision-making at the state and district level; and (c) the information may lead to better utilization of district resources. Furthermore, a detailed analysis at the school level provides: (a) explanations for budget expenditures; (b) assistance in the development of future modifications; and (c) clear data for daily decision-making.

The Committee noted that charter schools had not been included in the program. Representatives of Fox River Learning responded that charter schools generally tend to combine all funds under a single fund code, which inhibits attempts at detailed analysis. This creates significant gaps in expenditure reporting for charter schools. In the future, In\$ite will propose an analysis to include charter schools.

The Committee endorsed the value of the data provided in the In\$ite reports, agreeing to the continuation of the program and recommending an expansion to include charter

schools within the system. Based on this discussion, the Committee, recommends that the 2001 Legislature:

- **Appropriate the sum of \$276,217 from the State General Fund to the Interim Finance Committee to continue the contractual services for the financial analysis model program (In\$ite) implemented in each school district and each charter school to track individual expenditures by individual schools and to provide for uniformity in financial reporting among school districts and charter schools. (BDR S-838)**

4. Review of State Accountability System

At its January 11, 2000, meeting, the Committee received a presentation from its contractor George Hill, Associate Professor, Educational Leadership Department, University of Nevada, Reno, with regard to the annual evaluation of the state accountability system. Among the recommendations made by the panel of evaluators, was a proposal regarding district interpretation of test data. Mr. Hill stated that some of the small school districts are in need of assistance in interpreting test data. He called attention to the section in Senate Bill 555 of the 1999 Session addressing the regional professional development programs. The section requires data interpretation training for teachers and administrators. Mr. Hill asked the Committee to exercise its influence and insist the training be included in the programs.

The Committee agreed that Mr. Hill's full evaluation should be transmitted to the RPDPs for their review. The evaluation lists specific district needs and might be useful to the RPDP governing boards in structuring their work plans for the next biennium.

The Committee, therefore, adopted a recommendation to:

- **Include a statement in the Committee's final report encouraging the Regional Professional Development Programs to review recommendations by George Hill, Associate Professor, Educational Leadership Department, University of Nevada, Reno, in his evaluation of Nevada's accountability system, concerning the need by the small school districts for training or assistance in interpreting test data.**

D. ALTERNATIVE SYSTEMS OF DELIVERING INSTRUCTION

Alternative systems of delivering instruction include non-traditional avenues such as charter schools and distance education or so-called "virtual schools," as well as traditional systems such as adult high school diploma and alternative education programs. Charter schools and distance education using computers and the Internet are national trends that present opportunities and challenges to the states. Similarly, the growth in immigration and other national demographic trends creates additional pressure on states to expand adult and alternative education programs.

Nevada passed its charter school legislation in the 1997 Legislative Session in Senate Bill 220 and enacted further amendments to the charter school laws in the 1999 Session in Assembly Bill 348. The Legislative Committee on Education has heard regularly from both charter school proponents and operators, and the NDE, on the myriad of issues emerging as charter schools begin to operate in Nevada.

Distance education is a national issue as technology increases the options available for the delivery of educational instruction using computers and the Internet. The NDE determined that distance education was an issue affecting all schools, not just charter schools, and convened a task force to form recommendations to the Committee.

In response to a directive in the appropriations for adult and alternative education in Senate Bill 555 during the 1999 Session, and a letter of intent from the Assembly Committee on Ways and Means and the Senate Committee on Finance, the Department convened a task force to address the statutory, regulatory, and fiscal questions facing the adult and alternative education programs.

1. Charter Schools

The first charter school opened in Nevada in 1998. During the 1999 Session, the Legislature amended the original charter school legislation to address a variety of issues. Four more charter schools opened for the 1999-2000 school year. The Legislative Committee on Education has heard from charter school operators and the NDE, among others, on the need for further amendments to improve Nevada's charter school law. Issues raised in testimony before the Committee included the limitations on the number of charter schools, the definition of "at-risk," delivery of instruction via the Internet or computers, the review process, provisions relating to governing bodies of charter schools, attendance audits and the impact of "count day," special education funding, start-up funds, impacts on small school districts, and evaluation proposals.

After its first work session in June 2000, the members of the Committee directed interested parties to attempt to reach consensus on the proposals for legislative action. After meetings with charter school operators, the Department, school district representatives, and other interested parties, a consensus-based charter school proposal was presented to the Committee at its final work session. The issue of instruction via computers or the Internet was determined to be an issue for all schools and was addressed separately. The consensus recommendation on charter schools proposed the following:

- Clarify that school districts are local education agencies (LEAs) for federal purposes and that an application and written charter shall include: (a) special education assurances that the charter school will comply with the federal requirements for special education; and (b) procedures for documenting such assurances.

- Clarify (primarily at NRS 389.155) that the governing body of a charter school may approve an independent study program subject to the independent study statutes and regulations.
- Clarify that a charter school may only serve students residing outside its district in a facility located within its home district.
- Clarify that the provisions (primarily subsection 6 of NRS 386.595) concerning reassignment of charter school employees within a school district if the charter is revoked, apply only to employees that had been employed by the school district at the time they transferred to the charter school.
- Clarify that home and private school students may participate in charter school classes and activities subject to the same standards applicable to attendance at other public schools, including a provision for proportionate reimbursement directly to the charter school. Also clarify that school districts have discretion to permit home or private school students to participate in extracurricular sports activities at public schools.
- Require that a charter school include in the application and written charter a mechanism for the removal of a member of the school's governing body for cause.
- Include charter schools within reporting requirements to school districts under the Statewide Management of Automated Record Transfer (SMART) program of automated student record management (primarily NRS 386.650).
- Redefine the roles of local school boards and the NDE with regard to the review of charter school applications to provide for authority for the Department to deny an application if noncompliance with state law is determined (primarily at NRS 386.520 through 386.527). Further, require the State Board of Education to define in regulation those matters that are the responsibility of the sponsoring school board to review and make a determination and verification of compliance.
- Appropriate \$7,150 for consulting services needed to conduct case study evaluations of up to five Nevada charter schools.

Further, the Committee considered recommendations to:

- Send a letter to the Senate Committee on Finance and the Assembly Committee on Ways and Means supporting appropriations for additional discretionary special education program units and inclusion of an allowance for charter schools to apply directly for discretionary units (within the existing system) in their first year of operation. Also support, after one-year of operation, inclusion of an assigned

number of special education program units within school district allocations to charter schools with baseline special education populations, and provision for payment of special education program unit allocations to the charter schools.

- Recommend in a letter to the NDE that it participate in the Federal Public Charter School Program funds.
- Send a letter of support to the Senate Committee on Finance and the Assembly Committee on Ways and Means for funding in the Nevada Department of Education's budget for a full-time position of a charter school consultant within the Department.
- Send a letter to the Senate Committee on Finance and the Assembly Committee on Ways and Means supporting inclusion of funding for charter schools in appropriations for SMART.

Members of the Committee expressed concern over the current structure for charter school review and the limitations on the NDE's role in reviewing charter school applications. The attendance of home and private school students at charter schools and their participation in extracurricular sports at public schools was also a concern to several Committee members. As the Committee was unable to reach agreement on those issues, they were omitted from the approved proposal. At the request of the NDE, several minor modifications were made to the proposals before the Committee.

Therefore, members of the Committee recommend that the 2001 Legislature:

- **Amend statutes to make various changes to charter school provisions, including: (a) providing that charter schools may operate an independent study program, subject to the independent study statutes and regulations, as designated within their application and charter; (b) that a charter school may only serve students residing outside its district in a facility located within its home district; (c) clarifying that statutes concerning reassignment of charter school employees within a school district if the charter is revoked, apply only to employees that had been employed by the school district at the time they transferred to the charter school; (d) specifying that a charter school include in the application and written charter a mechanism for the removal of a member of the school's governing body for cause; and (e) appropriating \$10,000 for case study evaluations of Nevada charter schools. Additionally, the Committee supports appropriations for additional discretionary special education program units and inclusion of an allowance for charter schools to apply directly for discretionary units; urges the Nevada Department of Education to participate in the Federal Public Charter School Program; supports inclusion of charter schools in funding for Nevada's program of automated student record management (SMART), and supports**

funding in the Department’s budget for a full-time position of charter school consultant. (BDR 34-833)

2. Distance Education

The issues surrounding distance education were initially raised in the context of charter schools seeking to operate schools based primarily on delivery of instruction via computers and the Internet, such as Odyssey Charter School in Clark County. In addition, the White Pine County School District sought support from the Committee for expansion of the Nova Center High School into a statewide virtual high school - the Nevada Virtual High School. The Committee heard testimony on the impact such proposals might have on the Nevada Plan for school finance, the legal issues regarding per-pupil funding for distance education programs, and the importance of maintaining the quality of Nevada education and the integrity of the assessment and accountability systems now in place.

Members of the Committee expressed a desire for further consideration of these issues by a consortium of affected parties. The NDE, at the direction of the State Board of Education, convened a “Virtual School Task Force” to make recommendations. The task force included school district representatives, the NDE, WestEd, charter schools, UCCSN staff, and the NSEA. After two meetings, the NDE submitted a recommendation based on the task force’s discussions. Contemporaneously, members of the Committee, in consultation with others, also developed a distance education proposal.

The two proposals had much in common, including: (a) an opportunity for school districts, charter schools, or consortia of school districts and charter schools, to deliver instruction via distance education programs; (b) allowance for students to participate in distance education programs in other districts and for funding to follow the student, subject to the approval of the student’s home school district; (c) assurances that distance education programs would meet or exceed state curriculum requirements; (d) an understanding that students would be subject to current testing statutes; and (e) adoption of regulations by the State Board of Education for distance education programs.

The two proposals differed primarily in regard to funding issues and the regulatory structure. The NDE proposed funding for distance education students at six-tenths of the basic support guarantee. In contrast, the alternate proposal was to provide funding for distance education students based on the actual cost of the distance education program, not to exceed the basic support guarantee. White Pine County School District has estimated the actual cost of a distance education student to be approximately \$3600. As to regulatory structure, the NDE proposed the centralized establishment of a distance education program at the State Board of Education. The alternate proposal was decentralized in that school districts, charter schools, higher education institutions, and others would be permitted to obtain approval for distance education programs

through the Department. School districts would then incorporate such programs into a distance education plan that would also require Department approval.

The Committee considered the two options and, noting the similarities and the need for additional discussion on the issue before the full Legislature, selected the alternate option.

Based on preceding testimony, the Committee recommends that the 2001 Legislature:

- **Provide, in statute, for the delivery of instruction through distance education programs by school districts, charter schools, and consortia. Distance education students would remain subject to state requirements for proficiency testing, curriculum, and other statutory requirements. Distance education courses or programs may be developed by commercial vendors, charter schools, school districts, higher education institutions, or the Nevada Department of Education. Such courses or programs would require the approval of the Department in accordance with regulations adopted by the State Board of Education. The regulations will ensure that distance education programs meet all state requirements, including the academic standards. For students enrolling in distance education programs out of their resident school district, funding would follow the student, provided the resident school district approved. Funding for full-time distance education students would be based on actual costs, not to exceed the basic support guarantee of the resident district. (BDR 34-834)**

3. Adult and Alternative Education

The category of adult and alternative education programs include the Adult High School Diploma (AHSD) program, Adult Basic Education (ABE), prison education programs, and alternative education programs. In Senate Bill 555 in the 1999 Session, the Legislature charged the NDE with allocating money for the AHSD programs among the school districts “in accordance with a plan or formula developed by the NDE to ensure the money is distributed equitably and in a manner that permits the accounting of the expenditures of school districts.” Later, in a letter of intent from the Senate Committee on Finance and the Assembly Committee on Ways and Means, the Department was directed to update outcome indicators and performance standards and to conduct a “customer satisfaction” survey to measure the effectiveness of the ABE program.

The NDE convened a task force comprised of representatives from the AHSD, ABE, and prison education programs; school districts; business interests; legislators; legislative staff; the State Board of Education; and Nevada’s Departments of Education and Employment, Training and Rehabilitation. In response to a later legislative concern, the task force also addressed the issue of directing students into the AHSD program to take advantage of state funding and the low graduation rate of the program. After a series of meetings between July 1999 and July 2000, the task force put together

recommendations for statutory and regulatory changes, as well as programmatic changes.

The Legislative Committee on Education considered several recommendations of the task force, including: (a) statutory changes to the AHSD sections to delete outdated references; (b) allowance for funding to follow students between programs; (c) accommodation of the growth in the ESL programs; (d) use of up to 1.5 percent of adult education funding for state administrative costs; (e) redefinition of adult education to include both AHSD and ABE; and (f) permission for students 16 years or older to enroll in the AHSD. The task force later withdrew several recommendations desiring to consider those issues further.

To respond to the Legislature's call for an equitable formula and also to address the disproportionate assignment of students to the AHSD, the NDE proposed a new funding formula. The new formula also sought to equalize the per-pupil costs among the programs and would result in less funding for the prison education programs. The task force did not support the proposed formula and a representative of the prison programs testified against the proposed formula.

The Committee therefore recommends that the 2001 Legislature:

- **Amend statutes to make certain program changes to Nevada's system of adult and alternative education needed to increase retention and completion rates. Specific changes include deleting reference to "part time" when describing students in adult high school diploma programs and removing requirements for reporting "average daily attendance" of pupils in the adult high school diploma program. (BDR 34-218)**

The Committee also considered a proposal by two school districts to provide for local control over students desiring to dropout of high school to take the GED test. Under current law, a 16-year-old must apply to the State Board of Education to take the GED. In addition, it was pointed out that this provision may be a policy conflict with the state compulsory attendance law that sets 17 as the minimum age for ending schooling.

The members of the Legislative Committee on Education agreed that local control over this type of decision was preferred. The Committee members therefore recommend that the 2001 Legislature:

- **Amend statutes to provide that a student who is no longer enrolled in high school and who is between 16 and 18 years of age must submit written permission signed by a parent or guardian to his local board of trustees in order to take the General Educational Development test. Currently, the law provides that this written permission is to be submitted to the State Board of Education. Further specify that the school board may set forth reasonable**

conditions prior to giving consent and provide a specific exemption from the compulsory attendance law for these pupils. (BDR 34-218)

The Adult and Alternative Education Task Force also recommended that 1.5 percent of AHSD funds be used for state level testing administration of that program, along with the Alternative Education and the General Educational Development programs. This percentage of funds would cover the cost of two full-time employees and one half-time clerical support staff person – approximately \$195,000 per year. Such oversight would provide greater accountability for the testing portion of those programs. For the current biennium, the NDE utilized a federally funded occupational education position to determine the status of, and need for, state administration. The NDE informed the Committee members that the position must return to occupational education at the end of the biennium.

Since these types of program decisions are tied to the Department's budget, the members of the Committee agreed to endorse the concept and forward the matter to the Assembly Committee on Ways and Means and the Senate Committee on Finance.

Therefore, the Committee also adopted a recommendation to:

- **Include a letter of support for certain funding and service changes, including requiring districts to average enrollments or allow funds to follow students as they enter and leave programs; providing for adequate services for English as Second Language (ESL) students in order to accommodate growth in this category; and allowing up to 1.5 percent of these funds to be used for state level administration of the Adult High School Diploma Program, Alternative Education, and General Educational Development testing.**

E. EDUCATIONAL ASSESSMENT AND TEST SECURITY

The use of student test results for comparative purposes automatically raises the issue of improper releases of copies of tests and the need for improved test security. Testimony before the Committee confirms that the frequency of testing security problems in Nevada is very low. The NDE takes test security seriously and continues to monitor and improve its test security measures. Nevada's school districts also take the issue of test security very seriously since it deals with the honesty and integrity of staff members. Additionally, the purpose of the assessment program is to provide schools and students with a true picture of academic achievement and, ultimately, to improve the quality of learning. The only way to accomplish that goal is through reliable data. Breaches of test security or testing irregularities may affect a school's test results, and individual students and parents may believe the scores are a true representation of ability when, in fact, they may not be; in addition, a student that needs remediation may not receive help because his test scores did not indicate the need.

1. Test Security

The members of the Committee received testimony concerning efforts in other states to protect test security. The most effective methods of avoiding breaches of test security are preventative in nature. For example, in some states when a new test is implemented, 20 to 25 percent of the schools will be visited unannounced on test-taking day. Further, some jurisdictions require that there be a person observing the classroom and checking to see that the test book packages are opened one-half hour before test time, the timing procedures are maintained, and the answer sheets are controlled before being repackaged and sent to the scoring centers. According to testimony, although publicly many educators expressed anger about the implied lack of trust, in reality many were grateful that such security measures were used.

Other test security procedures used throughout the country involve statistical analysis of test-taking patterns and answers. Programs exist that allow computers to identify patterns of errors that suggest there has been cheating; this approach is especially effective with large numbers of answer sheets, as is the case with statewide exams.

In the past, the NDE has taken precautions to strengthen test security. For example, it has used Principal Assurance Forms, which must be signed by the principal of each school that administers proficiency examinations. The principal of the school certifies that the examination will be appropriately administered. The NDE designed a red watermark warning against copying any page of the examination containing content. Also, booklets for the HSPE are now shipped directly to schools to maintain an inventory and ensure that the schools received all booklets shipped, and the NDE receives a written receipt for the materials. Thereafter, the schools return both the test booklets and answer sheets directly to the NDE and staff inventories those test booklets and then shreds them. Other test security protocols and forms are contained within the NDE's publication, *Test Security Procedures for Nevada Proficiency Examinations*, dated August 19, 1999.

Testimony by the NDE indicated that it is limited in the types of sanctions it can impose for a breach of test security by professional personnel. The types of sanctions are limited to the suspension or revocation of a teaching license. School districts, however, have other disciplinary actions available, such as written reprimands, suspension, with or without pay, or termination.

The members of the Committee heard testimony alleging significant school-wide incidents of test cheating and workplace pressures from school administrators to "teach to the test." Those persons testifying also argued that many school employees, students, and others were reluctant to come forward with their allegations without some sort of statutory "whistle-blower" protections, such as those that apply to state employees. School districts and the NDE testified concerning difficulties in compelling potential witnesses to provide information about alleged incidents.

The Committee agreed that test security breaches are harmful to students, parents, schools, and to the integrity of the accountability system. Members agreed that there should be clear protections for school district employees if these protections are balanced with disincentives for providing untruthful information. The Committee agreed to use the key provisions of the state employee whistle-blower law and apply it to district employees making reports concerning test security breaches or testing irregularities.

Based on these concerns, the Committee recommends that the 2001 Legislature:

- **Provide, by statute, the same whistle-blower protections that are currently provided to state employees for school district employees for disclosing test security or testing irregularities. Such provisions include a declaration of public policy encouraging disclosures and protecting the rights of the employee; prohibiting employees from influencing or interfering with the disclosure; providing for a hearing process to be conducted by the State Board of Education concerning appeals filed alleging reprisal or retaliation occurring within two years of a disclosure; prohibiting the use of the disclosure statutes to harass another employee; providing that disciplinary action against an employee for untruthful information about an alleged improper governmental action is not prohibited; providing each employee, annually, with a summary of the disclosure law; and defining the effect upon criminal law. Further, provide that school districts and the Nevada Department of Education may compel witnesses to provide information while investigating such matters. (BDR 34-836)**

On November 10, 1999, Committee staff polled all 17 school districts with respect to test administration and test security policies and procedures in place within their districts. Such protocols could either be formal school board policies, or procedures set forth by district central administration. Eleven districts responded to the poll. Of those responding, four districts responded they had no policies or procedures in place regarding test administration or test security. These four include Esmeralda, Lander, Mineral, and Nye County School Districts. Districts not responding to the poll may also lack such policies and procedures.

The Committee noted that state level security procedures might not be sufficient to protect test security. Furthermore, district policies and procedures can serve to add additional measures to prevent breaches and irregularities while also providing protections to personnel who follow those procedures.

Therefore, the Committee also recommends that the 2001 Legislature:

- **Require by statute, that school district boards of trustees establish and enforce a plan containing test security procedures to be followed for all statewide and district-wide student achievement tests. Such procedures**

should include procedures for reporting possible security irregularities; procedures to ensure the security of test materials; and, for secondary schools, the method by which the school district verifies the identity of students taking statewide proficiency examinations. Copies of these plans and procedures shall be submitted to the State Board of Education and the Legislative Committee on Education annually. (BDR 34-836)

The Legislative Committee on Education devoted a significant amount of time to issues relating to state and district testing programs. In the process of reviewing test security matters at its November 13, 2000, meeting, members received information from Dawn Church, with CTB-McGraw Hill, about strategies used by other states to improve test security. Ms. Church noted that all solutions would have associated costs, and suggested: (a) providing a new test each time it is administered; (b) exercising more control over testing environments, including centralized testing locations; (c) delaying test booklet delivery until shortly before testing is scheduled to occur; (d) providing bar codes for test booklets for improved identification and tracking; and (e) using tests which match classroom curricula, thereby eliminating a primary motivation for cheating.

The Committee noted certain of these security measures might be considered for adoption by the NDE. Before any decision can be reached either by the Committee or by the Legislature as a whole, information concerning the costs of these alternatives would need to be collected. The Committee, therefore, adopted a recommendation to:

- **Provide that a letter be sent by the Committee directing the Nevada Department of Education to “cost out” options to improve security for statewide high-stakes tests, and provide a report to the Legislative Committee on Education, the Senate Committee on Finance, and the Assembly Committee on Ways and Means prior to the start of the 2001 Legislative Session.**

2. Test Administration and Reporting

The Nevada Department of Education requested a technical amendment to the state’s reporting requirements for certain statewide proficiency examinations. Due to contract clauses and practical considerations, the NDE staff requested that the reporting dates set forth primarily in NRS 389.017(5), be revised to give district and charter schools an additional two weeks to forward test results to the NDE for accountability purposes. Since the dates for issuing the accountability reports have not changed, the Committee agreed to forward the proposal to the full Legislature.

Based on these concerns, the Committee recommends that the 2001 Legislature:

- **Amend statutes (primarily at NRS 389.017[5]) to revise state proficiency reporting requirements. Current law requires districts and charter schools to**

report statewide results to the Nevada Department of Education before November 1, and for the Department to report this information by December 1. Due to district testing practices and contractual “turn-around” times from test vendors, the dates need to be changed to November 15 and December 15, respectively. (BDR 34-218)

The Nevada Mathematics Advisory Task Force and others identified initial problems between district test directors and the Nevada Department of Education testing staff with regard to logistical aspects of the state proficiency testing program. District administrators asked to be consulted well in advance with regard to decisions concerning test scheduling, turn-around times for test results, and reporting. The HSPE is a particular source of anxiety for students and parents. The earlier results are shared, the sooner student remediation within specific areas of skill can be addressed.

The Committee members agreed that both sides need to coordinate the testing program, and that increased communication would be valuable. The Committee also recommends that the Legislature:

- **Include a statement in the final report of the Committee encouraging the Nevada Department of Education and the school district test directors to work together to resolve problems involving statewide proficiency tests, including: receipt of materials in a time frame that allows for test administration planning, test scheduling, and the reduction of turnaround time for test results and reporting scores.**

Additionally, principals and other staff from the Clark County School District raised concerns about the long turn-around time between the date tests are sent to the vendor for scoring and the time individual student scores are received by the districts. It was argued, in any high-stakes testing, time is of the essence in providing any needed remedial assistance to students prior to the next test administration. Members noted that current contracts with test vendors typically contain penalty clauses for late delivery of test results, and the NDE should enforce these provisions.

Therefore, the Committee also recommends that the 2001 Legislature:

- **Require, by statute, that the Nevada Department of Education enforce any pertinent penalties and sanctions set forth in contracts for late delivery of test results to school districts by national test vendors administering statewide proficiency tests. (BDR 34-836)**

3. Findings of Nevada Mathematics Advisory Task Force

During the spring of 1999, concerns were raised about the new, more rigorous High School Proficiency Examination. Concerns included questions as to whether students had been adequately prepared by the curriculum to pass the test, and whether some test

questions were in the public school curriculum. Additional concerns were raised about the timely delivery of individual student reports, whether some forms of the test were more difficult than others, and whether the curriculum and associated test questions were more difficult than business and “real world” requirements.

In response to these concerns, the 1999 Legislature, in Senate Bill 466, established a temporary ten-member task force, which included two legislators, to compare the contents of the various forms of the HSPE with the course of study adopted by the State Board of Education and the curriculum offered in the public schools of the state. The members of the task force were also charged with reviewing the method by which the results of the HSPE are reported to schools and parents to determine whether another method of reporting might be more helpful in identifying pupils’ areas of deficiency so that remedial help might be focused on specific skills a pupil lacks. The task force was required to report its findings to the State Board of Education and the Legislative Committee on Education on or before December 1, 1999.

At the Committee’s meeting in January 2000 in Fallon, Nevada, the former Superintendent of Public Instruction, Mary L. Peterson, presented the findings and recommendations of the task force. The task force issued the following results:

- With respect to how the content of the HSPE in Mathematics (Forms A through G, 1998-99) compares with the 1994 State Course of Study in Mathematics and curriculum offered in Nevada’s public schools, the task force finds that they are very closely aligned, although the different forms appear to vary in difficulty. The task force examined test questions and determined that 213 of the 216 questions matched the 1994 *State Course of Study*.
- With respect to whether current methods of reporting the results of the HSPE to school districts and parents could be improved, the task force finds that the reporting process has room for improvement (as further explained in the recommendations, to follow).

In addition, the task force presented the following recommendations:

- The Nevada Department of Education (or its contractor) should deliver accurate and complete testing reports to school districts in a timely manner;
- The Nevada Department of Education (or its contractor) should provide item analyses and detailed student information to school districts so they can improve the instructional process and provide more effective remediation to students;
- In consultation with the school districts, the Nevada Department of Education should design and provide reports to parents that can be easily read and interpreted;

- The Nevada Department of Education should investigate the feasibility of including constructed response questions, such as essays and questions for which students generate, rather than select, answers;
- A pilot study should be initiated to develop sets of test questions and appropriate reporting mechanisms that distinguish between understanding of concepts and understanding of terminology; and
- The Nevada Department of Education should develop and implement a public awareness strategy to facilitate better understanding of the goals of the testing program and to ensure accurate reporting of testing information. In furtherance of this goal, the task force suggested that the Department ensure that the contracting vendor implement the necessary changes in the equating procedures to produce tests of comparable difficulty.

The task force also recommended that school districts:

- Apply for remediation funding already appropriated under Senate Bill 555 (Chapter 559, *Statutes of Nevada 1999*), which makes an allocation from the State Distributive School Account for remedial education programs;
- Ensure that parents, students, and teachers are aware that the HSPE is a high-stakes test and that students must obtain a passing score on the HSPE in order to obtain a high school diploma; and
- Continue to ensure that the local curriculum and instructional programs will adequately prepare students for the HSPE in Mathematics, and revise those programs to meet the 1998-1999 content and performance standards in mathematics.

The Committee acknowledged the work of the task force in reviewing this matter. Since the recommendations did not require legislation, (most involve corrective action by the NDE and the districts), the Committee commended the members of the task force and agreed to include the group's principal findings and recommendations within its own report to highlight the information. The Committee, therefore, adopted a recommendation to:

- **Incorporate within the Committee's final report the recommendations submitted to the Committee by the Nevada Mathematics Advisory Task Force in their report of Nevada's High School Proficiency Examination (HSPE) in Mathematics. The report includes recommendations concerning student test reports; the inclusion of constructed response questions, such as essays; public awareness efforts concerning the high stakes nature of the test; district use of state remediation funds; district public awareness efforts; and district efforts to ensure that the local curriculum and instructional programs**

adequately prepare students for the examination, revising those programs to meet the 1998-1999 content and performance standards in mathematics.

F. ACADEMIC STANDARDS

1. Promoting State Standards by Public Engagement

At its September 2000 meeting, the Council to Establish Academic Standards approved an initiative to fund a public engagement/public relations program statewide with regard to academic standards and student assessment. The specific activities of the proposal include workshops for school board members, teachers, counselors, and administrators; research concerning public awareness; focus groups; research on best practices to identify successful schools and programs; an interactive web site; materials for parents explaining the importance and content of the high school proficiency examination; and including a newspaper insert with sample questions from the proficiency tests; a video program about the importance of parental support for the standards; and regular communication updates from the Council to key policymakers statewide and in school districts.

The Committee recognized the need to promote the academic standards and agreed to support this proposal for the most part. The cost of a contract consultant to run the program was deducted from the total request, with the Committee instead recognizing NDE's request for a permanent position within its budget to conduct these activities.

Based on preceding testimony, the Committee recommends that the 2001 Legislature:

- **Appropriate \$212,500 to the Nevada Department of Education to conduct statewide public engagement/public relations with parents of school age children with regard to the new academic standards. The activities for this project include communicating through people, through research, and through print and electronic media. (BDR S-838)**

2. American Government and American History Requirements

The Council also asked that Chapter 389 of the *Nevada Revised Statutes*, "Examinations, Courses and Standards" be further revised to align current core subject requirements with the state academic standards. In a communication dated September 26, 2000, the Council asked the Legislative Committee on Education to delete the sections of Chapter 389 requiring one-year courses of study in high school for American Government and American History, noting a conflict existed with new requirements for social studies standards. The Council called for flexibility within the statutes for both the State Board of Education and local school districts to align social studies graduation requirements with the requirements of the social studies standards that now include history, civics, economics, and geography. The Council argued that these statutes were no longer needed since the Legislature designated social

studies as a core subject in NRS 389.018. Deleting the American Government and American History sections would allow districts needed flexibility to integrate all four social studies subject areas within the course and time constrains available to teach the curriculum.

Committee members acknowledged the need to align the course of study chapter of NRS with the new social studies standards, but were reluctant to eliminate the American Government and American History requirements from the law. The Committee agreed to delete the requirement that the course be one-year in duration, but wished to retain their separate existence in Chapter 389. In this manner, the courses could be integrated into the larger social studies framework through courses of American Government or History or another course containing the social studies standards.

Therefore, the Committee recommends that the 2001 Legislature:

- **Revise statutes to delete the one-year requirement for courses of study in American History and American Government. Further, provide that the instruction in these subjects may be part of a course in social studies. (BDR 34-218)**

3. Comprehensive Review and Planning for School Districts

The Council to Establish Academic Standards approved a number of standards-related recommendations at its May 9, 2000, meeting for transmittal to the Legislative Committee on Education. The proposals called for comprehensive planning by school districts to implement both Phase I and Phase II standards, including associated district level testing. Council members also emphasized the need to address special assistance that might be needed to help disabled students and Limited English Proficient students meet the standards, along with a determination of the need for professional development.

The members of the Legislative Committee on Education agreed that districts need to establish such plans and transmit them to the appropriate planning and policy bodies. However, rather than place such a requirement in statute, the Committee decided to communicate directly with the districts to make this request. In this way, needed data on costs and implementation problems, if any, can be identified prior to the end of the 2001 Legislative Session.

The Committee adopted a recommendation to:

- **Include a statement within the Committee's final report encouraging each school district to establish a comprehensive plan for the implementation of Nevada's academic standards within the district curriculum and the associated testing within the district's testing schedule. The plan also must**

specify how the district will address students, parents, and teachers involved with programs for Limited English Proficient students and special education students, including a description of special teaching methods, special assistance models, and comprehensive curriculum and outreach programs. The plan shall be transmitted to the Nevada Department of Education, the Legislative Committee on Education, and the Council to Establish Academic Standards.

4. Linking Academic Standards with Professional Development, Testing, and Remediation

The Council to Establish Academic Standards approved a number of additional recommendations that were presented to the Committee at its September 26, 2000, meeting concerning certain statewide issues, such as professional development, remediation, curriculum audits and standards-based assessments.

The Council asked that the Committee continue finding and increase it for remediation programs that can be used to maintain or enhance the activities conducted during the 1999-2001 biennium. Remediation funds are needed by schools needing improvement and for individual students at all grade levels who need additional instructional time to meet state standards. Further, the Council stated that the State must provide adequate time for curriculum programs statewide to catch up to the testing program. Students should not take tests on subject matter that they have not been taught. The Council called for a comprehensive review of curriculum requirements and a coordinated state implementation program to ensure all students have the classroom experience necessary to have received instruction in all areas being tested. The Council also called for pre- and post-testing in the two grades (3 and 5) designated for the new standards-based CRTs.

The Committee agreed that a coordinated plan was needed to ensure the standards are implemented within state and district curricula. Members also agreed to support the NDE budget requests for grades 3 and 5 testing, and the proposed test in grade 8; however, such costs (if they are to continue) must be contained within the NDE's budget and must go through the budget review process.

Therefore, based on these issues, the Committee adopted recommendations to:

- **Include a statement in the Committee's final report emphasizing the importance of coordinating funds for professional development (at the state, district, and Regional Professional Development Program levels) to ensure teachers have the information necessary to improve pupil achievement. Further, urge that the Regional Professional Development Program and the Council to Establish Academic Standards consult with regard to this and other issues of mutual interest. Further, emphasize the importance of coordinating all sources of remedial funding to assist students in achieving the**

new standards. Encourage the school districts to utilize remedial funds to assist special populations, including English Language Learners and Special Education students, who are experiencing difficulties in achieving the standards, and support additional funding from the Legislature for these students. Further, urge the Nevada Department of Education to complete a survey of school districts for the Council to ensure standards are in place statewide, are part of the curriculum being taught, and that all students have the classroom experiences necessary to have received instruction in all areas being tested. Further, provide a statement of support for the Department's budget request to adequately fund test development and administration costs for all statewide tests associated with the new academic standards. Finally, provide a statement of support for the development and funding of an 8th grade criterion-referenced test based upon the academic standards.

G. SCHOOL DISTRICT ISSUES

Representatives of several Nevada school districts presented proposals to the Legislative Committee on Education. Most of these are found within other subsections of this document, including recommendations concerning personnel and student remediation. The proposals in this category include expansion of the hold harmless provisions of the Nevada Plan for school finance, changes to statutes regarding students classified as habitual discipline problems, and continued support for the Commission on Educational Technology.

1. Hold Harmless Provision for Shrinking Enrollment

Nevada school districts receive their share of state education funding based upon student enrollment within their districts. At its meeting in Fallon, Nevada, in January 2000, the Committee members received information concerning recent budget cutbacks made by the Churchill County School District. Although most rural districts experienced enrollment declines, Churchill experienced a double impact upon its enrollment and budget last fiscal year. A newly established charter school drew a significant number of students from the district's traditional high school. That occurrence, coupled with shrinking enrollment in other schools, led to significant budget cuts for the current school year. Under current law, districts experiencing significant enrollment declines have a one-year hold harmless provision that authorizes districts to base the guaranteed level of funding for the current year upon the previous year's enrollment. This approach allows school boards time to make appropriate adjustments to their district budgets. In many instances, traditional responses, such as personnel attrition and reassignment practices, can help cushion the impact. However, significant enrollment declines could result in unforeseen program and personnel cuts, and one extra year for the "hold harmless" provision would help mitigate the effect of such cuts.

The Committee agreed that significant budget cuts could have a profound impact, especially in rural communities. The members agreed to forward this proposal to the full Legislature for its consideration. The Committee, therefore, recommends that the 2001 Legislature:

- **Revise statutes (primarily at NRS 387.1233[2]) to provide that school districts have an extra year (two years total) in the “hold harmless” clause of the Nevada Plan for school finance to adjust for negative student growth. (BDR 34-218)**

2. Habitual Discipline Problems

In response to input from various school districts, Mary L. Peterson, former Superintendent for Public Instruction, asked the Committee to revise statutory provisions concerning Nevada’s program for students classified as habitual disciplinary problems. Under one portion of the pupil discipline statutes (NRS 392.4675), pupils who are suspended or expelled may be allowed to enroll in alternative education programs for at-risk students or in programs located in juvenile detention camps or facilities. Students who have been expelled or suspended due to the first occurrence of a battery, selling or distributing a controlled substance, or in possession of a dangerous weapon or firearm may, therefore, attend an alternative program during the period of their suspension or expulsion.

However, pupils who are declared to be habitual discipline problems may not enroll in those programs. Pupils are categorized as being habitual disciplinary problems if: (a) during one school year, they have threatened or extorted students or school personnel; or (b) initiated two fights or been suspended five times. Since the severity of these fights and infractions can vary, the restriction against enrolling these pupils in an alternative program seems inconsistent. Because boards of trustees have discretion as to whether to allow the first category of pupils to enroll in alternative programs, the districts argued they should also have the flexibility to allow certain students classified as habitual disciplinary problems, on a case-by-case basis, to enroll in alternative programs.

The Committee agreed that these provisions seemed inconsistent and that school boards should have the flexibility to make such decisions. Based on preceding testimony, the Committee recommends that the 2001 Legislature:

- **Amend statutes to allow the board of trustees of a school district the authority to allow exceptions, on a case-by-case basis, to the requirement that a student classified as a habitual discipline problem be prohibited from enrolling in an alternative education program (programs for at-risk students or juvenile detention facilities/programs). (BDR 34-217)**

3. Education Technology

The 1997 Nevada Education Reform Act also contained a significant commitment to technology in the classroom. The measure created the 11-member Commission on Educational Technology. The Commission is charged with developing and updating a statewide plan for the use of educational technology within the public schools. The plan must make recommendations to incorporate technology within the schools, increase pupil access to the Internet, increase teacher access to continuing education opportunities through technology, improve pupil achievement, and incorporate teacher-training needs associated with the new technology. In addition, the Commission must make recommendations for the distribution of funds from the Trust Fund for Educational Technology and develop technical standards for educational technology and uniform specifications to ensure statewide compatibility.

The 1997 Legislature provided \$36.1 million to the Commission for distribution to school districts for hardware and software purchases to help schools obtain instructional technology for use in the classroom. In contrast, the 1999 Legislature appropriated \$4.2 million for the 1999-2001 biennium to be distributed by the Commission for assistance to local school districts in bringing schools up to a minimal technological level; for school library databases; and for maintenance contracts for software. The Commission developed a budget for the forthcoming biennium that emphasizes staff development and system maintenance needs of districts. Although the budget was submitted through the NDE for inclusion in the Governor's budget, the priorities specified within the Commission's request may conflict with priorities established by the State Board of Education. The Committee was aware of this issue and supports the Commission's efforts.

The Committee, therefore, adopted a recommendation to:

- **Include a statement in the final report of the Committee in support of continued funding for current computer technology in classrooms, especially with regard to funding for the technical support needed to maintain this equipment.**

IV. SELECTED REFERENCES

Print Resources:

“Assessing Student Performance – Tough Choices.” March-April Issue of *Progress of Education Reform 1999-2001*. Education Commission of the States, 2000.

Comprehensive Review of Education Reform in Nevada. Legislative Counsel Bureau, Fiscal Analysis and Research Divisions, September 2000.

Education Commission of the States (1998, March). *Designing and Implementing Standards-based Accountability Systems*. Denver, CO.

National Research Council (1999). *High-Stakes Testing for Tracking, Promotion and Graduation*. Washington, DC: National Academy Press; www.nap.edu/readingroom/books/highstakes.

Test Security Procedures for Nevada Proficiency Examinations. Nevada Department of Education, August 19, 1999.

Useful Web sites:

- Center for Education Reform (mostly charter schools): <http://www.edreform.com>.
- Education Commission of the States: <http://www.ecs.org>.
- Education Week: <http://www.edweek.org>.
- FairTest: www.fairtest.org.
- National Assessment of Educational Progress: <http://nces.ed.gov/nationsreportcard>.
- National Center for Research on Evaluation, Standards, and Student Testing (CRESST): <http://www.cse.ucla.edu/CRESST>.
- National Clearinghouse for Comprehensive School Reform: <http://www.goodschools.gwu.edu>.
- U.S. Department of Education: <http://www.ed.gov>.
- U.S. Department of Education National Charter School Technical Assistance: <http://www.uscharterschools.org>.

V. ACKNOWLEDGMENTS

The Legislative Counsel Bureau would like to acknowledge the efforts of the following persons and entities for their assistance with compiling the *Comprehensive Review of Education Reform in Nevada*, for assisting the Committee during its deliberations, and for providing information included in this report:

- To the Nevada Department of Education, special thanks to Mary L. Peterson, former Superintendent of Public Instruction; Bill Arensdorf, Team Leader, Accountability; Ann Alexander, Education Consultant, Educational Equity; Carol Crothers, Education Consultant, Accountability; Gloria Dopf, Team Leader, Educational Equity; Phyllis Dryden, Team Leader, Work Force Education; Tom Klein, Education Consultant, Standards, Curricula, and Assessments; Mark Knudson, Educational Consultant, Human Resources and Technology; Paul LaMarca, Team Leader, Standards, Curricula, and Assessments; Tom McCormack, Consultant, Charter Schools; Terry Owens, Education Consultant, Accountability; Denise Quon, Education Consultant, Accountability; Keith Rheault, Deputy Superintendent, Instructional, Research, and Evaluative Services; Kathleen St. Clair, Education Consultant, Educational Equity; David Smith, Education Consultant, Accountability; Joan Taylor, Education Consultant, Standards, Curricula, and Assessments; Douglas Thunder, Deputy Superintendent, Administrative and Fiscal Services; and Skip Wenda, Administrator, Southern Office, Las Vegas.
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- To the University of Nevada, Reno, and the University of Nevada, Las Vegas.
- To all 17 school districts and the superintendents for their responses to polls and other requests for updates, and special thanks to Craig Kadlub and Judy Costa at the Clark County School District, and Dotty Merrill at the Washoe County School District.
- To the principals and staff of the six schools profiled in the *Comprehensive Review of Education Reform in Nevada*:
 1. Beverly Mathis, Principal of Kermit R. Booker Senior Elementary School, Clark County School District;

2. Evans Rutledge, Principal, Cashman Middle School, Clark County School District;
 3. Kris Sampson, Principal, Lenz Elementary School, Washoe County School District;
 4. John Moddrell, Principal, McDermitt – Combined Grades (K-12), Humboldt County School District;
 5. Evan Wilson, Principal, Meadow Valley Middle School, Lincoln County School District; and
 6. Henry Kilmer, Principal, Virginia City High School, Storey County School District.
- To the principals and staff of the schools the Committee toured this interim, including:
 - Beverly Mathis, Principal, Kermit R. Booker Senior Elementary School, Clark County School District.
 - Scott Meichack, Principal, E.C. Best Elementary School in Fallon, Churchill County School District.
 - Barbara McLaury, Principal, Mathews Elementary School, Washoe County School District.
 - Stanley Chow, WestEd
 - To the coordinators of the Regional Professional Development Programs:
 - Marcia Bandera, northeastern Nevada.
 - Roy J. Casey, western Nevada.
 - Bill Hanlon, southern Nevada.
 - Lynn Sawyer, northwestern Nevada.
 - To the members of the Council to Establish Academic Standards
 - Debbie Smith, Chair
 - Evelyn Allred
 - Kirk Kelly Adams
 - Scott Craigie
 - Benjamin Hart
 - Assemblywoman Vonne Chowning
 - Senator Ann O’Connell
 - Elaine Wynn

- To the members of the Commission on Educational Technology:
 - Moises Denis, Chairman
 - Daniel R. Combo
 - Fred Dugger
 - Shawn Franklin
 - Brian Herr
 - Dori Jensen
 - Sarah Jones
 - Bart Mangino
 - Dr. Katrina Meyer
 - Senator Bill R. O'Donnell
 - Assemblyman Kelly Thomas

- Jeanne Botts, former Chief Financial Officer, Washoe County School District.

- Bus Scharmann, Dean, Fallon Campus and Extended Programs, Western Nevada Community College, Fallon.

VI. APPENDICES

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APPENDIX A

Nevada Revised Statutes 218.5352
Legislative Committee on Education

NEVADA REVISED STATUTES

LEGISLATIVE COMMITTEE ON EDUCATION

NRS 218.5352 Legislative Committee on Education: Creation; membership; chairman and vice chairman; vacancies.

1. The Legislative Committee on Education, consisting of eight legislative members, is hereby created. The membership of the committee consists of:

(a) Four members appointed by the majority leader of the senate, at least one of whom must be a member of the minority political party.

(b) Four members appointed by the speaker of the assembly, at least one of whom must be a member of the minority political party.

2. After the initial selection, the Legislative Commission shall select the chairman and vice chairman of the committee from among the members of the committee. After the initial selection of those officers, each of those officers holds the position for a term of 2 years commencing on July 1 of each odd-numbered year. The chairmanship of the committee must alternate each biennium between the houses of the legislature. If a vacancy occurs in the chairmanship or vice chairmanship, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

3. A member of the committee who is not a candidate for reelection or who is defeated for reelection continues to serve until the convening of the next regular session of the Legislature.

4. A vacancy on the committee must be filled in the same manner as the original appointment.

(Added to NRS by 1997, 1775)

APPENDIX B

Statutory Reports to the Committee on Education

STATUTORY REPORTS TO COMMITTEE ON EDUCATION

SECTION	DESCRIPTION	REPORTING PERIOD/DATE
NRS 385.3465	Defines Legislative Committee on Education for education code purposes.	Not applicable
NRS 385.351	- School district boards to submit individual school accountability reports to Committee. - District to submit district school improvement report to Committee.	April 15 June 15
NRS 385.369	Department to notify Committee of schools designated as needing improvement.	April 1
NRS 385.371	Initial designation of a school needing improvement – district to submit plan for improvement to Committee.	February 15
NRS 385.373	For schools designated as needing improvement for two years, school district to submit copy of it its plan for improvement to Committee.	February 15
NRS 385.375	- For schools designated as needing improvement for three years, NDE to submit copy of it its plan for improvement to Committee. - School district to make reports about its efforts to improve such schools.	Not specified Quarterly
NRS 385.378	Waiver from appointment of panel to supervise school needing improvement – NDE must report such waivers to the Committee.	February 15 of each year
NRS 385.381	If school is designated as needing improvement two years in a row, the appointed panel to supervise school’s probation will submit its findings (report) to the Committee.	April 1 of year appointed
NRS 385.389	Nevada Department of Education to consider recommendations of Committee in adopting programs of remedial study.	
NRS 385.386	Should the State Superintendent appoint an administrator for a school on academic probation, the administrator shall report on the school’s progress to Committee.	Quarterly
NRS 386.605	Districts required to submit district-level accountability report to Committee.	Before April 15 annually
NRS 388.787	Defines Legislative Committee on Education for Commission on Education Technology portion of NRS.	NA
NRS 388.795	Commission on Education Technology to submit state technology plan and any recommendations for legislation to Committee.	Not specified
NRS 389.012	National Assessment of Educational Progress – NDE to report results of exams to Committee.	Approximately every two years

APPENDIX C

Executive Summary from the Nevada Mathematics Advisory Task Force

Executive Summary

Background Information

Senate Bill 466 of the 1999 Nevada Legislature called for a Task Force to be formed to study the Nevada High School Proficiency Examination (HSPE) in Mathematics. Specifically, the Task Force was charged with two fundamental responsibilities: 1) To compare the content of the HSPE in Mathematics with the 1994 State Course of Study in Mathematics and the curriculum offered by the public schools in Nevada; and 2) To review the current methods of reporting the results of the test to school districts and to parents, and to determine whether alternative methods might improve the reporting.

In response to the legislation, the Nevada Mathematics Advisory Task Force was appointed and met four times in the fall of 1999. The Task Force was composed of:

- one director of testing of a school district;
- one teacher of mathematics in a public high school;
- one director of mathematics curriculum of a school district;
- one parent of a pupil enrolled in a public high school in this state;
- one representative of a private business or industry;
- one member of the council to establish academic standards for public schools;
- one member of the board of trustees of a school district;
- one member of the Nevada State Senate;
- one member of the Nevada State Assembly; and
- one member representing the University and Community College System of Nevada.

The Task Force's investigation was supported by staff members of the Nevada Department of Education (Department) and consultants contracted by the Department. Staff members of the Legislative Counsel Bureau were in attendance at the meetings.

The Task Force was informed that Senate Bill 466 was passed to address questions and concerns brought to the attention of the Legislature. The Task Force members addressed these questions and concerns during the course of their deliberations and the presentation of their findings and recommendations.

In its deliberations, the Task Force considered the "1994 Course of Study in Mathematics" and "Instructional Objectives," the "Mathematics Framework" and "Measurement and Ability Matrix for Mathematics," the "Released Test Form A, Test Answer Sheet and Question Item Analysis for Form A," and the "Present Forms of the Reports of the HSPE." The members evaluated the content of each form of the assessments. The development process used by the State in the production and implementation of the HSPE was thoroughly presented and reviewed. The Task Force received and considered reports from four large Nevada school districts about the current state of mathematics education and how they prepare students to pass the HSPE. The Task Force also considered information collected from the remaining school districts

about their mathematics curriculum and its relation to the HSPE. Additionally, the Task Force reviewed the reporting process in detail.

Findings

The Task Force presents two basic findings:

- The Task Force finds that Forms A through G, of the HSPE in mathematics for 1998-1999, are very closely aligned with the 1994 Course of Study in Mathematics and with the curriculum offered in Nevada public schools, although the different forms appear to vary in difficulty.
- The Task Force finds that the reporting methods need improvement. Identification of needed improvements has already begun.

The Task Force also presents related findings:

- The HSPE is reasonable and appropriate. It accomplishes its purpose, which is to determine if students are meeting the minimum standard in mathematics to graduate from a public high school in Nevada.
- The Task Force recognizes the importance of testing mathematical concepts in addition to testing the terminology used to represent concepts.
- The Task Force found, based on extensive public comments and questions received by members of the Task Force, that there is a great deal of public misunderstanding and misinformation about the goals, procedures and importance of the HSPE.
- The school districts have made positive efforts to align their curricula to the 1994 State Course of Study in Mathematics and consequently to the HSPE to assist students in meeting the minimum standards in mathematics.

Recommendations

The Task Force recommends that the Nevada Department of Education:

- Ensure that all test questions will be edited to clarify wording.
- Review test questions on the HSPE to ensure that they reflect realistic situations that are appropriate for high school students.
- Screen all test questions to ensure that they are aligned with the 1994 State Course of Study in Mathematics.

- Ensure that the contracting vendor implements the changes in the equating procedures necessary to produce tests of comparable difficulty.
- Ensure the delivery of timely, accurate and complete reports to school districts.
- Provide item analyses and detailed student information to the school districts.
- Ensure that reports to the parents can be easily read and interpreted. (e.g., report number of problems right or wrong instead of percentages in the subtests)
- Investigate the feasibility of including constructed response questions. (e.g., essays, brief scenarios, questions for which students generate rather than select answers)
- Initiate a pilot study to develop sets of test questions and appropriate reporting mechanisms that distinguish between understanding of concepts and understanding of terminology.
- Develop and implement a strategy for public awareness.
- Prepare an action plan and budget proposal for submission to the Interim Finance Committee and the 2001 Nevada Legislative Session to address the recommendations of the Task Force.

The Task Force recommends that the school districts:

- Apply for remediation funding already appropriated under SB 555 (enacted by the 1999 legislature) and other sources as necessary.
- Ensure that parents, students and teachers are aware of the HSPE as a high stakes test needed to obtain a high school diploma.
- Continue to ensure that the local curriculum and instructional programs adequately prepare students for the HSPE in mathematics.

APPENDIX D

Budget Report From the Statewide Management of Automated Record Transfer (SMART) Program

October 27, 1999

SMART PROJECT BUDGET

	Nevada SMART Funds		CCSD Funds		Total Appropriation
	Phase III		Phase IV Est.		
	1999-2000	2000-2001		2001-2002	
Budget Line Item					
Professional Services	\$1,727,710	\$279,890	\$1,762,850	\$3,998,890	\$7,769,340
Building Rental	\$60,000	\$60,000	\$0	\$0	\$120,000
Travel Out of District	\$10,000	\$10,000	\$0	\$0	\$20,000
Mileage in District	\$5,000	\$5,000	\$0	\$0	\$10,000
Supplies	\$25,000	\$25,000	\$0	\$0	\$50,000
Computer Supplies— Software	\$20,000	\$20,000	\$566,500	\$0	\$606,500
Computer Equipment— Major	\$25,000	\$25,000	\$963,351	\$362,000	\$1,375,351
Secretarial and Clerical	\$40,000	\$40,000	\$0	\$0	\$80,000
Extra Duty	\$750,000	\$0	\$0	\$0	\$750,000
Professional/Technical Salaries	\$0	\$0	\$897,250	\$897,250	\$1,794,500
Administrative Services	\$96,000	\$96,000	\$0	\$0	\$192,000
Fixed Charges	\$40,200	\$40,200	\$204,650	\$204,650	\$489,700
Totals	\$2,798,910	\$601,090	\$4,394,601	\$5,462,790	\$13,257,391

APPENDIX E

Excerpts From the October 24, 2000, Meeting
of the Adult and Alternative Education Task Force

Adult and Alternative Education Task Force Recommendations
Legislative Committee on Education
10/24/00

The Department of Education responded to a letter of intent dated June 23, 1999, from the Nevada State Legislature (Attachment A) by convening a task force to analyze the system and determine what programmatic changes would be needed to increase retention and completion rates. A matrix of adult and alternative education was presented to clarify the similarities and differences of the programs (Attachment B). Further discussion among Task Force members resulted in the development of a synthesized model for the provision of service to students (Attachment C). Other outcomes included proposed changes to Nevada Administrative Code (NAC) (Attachment D), Nevada Revised Statutes (NRS), and other recommendations.

The Adult and Alternative Education Task Force was comprised of representatives from: Adult High School Diploma programs, Adult High School Diploma Corrections programs, Adult Basic Education programs, Alternative Education programs, school districts, business and industry, Department of Prisons and Prison Literacy programs, the Legislature, the State Board of Education, and the Department of Employment, Training, and Rehabilitation, with staff from Legislative Counsel Bureau and the Department of Education as *ex officio* members.

Nevada Administrative Code (NAC)

Following the Legislative Committee on Education's recommendation on May 16, 2000, the Task Force requested that the State Board of Education address NAC regarding the following:

1. An inclusion of GED preparation for 16 year olds;
2. A revised definition of adult education that eliminates the term, *part-time*;
3. An explanation of *or the equivalent* with regard to competency versus seat time; and
4. The implementation of a revised funding formula for adult high school programs.

These issues have been presented to the State Board and the approval process will be completed at the December 2, 2000, Board meeting.

Nevada Revised Statutes (NRS)

Proposed statutory changes for the Legislative Committee on Education to address are:

1. Remove "part-time" references to adult high school diploma (AHSD) programs under NRS 387.123 and 387.1233; and
2. Remove requirement for reporting of Average Daily Attendance to Department of Education under NRS 387.1233.

Other

Other Task Force recommendations for Committee action are:

1. Support the provision of adequate funding for alternative education programs by requiring the districts to average enrollments and/or allow funds to follow students;
2. Provide adequate services for English as Second Language (ESL) students in order to accommodate the dramatic growth of ESL learners; and
3. Allow up to 1.5 percent of these funds to be used for state-level administration of the following programs: AHSD, Alternative Education, and General Educational Development (GED) testing. The legislative requirement for accountability in these programs can only be accomplished through state-level functions of data collection, monitoring, reporting, application processes, and technical assistance. For the current biennium, a federally funded occupational education position has been used to determine the status of and need for State administration. This position must return to occupational education at end of this biennium. The attached budget represents the Department of Education's proposal for funding of these functions (Attachment E).

Department of Education Recommendations

There was neither consensus nor majority approval for the development of funding formulas within the Task Force with regard to adult high school diploma programs. The Department of Education developed a new funding formula (Attachment F) for the next biennium after analysis of the work of the Task Force. The Department of Education makes the following recommendations to the Legislative Committee on Education for approval:

1. Continue funding of adult education programs with authority for the Department of Education to allocate funds *in accordance with a formula or plan to ensure the money is distributed equitably and in a manner that permits accounting for the expenditures of school districts* (as currently under SB 555, Section 13.)
2. Allow a percentage of these funds to be used for competitive funding of English as a Second Language (ESL) instruction, childcare, and transportation; and
3. Allow local education entities, community business organizations of demonstrated effectiveness, volunteer literacy organizations of demonstrated effectiveness, institutions of higher education, public or private non-profit agencies, libraries, public housing authority, or consortium of any of the above to apply for the competitive funding for English as a Second language instruction.

Proposed Language for Statutory Changes

EXPLANATION: Matter in *italics* is new; matter in brackets [~~omitted material~~] is material to be omitted.

Statutory Changes

Item 1: Remove "part-time" references to adult high school diploma (AHSD) programs under NRS 387.123 and 387.1233.

Item 2: Remove requirement for reporting of ADA to Department of Education.

PUPIL COUNTS

NRS 387.123 Count of pupils for apportionment; regulations for calculating enrollment and average daily attendance; regulations for maximum ratio of pupils to teachers; consequences of exceeding maximum ratio; exception from maximum ratio for charter schools.

1. The count of pupils for apportionment purposes includes all pupils who are enrolled in programs of instruction of the school district or pupils who reside in the county in which the school district is located and are enrolled in any charter school for:

- (a) Pupils in the kindergarten department.
- (b) Pupils in grades 1 to 12, inclusive.
- (c) Pupils not included under paragraph (a) or (b) who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive.
- (d) Children detained in detention homes, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570.
- (e) [~~Part-time~~] pupils enrolled in classes and taking courses necessary to receive a high school diploma.

CALCULATION OF BASIC SUPPORT

NRS 387.1233 Calculation of basic support.

5. [~~Part-time~~] pupils who are enrolled in courses which are approved by the department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing basic support pursuant to this section. [~~The average daily attendance for such pupils must be reported to the department.~~]



Nevada Legislature

June 23, 1999

Mrs. Mary Peterson
Superintendent of Public Instruction
Department of Education
700 East Fifth Street
Carson City, Nevada 89710

Dear Mary Peterson:

It is the intent of the Senate Committee on Finance and the Assembly Committee on Ways and Means that the Department of Education update outcome indicators and performance standards, which do not appear to have been updated since 1995, to measure the effectiveness of the Adult Basic Education Program. In addition, the Department should survey "customer satisfaction" to determine what programmatic changes are needed to increase retention and completion rates. The 1997-98 Performance Report for the Adult Basic Education Program indicates that of the 5,656 students who started the program, only 20 percent (1,148) completed one or more levels of the program and only 255 (5 percent) obtained a GED. Twenty-three percent (1,301) dropped out, and 57 percent remained in the program but did not complete a level. In the Adult High School Diploma Program, 14,134 students participated and 18 percent obtained a GED.

The Department should provide the updated outcome indicators and performance standards to the Legislative Committee on Education and the Legislative Bureau of Educational Accountability and Program Evaluation on or before February 15, 2000. Results of the customer satisfaction survey to determine needed programmatic changes should be reported to the 71st Legislature on or before February 15, 2001.

Sincerely,

A handwritten signature in black ink, appearing to read "William J. Raggio", written over a horizontal line.

William J. Raggio, Chairman
Senate Committee on Finance

A handwritten signature in black ink, appearing to read "Morse Arberry, Jr.", written over a horizontal line.

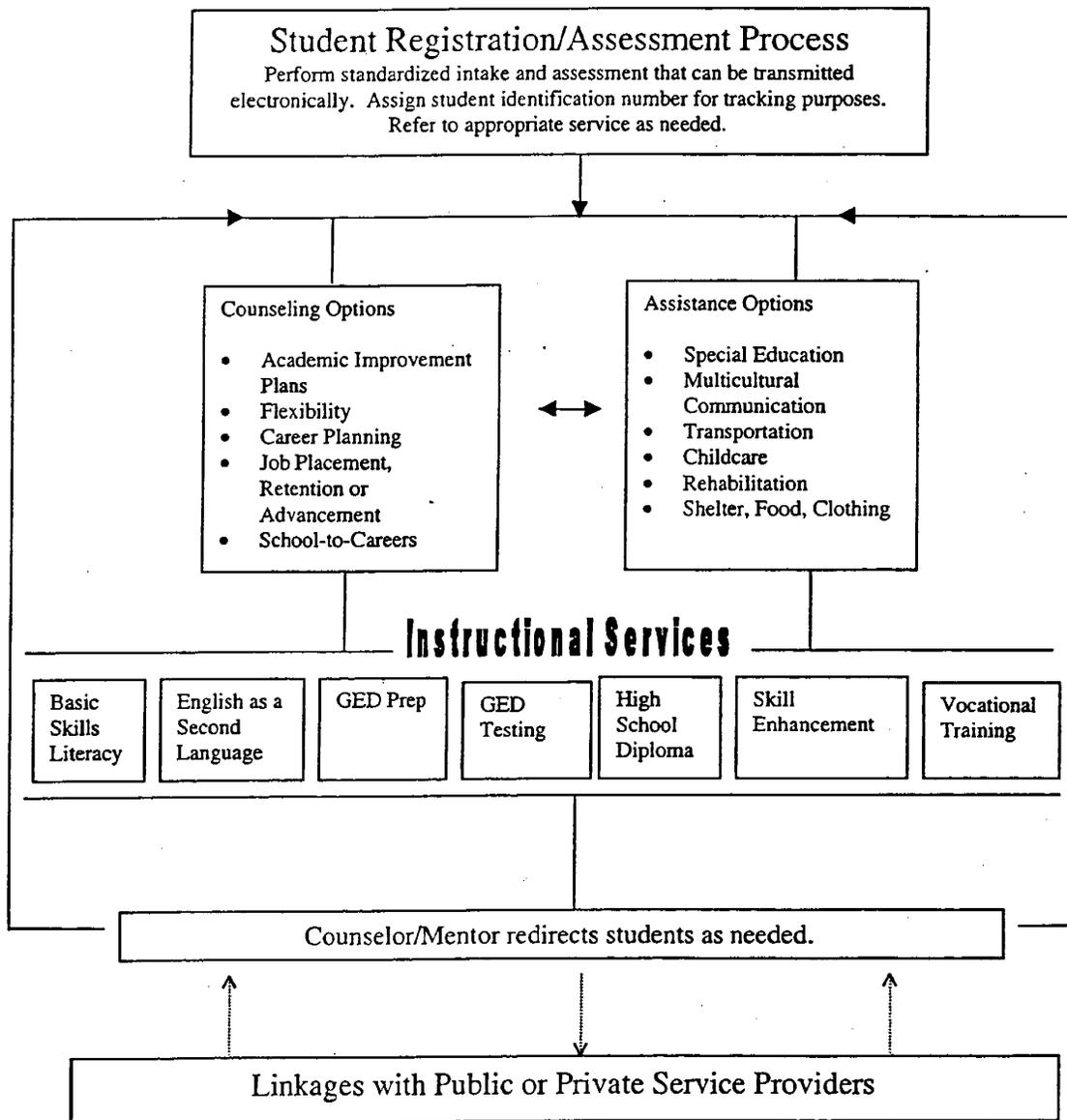
Morse Arberry, Jr., Chairman
Assembly Committee on Ways and Means

ADULT AND ALTERNATIVE EDUCATION MATRIX

1998 - 1999	MBI	AHSD	GED Testing	Alternative
FUNDING	Federal / State	State		State
Amount	\$1,670,071 / \$479,043	\$12,031,931	\$45 per	\$3806 Statewide average per regular enrolled pupil.
Source	USDOE/State Match	Distributive. School Account.	Applicant	Distributive School Account
Method	RFP (April)	Formula/RFP	Fee	District determination
Period	Fiscal Year	Fiscal Year	Calendar Year	Fiscal Year
1998-1999 COUNT	5981	13,679	5213	14,107
LEGISLATION				
Federal	WIA Title II	N/A	N/A	N/A
State	Adult Literacy	NRS 385.080 NAC 389.017; 389.688	NAC 385	NRS 388.532, 537,550-70 NAC 387, 388.500-520
REQUIREMENTS				
Age	17 or older	17 or older	NV Resident 16 or older	N/A
Education	No secondary or equivalent	No HSD	No High School Diploma; Withdrawn	No High School Diploma; Enrolled
Income	N/A	N/A	N/A	N/A
TARGET POPULATION	Low income, disabled, single parent, displaced homemaker, multiple barriers, homeless, institutionalized, minority, limited literacy, without high school diploma.	Without high school diploma	Without high school diploma.	At risk of dropping out; (pregnant, parent, chronic illness, self-supporting, credit deficient, chronic absence, special needs)
PROGRAM ELEMENTS	1) Provide basic skills including literacy and numeracy as well as preparation for transition to secondary education or job preparation classes; and 2) Provide instructional preparation for the GED test. Workplace literacy and family literacy are also components in all programs. Referrals are made to partner programs for assistance with childcare, transportation, and other potential barriers to class attendance. CASAS testing is required for assessment.	Core curriculum and electives. Many programs provide basic education, ESL, GED prep and testing, and dual credit courses. Most programs are self-paced and competency based with open enrollment/exit. Some programs provide flexibility for students who have difficulty attending class due to work, childcare or transportation issues. Must pass proficiency exam for diploma.	GED test centers test anyone meeting above requirements.	Minimally include core curriculum for standard, adult or advanced HSD. May include flexible hours, childcare, transportation, correspondence or dual credit courses, or independent study. Must pass proficiency exam for diploma.

Synthesized Model

The model below combines elements from models presented at Task Force meetings.



APPENDIX F

Jeanne L. Botts Resolution

JEANNE L. BOTTS RESOLUTION

WHEREAS, since its creation in 1997, the Legislative Committee on Education has relied on Jeanne L. Botts for her outstanding expertise and unparalleled breadth of knowledge of education finance and public education programs, as well as for her leadership with the Nevada Education Reform Act of 1997; and

WHEREAS, she has distinguished herself among state and school district finance experts, and is without equal in her comprehensive understanding of the Nevada Plan for School Finance; and

WHEREAS, Jeanne Botts' ten years of service with the Legislative Counsel Bureau required both a global understanding of education issues as well as detailed knowledge of individual programs operating at the school and classroom level; and

WHEREAS, Jeanne Botts is well known for working late into the night to accomplish her assignments, and as a result she has the dubious distinction of being the only Legislative Counsel Bureau staff person to have had her car stolen from the employee parking lot and wrecked in a high-speed police pursuit; and

WHEREAS, Jeanne Botts has acquired a wide breadth of experience in all facets of education throughout her career, starting with her early work in writing nutrition education materials and continuing through her service in the ensuing years as a University instructor; committee chair for education and public relations for the Nevada Mining Association; a member of the Humboldt County School District Board of Trustees; the education budget analyst with Nevada's Budget Division; the Legislature's education finance program analyst; chief of the Legislative Bureau of Educational Accountability and Program Evaluation; and chief financial officer for the Washoe County School District; and

WHEREAS, she continues to distinguish herself with dedication, competence, and enthusiasm in working with the Governor's Steering Committee to Conduct a Fundamental Review of State Government, and with her current employer, the Washoe County School District, supervising their comprehensive evaluation of the District's budget review process; and

WHEREAS, Jeanne Botts meets both personal and professional challenges with her trademark brand of courage and humor; now, therefore, be it

RESOLVED BY THE LEGISLATIVE COMMITTEE ON EDUCATION, That the members of the Committee gratefully acknowledge the exceptional contribution of Jeanne Botts to the work of the Legislature and commend her for her years of service to the Committee and to the Legislature; and be it further

RESOLVED, That the members of the Committee, on behalf of the people of the State of Nevada, express their sincere appreciation for her continuing dedication and commitment to public education in the state; and be it further

RESOLVED, That the Secretary of the Committee prepare and transmit a copy of this resolution to Jeanne Botts.

**Legislative Committee on Education
June 20, 2000**

APPENDIX G

Test Security Report

STAFF REVIEW OF DOCUMENTS CONCERNING INCIDENTS INVOLVING ALLEGED TESTING PROBLEMS

At its November 13, 2000, hearing, the Nevada Legislature's Committee on Education directed staff to review documents delivered to the Legislative Counsel Bureau in response to its subpoena. These documents included case files maintained by the Nevada Department of Education (Department) and the Clark County School District with regard to test security breaches or testing irregularities involving statewide tests administered as part of Nevada's proficiency examination program. A breach of test security is an incident that threatens the security of an examination, including the exam booklet or answers. A breach is a violation of Nevada law. A testing irregularity is an incident that affects or may affect testing performance, such as allowing an incorrect amount of time for testing.

There appear to be four general categories corresponding to phases involved with incidents of test security breaches and testing irregularities that can be discerned by reviewing the documents. These categories involve:

1. Prevention – the protocols, procedures, and other mechanisms in place that are designed to prevent such irregularities;
2. Reporting – the protocols, procedures, and other mechanisms in place to report such incidents;
3. Investigation – the protocols, procedures, and other mechanisms in place for the investigation of irregularities; and
4. Resolution – the follow-up, consequences, and imposition of discipline or other penalties resulting from an investigation.

Staff reviewed the documents with certain critical review questions in mind; these questions are presented in bold type throughout the remaining portion of this document. This report first lists overall observations for each of the four categories, then provides specific responses to each of the review questions.

PROBLEMS WITH PREVENTION

General Observations

With regard to training, it was evident from the documentation that in approximately 73 percent of the incidents, training in appropriate procedures was

inadequate or absent. In an additional 11 percent of the incidents, protocols were either disregarded or only partially followed.

Most test security issues relate to lost copies of the High School Proficiency Exam (HSPE) and secondarily, to lost *TerraNova* examinations. In almost all instances of security breaches or irregularities, the contributing cause was the failure to follow test protocols by those receiving, sorting, or administering the exams. Staff training of school district personnel involved in these incidents is not up-to-date, and in many cases it appears that untrained or partially trained personnel (e.g. substitutes) are used to assist in the testing process. Judging from some of the documents, there was a pervasive negative attitude on the part of some school site personnel with regard to the value of state assessments in general, and testing procedures in particular. Although this condition may have improved in recent years, such an attitude may affect the degree to which procedures are followed and the gravity assigned to mistakes. Additionally, there appears to be an unusually high number of violations concerning the wrong form of a test being administered, particularly with the *TerraNova* (Form A versus Form B). There was also an unusually high number of violations concerning alternative schools not testing their students with the *TerraNova*. Color-coded test booklets and increased training/communication may help reduce these occurrences.

Review Questions

Do existing teachers, new teachers, and others involved in the testing process appear to receive adequate information concerning district and state requirements and protocols to ensure test security? How is such information communicated? Are there any mechanisms in place to ensure that the information is received and understood?

It appears from the documentation presented at previous meetings of the Committee that the Nevada Department of Education and most school districts have test administration or test security protocols in place that reflect statutory requirements. However, that being said, the method of communicating those protocols with staff is not always clear. The Department appears to include written guidelines with all shipments of state proficiency exams. It is unclear whether each district has **mandatory** training for its personnel involved in the testing process. Implementation may be spotty. Further, while Clark County School District now has in place a form signed by all employees associated with the testing process, this mechanism can really only address the issue of whether the information has been received. It is apparent from this review, that many district employees may receive the information, but do not understand it. Wording in protocols might be made stronger by specifying that the procedures are required versus wording that "districts should . . ."

Are teachers and other educators involved in alleged incidents aware of the consequences involved with testing irregularities or test security breaches, including state and local penalties?

In reviewing district and state procedure manuals, as well as the case files, there does not seem to be any meaningful documentation or communication concerning the full spectrum of possible penalties that could be incurred. There is evidence that in-service and training sessions mention consequences. It may be useful for the Department and local school districts to provide written guidelines (see Wisconsin's list of penalties, Attachment A) about the consequences of testing irregularities and test security breaches to both employees and students. Although it is hard to identify specific statements, there is a sense that security precautions are not taken seriously. Additionally, the low incidence of discipline may be associated with the prevalence of breaches.

Are there problems or concerns with regard to procedures designed to prevent test security breaches or testing irregularities?

For the most part, state-level procedures are fairly complete and appear reasonable. However, on page 7 of the Nevada Department of Education's publication titled *Test Security Procedures for Nevada Proficiency Examinations*, dated August 19, 1999, certain procedures are "recommended" for school sites to prevent and account for missing test booklets (see Attachment B). These include procedures noting the range of numbered tests assigned to each classroom at a school, having a student "sign in/sign out" list for examination books in the classroom, and various checks and accounting procedures to ensure a proper accounting at the classroom level. Since a significant percentage of the test security breaches involve missing test booklets, it is likely that had these provisions been mandatory (it could not be determined if the districts had made them mandatory), and if they had been followed by the school site staff, that many incidents could have been avoided or mitigated. Additionally, use of standardized district-level, screened test preparation materials could help avoid the perception of "teaching to the test" and prevent the potential use of "tainted" materials.

If followed, do existing test security protocols (both state and district), appear to be sufficient to prevent test security breaches or testing irregularities?

A significant number of testing irregularities and breaches could have been prevented if required and recommended protocols had been observed. However, in a certain number of incidents, appropriate protocols were followed, and test security breaches did occur. The addition of certain security procedures mentioned at the Committee's November 13, 2000, meeting by Dawn Church of CTB-McGraw Hill (such as centralized testing and "bar-coding" test materials),

might help to further reduce such incidents; however, it should be realized that no system can be 100 percent effective.

Is there evidence that test security prevention protocols were followed in the alleged incidents?

It appears from the documentation that school staff inattention to details or poor communication concerning test administration and test security protocols account for a vast majority of incidents. There also seemed to be an underlying climate of indifference toward following procedures in some instances. This failure to follow established procedures appears to be a common characteristic for nearly all test breaches, and is a contributing factor in test security irregularities. In some instances, school staff seemed to be unsure or scared to challenge irregularities. Although it is possible that personnel at schools that have not encountered irregularities or breaches have had adequate training in test administration and test security procedures, it is equally likely that personnel at many such schools did not receive adequate training and have merely been fortunate in avoiding problems.

REPORTING TEST SECURITY IRREGULARITIES

School site personnel are required to report problems to both state and district levels immediately and file a written report within a fixed period of time. Of the incidents reviewed, it appears from the documentation that 70 percent were reported in a timely manner, 19 percent were late, and the remaining 11 percent involved incidents for which such reporting did not apply or there was no evidence of reporting.

Reporting incidents at the school and district level is not consistent. There does not appear to be procedures in place on who to contact when a testing violation takes place (for example, principal, area superintendent, testing director, Nevada Department of Education, et cetera). Reports of testing irregularities or test security breaches are generally timely. It is sometimes unclear whether incidents are being investigated at the district level prior to the initial report to the Department; under the state test procedures, the incident should be reported to the Department "immediately" with a written report within two weeks.

Are mechanisms in place at the district and state level for reporting alleged incidents of test security breaches and testing irregularities?

The mechanisms are in place and specified in both district and state level policies and procedures; however, in a substantial number of instances, personnel at the site (primarily classroom proctors) failed to bring problems to the immediate attention of test administrators at the site. Especially in the case of testing problems involving miscounts and missing booklets, there was a tendency

for the test administrator at the site to discover a problem during post-test inventory procedures and, upon questioning, the proctor admits noting a discrepancy prior to test administration. Such delays complicate these investigations.

Were established reporting protocols followed in the alleged incidents?

Such protocols were generally followed in the incidents reviewed. However, it appears from the "paper trail" contained in the case files, that school site test administrators often report problems first to the district. The district often conducts its own preliminary review prior to the Department receiving its first notice of a problem. The booklet, *Test Security Procedures for Nevada Proficiency Examinations*, states on page 11 that any suspected testing irregularity or breach of test security or unauthorized disclosure be reported "immediately" to the Department and to district test directors. Test directors are likewise required to report to the Department "immediately."

Are there any barriers (perceived or actual) to reporting such incidents?

The primary barrier to reporting testing incidents appears to be the inadequate comprehension of the significance of an incident (for example, a shortage or miscount) as requiring attention, and the consequent need to make such reports immediately. For test security breaches, documentation suggests a vast majority of instances involved a similar ignorance of security rules or failure to perceive actions as applying to security breaches. In the small number of instances involving deliberate breaches, only the suspicions of experienced personnel and follow-up inquiries by district level employees served to bring matters to light.

With regard to instances involving student cheating at the secondary level, the familiar "code of silence" serves as a substantial barrier to reporting inappropriate actions by fellow students. In general, district educational personnel act in a professional manner to report problems once they are identified as such.

INVESTIGATION OF TESTING INCIDENTS

In general, documentation of the actual investigation of incidents was often lacking, and when documentation is present, it is incomplete. Neither the Department nor the districts appear to have a tracking mechanism to assist in determining the status of investigations. Additionally, filing methods are apparently haphazard and ineffective. In cases where the Nevada Department of Education forwards violations to the Office of the Attorney General, a timely response is often not received. Timelines for responses may need to be addressed. Documentation concerning investigations by the Office of the Attorney General is not included in the Department's case files (with one exception), so the quality or benefits of those investigations are

unclear. Investigations by the Nevada Department of Education apparently consist of reviewing reports from the district, with a few exceptions in which Department staff appeared to interview witnesses directly. In general, the records of Department investigations are sloppy and unprofessional – they are often handwritten, illegible, undated, and unsigned. The Department files often lack follow-up correspondence or evidence of the resolution of an incident.

Were established protocols followed in the course of investigating the alleged incidents?

The Nevada Department of Education appears to follow the general protocols set forth in its procedure booklet. Although consultation with the Attorney General's Office is often called for, documentation that consultation was conducted and the outcome of that consultation is frequently lacking. Formal written reports are not usually present, nor are there specific protocols in place to guide the investigation process.

Are there barriers to investigating alleged test security irregularities?

Investigations of specific test irregularities and test security breaches are carried out by both the Nevada Department of Education and the local school district. It appears the Department carries out what is primarily a "paper review" of most incidents with phone communications, although documentation of such calls is lacking or indirect (a memorandum will often refer to a call). For significant problems, barriers at this level are likely to involve staff time to conduct direct interviews with parties at the school site. At the district level, there are instances in which the investigator is not able to proceed due to reluctant parties. The Committee took action at its November 14, 2000, meeting to request draft legislation allowing witnesses to be compelled to provide information. This authority, if enacted by the full Legislature, will likely assist the investigation process.

Do investigators appear to have sufficient authority and latitude to conduct unbiased inquiries into alleged incidents?

In the more serious incidents, such as those involving test security breaches (especially those involving deliberate breaches), the documentation indicated difficulties in obtaining interviews with parties involved with the incidents. Although the Legislative Committee on Education has acted to provide both the Department and school districts with the authority to compel witnesses to provide information, there does not seem to be a specific list of responsibilities, procedures, or other authorized actions related to the investigation phase that is granted to investigators through regulation or through school district policies and procedures. (For example, at what point does the district superintendent become involved?) The exception, in the Department's case, is a statement in the procedure booklet noting that professional staff shall review reports and

forward them to the Office of the Attorney General for review. Specific units or titles of individuals authorized to conduct investigations are not listed, and training in investigatory procedures is not evident.

FOLLOW-UP/CONSEQUENCES/IMPOSITION OF DISCIPLINE OR OTHER PENALTIES

It appears that the schools and school districts take responsibility for the majority of the corrective actions; the Nevada Department of Education takes very few corrective actions. When a corrective action is documented, it is normally made in a "suggested" or "recommended" format; follow-up to the recommendations is rarely documented. With regard to resolution of incidents, it was evident from the documentation that in approximately 55 percent of the cases no state or local action was taken. Fourteen percent of the time, the Department's sole action apparently was to require a district to submit a corrective action plan. When a corrective action plan is requested by the Department, a copy is often not found in the reporting documents. Eight percent of the incidents resulted in personnel suspensions, with approximately the same percent resulting in a written or verbal reprimand.

Discipline for security breaches is rare and, when imposed, is usually at the district level. Further, the level of discipline appears to be inconsistent. There is very little evidence that school district education personnel are aware of the possibly severe consequences attached to security breaches. For example, the "12 Steps" procedure list (see Attachment C, provided by the Department) serves as a primary document for test administration at the school site level; it does not mention consequences for failure to comply.

Did the school district or state take the appropriate action in response to the investigation?

It appears from the documentation that both the school district and the state took appropriate corrective action with regard to instances of test irregularities. However, with regard to the more serious incidents involving security breaches, discipline of personnel appears somewhat haphazard. It is possible that since disciplinary procedures are subject to local contracts or regulations, that such variation is expected; however, it is not evident why discipline within a district varies somewhat widely. It might be helpful to categorize potential infractions and associated disciplinary options for future reference. The Department is also reluctant to assign blame and find "sufficient evidence" to charge an individual with a breach. Implementing more effective protocols and conducting careful investigations could reduce the number of breaches where the Department has "insufficient evidence" to charge an individual.

What types of actions, if any, were taken to ensure that the type of incident does not reoccur?

Typical responses by site administrators, usually in the form of a brief corrective action plan, have involved in-servicing personnel or promises to follow procedures in the future. It is unclear whether the district or state monitored the implementation and outcomes of the corrective action plan or even if any action was actually taken. It is also not clear from the documentation that districts are making use of what is learned from these incidents to train personnel at a district-wide level.

What types of action, if any, were taken against those persons involved in the incident? Did the response correspond to the severity of the incident?

In many instances, no action was specified in the documentation. When such action was noted, actions against personnel for minor testing irregularities were not specified; for more serious irregularities or minor breaches, the documentation indicated verbal and written admonitions had been given. Penalties for test security breaches by individual(s), when documented, usually involved suspensions lasting from 2 to 15 days. For the period under review, license revocation had not occurred.

POTENTIAL ACTIONS BY THE COMMITTEE

Should the Legislative Committee on Education wish to act on any of these findings, the following alternatives could be pursued:

- Direct that a letter from the Committee be sent to the Nevada Department of Education, citing this report and directing that certain actions be taken; and
- Prepare a concept document based upon these findings, for use as a potential amendment to the bill draft requests previously approved at the Committee's November 14, 2000, meeting.

Elements that could be included in either a letter or a proposed amendment could include the following:

1. Certain procedures listed as "recommended" for school sites in the Department's 1999 publication *Test Security Procedures for Nevada Proficiency Examinations* (page 7), could be made mandatory. Additionally, the Nevada Department of Education should consider "requiring" districts to take certain actions versus making suggestions or recommendations. Since reporting to the Department is often late, the Department may also want to clarify requirements and timelines and provide the information to district staff.

2. The full spectrum of consequences to employees and students could be listed in both district and state procedures in a readable format, such as that used by the State of Wisconsin (see Attachment A).
3. Consider soliciting suggestions from school site personnel responsible for testing in order to improve test administration process – for example, color-coding of test booklets with associated answer sheets.
4. Recommend that school districts and the Department add policies and procedures delineating specific duties, responsibilities, and steps to be taken during the investigatory process, and identifying which administrator, department, or agency is responsible for a specific procedure. The Washoe County School District's *A Primer for Testing: Policies and Professional Expectations* sets forth such detail for the reporting of problems; a similar section for investigations might be helpful. Finally, persons assigned to investigating test incidents should receive training in investigatory methods and practices.
5. Districts might wish to establish specific guidelines for disciplinary action for particular types of testing irregularities and security breaches; districts might also wish to examine whether there are intermediate disciplinary actions that could be taken with a degree of severity that falls between the two most common actions: (1) an admonition or letter of reprimand in the personnel file; and (2) suspension. Some such intermediate actions, such as fines, may need legislative authority – for example, statutes from the State of Mississippi specifically provide for a fine of up to \$1,000 and up to 90 days in jail for persons violating test security provisions (*Mississippi Code* § 37-164). Consider creating specific criminal penalties for stealing tests, or work with district attorneys' offices to identify existing criminal penalties for test theft.
6. Likewise, the Nevada Department of Education's arsenal of penalties seems to be limited to one action – suspension or revocation of an individual's professional license. The Department might wish to review other possible penalties or actions. Additionally, state disciplinary actions are limited to individuals; consideration might be given to establishing possible penalties for districts under certain circumstances. For example, under current statutes, districts must file a formal corrective action plan and pay the cost to retest students at schools that consistently test less than 90 percent of their eligible students. A similar requirement might be imposed for schools or districts showing a continuing pattern of testing problems.
7. The state and districts could establish a reporting process to document the implementation and outcomes of corrective action plans for schools in which such plans were required.

8. Documentation related to each incident is very difficult to follow. It seems that it would help if there was a form completed for each incident that summarized the incident, the investigation, the corrective actions to be taken, and follow-up showing that the corrective actions were completed. It might be helpful for the Department to develop: (1) a case (incident) numbering system; and (2) a cover sheet form for each case to enable staff to track key decisions to ensure certain steps were followed, and to allow for easier determination of the current status of a case. Records of investigations should be professionally prepared and maintained.
9. The Nevada Department of Education could implement a statewide test preparation program so that all test preparation materials are consistent and to ensure that actual tests are not inadvertently incorporated into test preparation materials. In addition, the Department could set a uniform policy regarding the amount of time spend on state proficiency test preparation. The Nevada Department of Education should also take steps to ensure that any test shipments from the Department are properly packaged and counted.
10. The Nevada Department of Education and school districts might wish to ensure that all school personnel receive test administration/security training annually and that training is provided for teachers of non-tested grades and other personnel.
11. Because testing has become more "high stakes" in the past few years, it would be beneficial if the Nevada Department of Education would create an end-of-year report indicating the number and type of test security violations by examination, as well as corrective actions taken. This information would be valuable in looking at the effect of high stakes tests on test security.

I:1999/Education/TestIncidentReview

**Excerpt from the
Wisconsin Department of Public Instruction's
"Guidelines For Appropriate Testing Procedures" for the
Wisconsin Student Assessment System Knowledge and
Concepts Examinations, dated December 1998
(http://www.dpi.state.wi.us/dpi/oea/kc_ethic.html)**

Possible Consequences/Sanctions for Compromising Test Security

Administrators, certified and non-certified school staff, students, and parents must adhere to ethical procedures in testing. Violation of these procedures can be investigated and appropriate sanctions may be taken by the local school board, the Department, and/or the court system.

Test security violations may be reported by the school faculty, conscientious students, their parents or other family members, and persons in the community. They also can be detected by erasure analysis, unusual score gains, or other irregularities.

Potential sanctions for educator violation of security measures may include:

- Suspension or acceptance of voluntary surrender of license.
- Suspension without pay or a written reprimand.
- Termination of contract, acceptance of resignation, or retirement.
- Civil legal liability for copyright violations.
- Legal prosecution.
- Public embarrassment.
- Others as determined by local school boards.

Potential sanctions for student violation of security measures may include:

- Invalidation of test results.
- Invalidation of specific test questions or subtests, or invalidation of pass/fail proficiency results.
- Suspension or expulsion from school or other disciplinary actions according to the local code of conduct.
- Suspension or exclusion from participating in school extra-curricular activities, such as sports, plays, school-sponsored social functions, etc., as dictated by the local school board policies.
- Denial of appointment to a school membership team, such as mathematics or debate team.
- Removal from an elected office, such as president of the student council, etc., as dictated by the local school board policies.
- Others as determined by local school boards.

ATTACHMENT A

- NDE will ship the high school boxes to district test directors with a *Packing List* that will indicate the number range of serial numbers of booklets included for each school.
- District test directors will inventory the packets' beginning serial numbers for each school against the *Packing List*, and complete the *District Delivery Report* and return the form to the Nevada Proficiency Examination Program at the Nevada Department of Education. If there is an extra packet or a packet missing, the Test Director must notify NPEP by telephone, and note the beginning serial number of the extra or missing packet and the school to which it's to be sent on the *District Delivery Report*.
- The district test director distributes the boxed packets to each high school in a secure manner.
- The school test administrator, when opening each packet for test administration at the school, should verify that each packet contains 20 serially numbered booklets. Should a packet be found with an extra test or a test missing, it should be recorded as an exception on the *Packet Exception Form* and the packet taken to the school test coordinator for verification. After verification of the exception, the test booklets will be returned to the test administrator for use in testing.
- After testing, the principal/test coordinator should keep test booklets in locked, secure storage until returned to the district test director. The *Packet Exception Form* should be returned with *all* test booklets in sealed, secure boxes to the district test director within five working days.
- The district test director will inventory the serial numbers of the returned booklets for each school, note serial numbers of missing booklets from the *Packet Exception Form*, and note any other missing booklets from the school. Test directors will contact school principals if there is a discrepancy between the test booklets sent/*Packet Exception Form* and the test booklets returned.
- When there is a discrepancy, school principals must provide the missing test booklet(s) and complete the *Compromise of Test Security* form signed by the school principal.
- The district test director will sign a *District Receipt Form* and destroy the returned booklets. The *District Receipt Form* and copies of the *Packet Exception Forms* along with any reports of investigation of missing test booklets and the original *Compromise of Test Security* forms are sent to the Nevada Proficiency Examination Program at the Nevada Department of Education.

→ The following procedures are recommended to the school sites as an aide in preventing, and in accounting for, missed test booklets.

- 1) School test coordinators should note the range of serial numbers of test booklets sent to each classroom for the examinations.
- 2) Each classroom should have a sign in/sign out list of serial numbers for students to sign when receiving the examination booklet and to sign when returning the examination booklet.

ATTACHMENT B

- 3) All test booklets should be accounted for prior to dismissing students.
- 4) Test coordinators should check to see that all examination booklets distributed in each classroom have been returned.
- 5) To reduce accounting errors, test booklets should be placed in order of serial number when sent back to test directors.

Copies of the Packing List, the District Delivery Report, the Packet Exception Form, and the District Receipt Form are provided in *Appendix D*. The Compromise of Test Security form appears in *Appendix C*.

Administration of NPEP Examinations

Examinations must be administered by district employees who are designated to administer exams and administered in a public facility approved by the board of trustees. Especially for the High School Proficiency Exam, districts or schools should arrange for reading, writing, mathematics, and science tests to be administered by individuals who do not teach the subject tested. Test administrators or proctors must be instructed that they cannot make copies or written notes regarding examination items or problems, writing prompts, or illustrations from testing materials. In the statewide writing assessments, administrators must be made aware of the prohibitions against helping students to write to the assessment topic or reviewing the students' rough drafts between the writing sessions.

A sufficient number of proctors should be provided at the testing site to adequately supervise the testing. At no time should students be left unattended during testing. Students should not bring writing materials to the test sessions. All required materials, e.g., #2 pencils, test booklets, answer sheets, and scratch paper, should be provided at the testing location. One exception is that students may have brought their own calculator for use *only on the Mathematics sub-test, Part 2 of the TerraNova*. These calculators may be collected after completing this sub-test and returned to students after the testing session. All other materials should be collected from each student before he/she is allowed to leave the test room.

Every effort should be made to schedule test sessions for the same type of test, i.e., reading, mathematics, writing, and science, within the same time period to avoid the opportunity for one student to assist another student. If this scheduling cannot be accomplished, NPEP must be contacted in writing. For the writing assessment, alternative writing topics may be required for those students taking the examination during irregular time periods. Examinations administered to adults in an evening session or at a time other than that in which the examinations are administered to students in grades 11 and 12 require the alternative topics.

Table 1 covers a number of steps that are provided to principals and school testing staff for review prior to administering NPEP examinations. -

Table 1. 12 Steps Required for the Administration of Nevada Proficiency Examinations

Please keep the following points in mind when reviewing procedures for the administration of The Nevada Proficiency Examination Program. The word "Administrator," when capitalized, refers to the individual who has accepted responsibility for the proper administration of Nevada Proficiency Examinations in the school.

1. All individuals involved in the administration of proficiency examinations should be familiar with the general instructions regarding preparation for testing, handling test materials, and test security – contained in the Test Security Procedures manual, the Examiner's Manual for the TerraNova and/or the Administration Manual(s) for the writing assessments and/or High School Proficiency Examinations – for those tests that will be administered in his/her school.
2. Locked, secure storage must be provided for all restricted test materials - test booklets, answer keys and completed answer sheets - while the materials are on site.
3. The locked room or file cabinet used for the storage of materials required for the Nevada Proficiency Examination Program must not be used for the storage of other materials to which individuals other than the Administrator require access. If the room can be unlocked with a master key shared by person's other than the administrator, the room is not secure.
4. The Administrator must keep the key to the locked storage area on his/her person, not in a desk drawer or other readily accessible location.
5. Under no circumstances shall copies of writing tests or test booklets, marked answer sheets, or answer keys be circulated among faculty, administrators, or other persons.
6. Copies of tests used in the Nevada Proficiency Examination Program are not to be included in test files for which access is granted to other than the Administrator.
7. Examinations are not to be distributed to those who will administer the test until the prescribed date for test administration.
8. When not in secure storage, tests are not to be left unattended in any area to which students or faculty not involved in test administration has access (includes loading docks and mail rooms).
9. On completion of testing, all materials are to be returned to the Administrator in a timely manner and not later than the end of the school day on which the test(s) is/are administered. If testing will take place over a period of more than one day, all testing materials must be returned to the Administrator at the end of each school day and picked up again in the morning before the next testing day.
10. Students should bring no writing materials to the test session. All required materials - #2 pencils, writing tests, test booklets, answer sheets and scratch paper - should be provided at the testing location. These materials should be collected from each student before he/she is allowed to leave the test room. The only exception is that students may bring their own calculator for use only on the Mathematics sub-test, Part 2 of TerraNova. These calculators should be collected after completing the sub-test and returned to students after the testing session.
11. A sufficient number of proctors should be provided at the testing site to adequately supervise the testing. At no time should students be left unattended during testing.
12. Examination booklets are not to be copied by any means without the prior authorization of the state Proficiency Testing Office.

NOTE: Copies of the writing prompts for the direct writing assessments at grades 4, 8, and above are to be collected at the end of the test session. However, these topics may be released after your school has received the reports of results from the examination in which the topic was used.

ATTACHMENT C

APPENDIX H

Suggested Legislation

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SUMMARY—Authorizes expenditures from state distributive school account for certain remedial and tutoring programs. (BDR S-216)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State: Yes.

AN ACT relating to education; authorizing the Department of Education to spend from the state distributive school account money for programs of remedial study and tutoring for allocation to certain schools and school districts; and providing other matters properly relating thereto.

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

Section 1. 1. The Department of Education is hereby authorized to spend the following sums from the state distributive school account for programs of remedial study for schools that have been designated as demonstrating need for improvement and certain other schools:

For the fiscal year 2001-2002	\$7,982,712
For the fiscal year 2002-2003	\$7,982,712

The money allocated pursuant to this section must be used to provide programs of remedial study that have been approved by the Department of Education as being effective in improving pupil achievement.

2. A school may submit an application to the Department of Education for transmission to the State Board of Examiners for an allocation from the amount authorized by subsection 1 if the school:

(a) Receives a designation as demonstrating need for improvement pursuant to NRS 385.367.

(b) Did not receive a designation because the school had too few pupils enrolled in a grade level that is tested pursuant to NRS 389.015, but the test scores of the pupils indicate that the school would have received a designation as demonstrating need for improvement.

(c) Receives a designation as demonstrating adequate achievement, but more than 40 percent of the pupils enrolled in the school received an average score below the 26th percentile on one or more of the four subjects tested pursuant to NRS 389.015.

(d) Was designated as demonstrating need for improvement pursuant to NRS 385.367 in the immediately preceding school year.

3. The Department of Education shall, in consultation with the Budget Division of the Department of Administration and the Legislative Bureau of Educational Accountability and Program Evaluation, develop a form for such applications. The form must include, without limitation, a notice that if money is authorized for programs of remedial study for the 2003-2005 biennium by the 72nd session of the Nevada Legislature, a school that:

(a) Receives a designation as demonstrating adequate achievement;

(b) Has received an allocation for programs of remedial study for the immediately preceding 2 years; and

(c) Applies for an allocation for a third consecutive year,
may be required to match the allocation equally with other money available to the school.

4. Upon receipt of an application submitted pursuant to subsection 2, the Department of Education shall review the application jointly with the Budget Division of the Department of Administration and the Legislative Bureau of Educational Accountability and Program Evaluation. The Department of Education shall transmit the application to the State Board of Examiners with the recommendation of the Department of Education concerning the allocation of money based upon each application so received. The State Board of Examiners, or the Clerk of the Board if authorized by the Board to act on its behalf, shall consider each such application and, if it finds that an allocation should be made, recommend the amount of the allocation to the Interim Finance Committee. The Interim Finance Committee shall consider each such recommendation, but is not bound to follow the recommendation of the State Board of Examiners when determining the allocation to be received by a school.

5. In determining the amount of the allocation, the State Board of Examiners and the Interim Finance Committee shall consider:

(a) The total number of pupils enrolled in the school who failed to demonstrate at least adequate achievement on the examinations administered pursuant to NRS 389.015;

(b) The number of subjects tested pursuant to NRS 389.015 on which more than 40 percent of the pupils enrolled in the school received an average score below the 26th percentile; and

(c) The financial need of the particular school.

6. In addition to the considerations set forth in subsection 5, in determining whether to approve an application for a school that has received an allocation in the immediately preceding year and in determining the amount of the allocation for such a school, the State Board of Examiners and the Interim Finance Committee shall consider whether the school has carried out the program of remedial study for which it received an allocation in a successful manner, as measured by the academic achievement of the pupils enrolled in the school on the examinations administered pursuant to NRS 389.015 and any assessments related to the program of remedial study.

7. A school that receives an allocation of money pursuant to this section shall use the money to:

(a) Pay the costs incurred by the school in providing the program of remedial study required by NRS 385.389. The money must first be applied to those pupils who the school determines are performing at a level which poses the highest risk of failure.

(b) Pay for the salaries, training or other compensation of teachers and other educational personnel to provide the program of remedial study, instructional materials required for the program of remedial study, equipment necessary to offer the program of remedial study and all other additional operating costs attributable to the program of remedial study.

(c) Supplement and not replace the money the school would otherwise expend for programs of remedial study.

8. Before a school amends a plan for expenditure of an allocation of money received pursuant to this section, the school district in which the school is located must submit the proposed amendment to the Department of Education to receive approval from the Department of Education, the Budget Division of the Department of Administration and the Legislative Bureau of Educational Accountability and Program Evaluation, or the Interim Finance Committee.

9. The sums authorized for expenditure in subsection 1 are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2003, and reverts to the state distributive school account as soon as all payments of money committed have been made.

Sec. 2. 1. The Department of Education is hereby authorized to allocate from the state distributive school account the following sums for programs of remedial education or tutoring for pupils who need additional instructional time to pass or to reach a level considered proficient:

For the fiscal year 2001-2002	\$1,000,000
For the fiscal year 2002-2003	\$1,000,000

Programs funded under this section must be conducted before or after school, on weekends, during the summer or between sessions in schools with year-round school calendars.

2. To receive an allocation from the amounts authorized in subsection 1, a school district must submit an application containing a written plan for providing a program of remedial education or tutoring. The written plan must include:

- (a) The estimated number of pupils that will participate in the program;

- (b) The curriculum that will be taught;
- (c) A schedule of the course work or tutoring to be conducted under the program;
- (d) A plan for evaluating the effectiveness of the program; and
- (e) A budget for the program.

3. Upon receipt of an application submitted pursuant to subsection 2, the Department of Education shall review the application jointly with the Budget Division of the Department of Administration and the Legislative Bureau of Educational Accountability and Program Evaluation. The Department of Education shall transmit the application to the State Board of Examiners with the recommendation of the Department of Education concerning the allocation of money based upon each application so received. The State Board of Examiners, or the Clerk of the Board if authorized by the Board to act on its behalf, shall consider each such application and, if it finds that an allocation should be made, recommend the amount of the allocation to the Interim Finance Committee. The Interim Finance Committee shall consider each such recommendation, but is not bound to follow the recommendation of the State Board of Examiners when determining the allocation to be received by a school district.

4. A school district that receives an allocation of money pursuant to this section shall use the money to:

- (a) Provide a program of remedial education or tutoring that has been approved by the Department of Education as being effective in improving pupil achievement.

(b) Pay the costs incurred by the school district in providing the program of remedial education or tutoring. The money must first be applied to those pupils who the school district determines are performing at a level which poses the highest risk of failure.

(c) Pay for the salaries, training or other compensation of teachers and other educational personnel to provide the program of remedial education or tutoring, instructional materials required for the program, equipment necessary to offer the program and all other additional operating costs attributable to the program.

(d) Supplement and not replace the money the school would otherwise expend for programs of remedial education or tutoring.

5. Before a school district amends a plan for expenditure of an allocation of money received pursuant to this section, the school district must submit the proposed amendment to the Department of Education to receive approval from the Department of Education, the Budget Division of the Department of Administration and the Legislative Bureau of Educational Accountability and Program Evaluation, or the Interim Finance Committee.

6. The sums authorized for expenditure in subsection 1 are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2003, and reverts to the state distributive school account as soon as all payments of money committed have been made.

Sec. 3. This act becomes effective on July 1, 2001.

SUMMARY—Revises provisions governing discipline of pupils. (BDR 34-217)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State: No.

AN ACT relating to pupils; authorizing school districts to enroll pupils who are deemed habitual disciplinary problems in alternative programs of instruction; and providing other matters properly relating thereto.

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

Section 1. NRS 392.466 is hereby amended to read as follows:

392.466 1. Except as otherwise provided in this section, any pupil who commits a battery which results in the bodily injury of an employee of the school, sells or distributes any controlled substance or is found in possession of a dangerous weapon, while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be suspended or expelled from that school, although he may be placed in another kind of school, for at least a period equal to one semester for that school. For a second occurrence, the pupil must:

(a) Be permanently expelled from that school; and

(b) Receive equivalent instruction authorized by the state board pursuant to subsection 1 of NRS 392.070.

2. Except as otherwise provided in this section, any pupil who is found in possession of a firearm while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although he may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must:

(a) Be permanently expelled from the school; and

(b) Receive equivalent instruction authorized by the state board pursuant to subsection 1 of NRS 392.070.

The superintendent of schools of a school district may, in a particular case in that school district, allow an exception to the expulsion requirement of this subsection.

3. Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to NRS 392.4655, the pupil must be suspended or expelled from the school for a period equal to at least one semester for that school. For the period of his suspension or expulsion, the pupil must ~~receive~~ :

(a) Upon the approval of the school district, enroll in a program pursuant to subsection 2 of NRS 392.4675; or

(b) Receive equivalent instruction authorized by the state board pursuant to subsection 1 of NRS 392.070.

4. This section does not prohibit a pupil from having in his possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district.

5. Any pupil in grades 1 to 6, inclusive, except a pupil who has been found to have possessed a firearm in violation of subsection 2, may be suspended from school or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.

6. A pupil who is participating in a program of special education pursuant to NRS 388.520, other than a pupil who is gifted and talented, may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters, be:

(a) Suspended from school pursuant to this section for not more than 10 days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.

(b) Suspended from school for more than 10 days or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

7. As used in this section:

(a) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(b) "Dangerous weapon" includes, without limitation, a blackjack, slung shot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku, switchblade knife or trefoil, as defined in NRS 202.350, a butterfly knife or any other knife described in NRS 202.350, or any other object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person.

(c) "Firearm" includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a "firearm" in 18 U.S.C. § 921, as that section existed on July 1, 1995.

Sec. 2. NRS 392.4675 is hereby amended to read as follows:

392.4675 1. Except as otherwise provided in this section, a pupil who is suspended or expelled from:

(a) Any public school in this state pursuant to NRS 392.466; or

(b) Any school outside of this state for the commission of any act which, if committed within this state, would be a ground for suspension or expulsion from public school pursuant to NRS 392.466,

is ineligible to attend any public school in this state during the period of that suspension or expulsion.

2. Except as otherwise provided in subsection 3, a school district may allow a pupil who is ineligible to attend a public school pursuant to this section to enroll in:

(a) An alternative program for the education of pupils at risk of dropping out of high school;

or

(b) Any program of instruction offered pursuant to the provisions of NRS 388.550.

A school district may conduct an investigation of the background of any such pupil to determine if the educational needs of the pupil may be satisfied without undue disruption to the program. If an investigation is conducted, the board of trustees of the school district shall, based on the results of the investigation, determine if the pupil will be allowed to enroll in such a program.

3. The provisions of subsection 2 do not authorize the enrollment in such a program of a pupil who is ~~is~~:

~~—(a) Expelled]~~ *expelled* for a second occurrence of a violation pursuant to subsections 1 or 2 of NRS 392.466. ~~is or~~

~~—(b) Suspended or expelled pursuant to subsection 3 of NRS 392.466.]~~

Sec. 3. This act becomes effective on July 1, 2001.

SUMMARY—Makes various changes regarding education. (BDR 34-218)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State: No.

AN ACT relating to education; revising provisions governing the accountability of public schools; revising provisions governing the requirements for a person to take the tests of general educational development; revising provisions governing the count of pupils and the calculation of basic support under certain circumstances; revising provisions governing the reporting of results of certain achievement and proficiency examinations; revising the requirements for a course in American government and a course in American history; and providing other matters properly relating thereto.

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

Section 1. NRS 385.373 is hereby amended to read as follows:

385.373 If the department designates a school as demonstrating need for improvement pursuant to NRS 385.367 for 2 consecutive years or pursuant to NRS 385.368 for 1 year, the department shall:

1. Place the school on academic probation.

2. Prepare for that school a plan ~~[to:]~~ *which:*

(a) *Is unique to the needs and goals of the school;*

(b) *Sets forth goals and objectives that are specific, measurable and conducive to reliable evaluation; and*

(c) *Is designed to:*

(1) Improve the achievement of the pupils who are enrolled in the school as measured by the examinations required pursuant to NRS 389.015.

~~[(b)]~~ (2) If the school received a designation pursuant to NRS 385.368, increase the number of pupils who take the examinations required pursuant to NRS 389.015 and ensure that all eligible pupils who are in attendance on the day that the examinations are administered are given an opportunity to take the examinations.

3. *When applicable, amend the plan to incorporate the revisions adopted by the panel established to supervise the academic probation of the school, as required by subsection 6 of NRS 385.381.*

4. On or before May 1 of the year in which the second designation was made pursuant to NRS 385.367 or the first designation was made pursuant to NRS 385.368, submit the plan to the:

(a) Board of trustees of the school district in which the school is located;

(b) Governor;

(c) State board;

(d) Committee; and

(e) Bureau.

Sec. 2. NRS 385.375 is hereby amended to read as follows:

385.375 If the department designates a school as demonstrating need for improvement pursuant to NRS 385.367 for 3 or more consecutive years or pursuant to NRS 385.368 for 2 or more consecutive years:

1. The department shall:

(a) Continue the academic probation of the school;

(b) Prepare for that school a plan ~~{to:}~~ *which:*

(1) *Is unique to the needs and goals of the school;*

(2) *Sets forth goals and objectives that are specific, measurable and conducive to reliable evaluation; and*

(3) *Is designed to:*

(I) Improve the achievement of the school's pupils as measured by the examinations required pursuant to NRS 389.015; *and*

~~{(2)}~~ (II) If the school received a designation pursuant to NRS 385.368, increase the number of pupils who take the examinations required pursuant to NRS 389.015; ~~{and}~~

(c) *When applicable, amend the plan to incorporate the revisions adopted by the panel established to supervise the academic probation of the school, as required by subsection 6 of NRS 385.381; and*

(d) On or before May 1 of the year in which the third or subsequent designation was made pursuant to NRS 385.367 or the second or subsequent designation was made pursuant to NRS 385.368, submit the plan to the:

- (1) Board of trustees of the school district in which the school is located;
- (2) Governor;
- (3) State board;
- (4) Committee; and
- (5) Bureau.

A plan prepared and submitted by the department pursuant to this subsection must contain specific information about the school, including, but not limited to, information concerning the administrative operation of the school, the curriculum of the school and the financial and other resources of the school.

2. ~~{The}~~ *In addition to the follow-up report required pursuant to subsection 5 of NRS 385.381, the* board of trustees of the school district in which the school is located shall, until such time as the school is designated as demonstrating exemplary achievement, high achievement or adequate achievement pursuant to NRS 385.365, make two reports per year, one at the end of each semester, to the department, the committee, the bureau and the governor concerning the progress of the school in carrying out the plan prepared pursuant to subsection 1.

Sec. 3. NRS 385.381 is hereby amended to read as follows:

385.381 1. A panel established pursuant to NRS 385.378 shall:

(a) Review the most recent plan *to improve the achievement of the school's pupils* prepared by the department for the school [~~pursuant to NRS 385.373 or 385.375 or the plan prepared by the board of trustees of the school district pursuant to NRS 385.364 or 385.371;~~] *and the most*

recent written report and written procedure prepared by the board of trustees of the school district pursuant to subsection 3 of NRS 385.351;

(b) Identify and investigate the problems and factors at the school that contributed to the designation of the school as demonstrating need for improvement;

(c) Hold a public meeting to discuss the actions that the school will need to take to warrant receiving a designation of demonstrating exemplary achievement, high achievement or adequate achievement;

~~[(d) On or before December 1,] and~~

(d) In accordance with its findings pursuant to this subsection and subsection 2, adopt written revisions to the most recent plan to improve the achievement of the school's pupils prepared by the department for the school. The written revisions must:

(1) Include the data and findings of the panel that provide support for the revisions;

(2) Set forth goals and objectives for the school that are:

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

(II) Specific;

(III) Measurable; and

(IV) Conducive to reliable evaluation;

(3) Set forth a timeline to carry out the revisions, which must provide for full implementation not later than 1 year after the panel adopts the revisions;

(4) Set forth priorities for the school in carrying out the revisions; and

(5) Set forth the duties of each person who is responsible for carrying out the revisions.

2. *In addition to the duties prescribed in subsection 1, a panel established pursuant to NRS 385.378 shall prepare a written report that includes ~~an~~ :*

(a) A written response by the school district that is prepared in accordance with subsection 3;

(b) Information concerning the most recent plan to improve the achievement of the school's pupils prepared by the department, including, without limitation, an evaluation of:

(1) The appropriateness of the plan for the school; and

(2) Whether the school has achieved the goals and objectives set forth in the plan;

(c) The written revisions to the plan to improve the achievement of the school's pupils adopted by the panel pursuant to paragraph (d) of subsection 1;

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

(1) The name of the program;

(2) The date on which the program was purchased and the date on which the program was carried out by the school;

(3) The percentage of personnel at the school who were trained regarding the use of the program;

(4) The satisfaction of the personnel at the school with the program; and

(5) An evaluation of whether the program has improved the academic achievement of the pupils enrolled in the school who participated in the program;

(e) An analysis of the problems and factors at the school which contributed to the designation of the school as demonstrating need for improvement, including, without limitation, issues relating to:

- (1) The financial resources of the school;
- (2) The administrative and educational personnel of the school;
- (3) The curriculum of the school;
- (4) The facilities available at the school, including the availability and accessibility of educational technology; and
- (5) Any other factors that the panel believes contributed to the designation of the school as demonstrating need for improvement;

~~[(e) Submit]~~ and

(f) *Other information concerning the school, including, without limitation:*

- (1) *The results of the pupils who are enrolled in the school on the examinations that are administered pursuant to NRS 389.015;*
- (2) *Records of the attendance and truancy of pupils who are enrolled in the school;*
- (3) *The transiency rate of pupils who are enrolled in the school;*
- (4) *A description of the number of years that each teacher has provided instruction at the school and the rate of turnover of teachers and other educational personnel employed at the school;*
- (5) *A description of the participation of parents and legal guardians in the educational process and other activities relating to the school;*

(6) A description of each source of money for the remediation of pupils who are enrolled in the school; and

(7) A description of the disciplinary problems of the pupils who are enrolled in the school, including, without limitation, the information contained in paragraphs (k) to (n), inclusive, of subsection 2 of NRS 385.347.

3. Before a written report prepared pursuant to subsection 2 is finalized, the panel shall submit a copy of the report to the superintendent of schools of the school district in which the school is located and discuss the report with the superintendent. The superintendent shall, in consultation with the members of the board of trustees of the school district, prepare a written response to the report that includes, without limitation:

(a) A statement of the explanation or rebuttal of the school district concerning any findings contained in the report; and

(b) Specific plans of the school district to improve the designation of the school and the resources that will be used to carry out those plans.

The written response of the school district must be included in the final report of the panel prepared pursuant to subsection 2.

4. On or before December 1, the panel shall submit a copy of the final written report to the:

~~{(1)}~~ *(a) Principal of the school;*

~~{(2)}~~ *(b) Board of trustees of the school district in which the school is located;*

~~{(3)}~~ *(c) Superintendent of schools of the school district in which the school is located;*

~~[(4)]~~ (d) Superintendent of public instruction;

~~[(5)]~~ (e) Governor;

~~[(6)]~~ (f) State board;

~~[(7)]~~ (g) Department;

~~[(8)]~~ (h) Committee; and

~~[(9)]~~ Bureau;

~~—(f) Make]~~

(i) *Bureau.*

The panel shall make the written report available, upon request, to each parent or legal guardian of a pupil who is enrolled in the school . ~~[- and~~

~~—(g) In accordance with its findings pursuant to this subsection, adopt revisions to the most recent plan prepared by the department for the school pursuant to NRS 385.373 or 385.375.]~~

5. Upon receipt of a final report submitted to the board of trustees of a school district pursuant to paragraph (b) of subsection 4, the board of trustees shall review the report at a public meeting of the board. Not later than 60 days after receipt of a final report, the board of trustees of the school district shall prepare a follow-up report that identifies the actions taken by the board of trustees and the school district to carry out the recommendations contained in the final report, including, without limitation, the revisions to the plan to improve the achievement of the school's pupils adopted by the panel. The board of trustees shall submit a copy of the follow-up report to the:

(1) Principal of the school;

(2) Superintendent of schools of the school district in which the school is located;

(3) Superintendent of public instruction;

(4) Governor;

(5) State board;

(6) Department;

(7) Committee; and

(8) Bureau.

~~{2.}~~ 6. The department shall, not more than 1 month after receiving the *final* written report submitted by the panel:

(a) Amend the most recent plan prepared by the department for the school . ~~[pursuant to NRS 385.373 or 385.375.]~~ In amending the plan, the department shall incorporate the revisions adopted by the panel pursuant to paragraph ~~{(g)}~~ (d) of subsection 1.

(b) Submit to the panel a copy of an amended plan for the school which demonstrates to the satisfaction of the panel that the department incorporated the revisions adopted by the panel pursuant to paragraph ~~{(g)}~~ (d) of subsection 1.

~~{3.}~~ 7. The department shall submit to the panel a copy of the designation that it gives to the school pursuant to NRS 385.363 or NRS 385.368 for the school year immediately succeeding the establishment of the panel. If the school does not earn a designation as demonstrating exemplary achievement, high achievement or adequate achievement for the school year immediately succeeding the establishment of the panel, the panel shall take such action pursuant to subsection

1 and NRS 385.383 as it deems necessary to ensure that the school takes action to improve its designation.

Sec. 4. NRS 385.448 is hereby amended to read as follows:

385.448 1. A person who:

(a) Is ~~{16}~~ 17 years of age or older;

(b) If he is at least ~~{16}~~ 17 years of age but less than 18 years of age, submits to the state board written permission signed by his parent or legal guardian;

(c) Has not graduated from a high school;

(d) Is not currently enrolled in a high school; and

(e) Satisfies any other requirements prescribed by the state board,

may take the tests of general educational development prescribed by the state board.

2. *The board of trustees of a school district may, upon request and for good cause shown, grant permission to take the tests of general educational development prescribed by the state board to a person who:*

(a) Resides in the school district;

(b) Is at least 16 years of age but less than 17 years of age;

(c) Submits to the board of trustees written permission signed by his parent or legal guardian;

(d) Has not graduated from a high school;

(e) Is not currently enrolled in a high school; and

(f) Satisfies any other requirements prescribed by the board of trustees.

3. The state board may adopt regulations to carry out the provisions of ~~{this section-~~

~~—3.}~~ *subsection 1.*

4. As used in this section, “tests of general educational development” means examinations which enable persons who have not graduated from high school to demonstrate that they have achieved an educational level which is an acceptable substitute for completing a high school education.

Sec. 5. NRS 387.123 is hereby amended to read as follows:

387.123 1. The count of pupils for apportionment purposes includes all pupils who are enrolled in programs of instruction of the school district or pupils who reside in the county in which the school district is located and are enrolled in any charter school for:

(a) Pupils in the kindergarten department.

(b) Pupils in grades 1 to 12, inclusive.

(c) Pupils not included under paragraph (a) or (b) who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive.

(d) Children detained in detention homes, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570.

(e) Pupils who are enrolled in classes pursuant to subsection 4 of NRS 386.560.

(f) Pupils who are enrolled in classes pursuant to subsection 3 of NRS 392.070.

(g) ~~{Part-time pupils}~~ ***Pupils who are*** enrolled in classes and taking courses necessary to receive a high school diploma, excluding those pupils who are included in paragraphs (e) and (f).

2. The state board shall establish uniform regulations for counting enrollment and calculating the average daily attendance of pupils. In establishing such regulations for the public schools, the state board:

(a) Shall divide the school year into 10 school months, each containing 20 or fewer school days.

(b) May divide the pupils in grades 1 to 12, inclusive, into categories composed respectively of those enrolled in elementary schools and those enrolled in secondary schools.

(c) Shall prohibit the counting of any pupil specified in subsection 1 more than once.

3. Except as otherwise provided in subsection 4 and NRS 388.700, the state board shall establish by regulation the maximum pupil-teacher ratio in each grade, and for each subject matter wherever different subjects are taught in separate classes, for each school district of this state which is consistent with:

(a) The maintenance of an acceptable standard of instruction;

(b) The conditions prevailing in the school district with respect to the number and distribution of pupils in each grade; and

(c) Methods of instruction used, which may include educational television, team teaching or new teaching systems or techniques.

If the superintendent of public instruction finds that any school district is maintaining one or more classes whose pupil-teacher ratio exceeds the applicable maximum, and unless he finds that the board of trustees of the school district has made every reasonable effort in good faith to comply with the applicable standard, he shall, with the approval of the state board, reduce the

count of pupils for apportionment purposes by the percentage which the number of pupils attending those classes is of the total number of pupils in the district, and the state board may direct him to withhold the quarterly apportionment entirely.

4. A charter school is not required to comply with the pupil-teacher ratio prescribed by the state board pursuant to subsection 3.

Sec. 6. NRS 387.1233 is hereby amended to read as follows:

387.1233 1. Except as otherwise provided in subsection 2, basic support of each school district must be computed by:

(a) Multiplying the basic support guarantee per pupil established for that school district for that school year by the sum of:

(1) Six-tenths the count of pupils enrolled in the kindergarten department on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year.

(2) The count of pupils enrolled in grades 1 to 12, inclusive, on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year.

(3) The count of pupils not included under subparagraph (1) or (2) who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive, on the last day of the first school month of the school district for the school year, excluding the count of

pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.490 on that day.

(4) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.490 on the last day of the first school month of the school district for the school year.

(5) The count of children detained in detention homes, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570 on the last day of the first school month of the school district for the school year.

(6) The count of pupils who are enrolled in classes for at least one semester pursuant to subsection 4 of NRS 386.560 or subsection 3 of NRS 392.070, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(b) Multiplying the number of special education program units maintained and operated by the amount per program established for that school year.

(c) Adding the amounts computed in paragraphs (a) and (b).

2. If the enrollment of pupils in a school district or a charter school that is located within the school district on the last day of the first school month of the school district for the school year is less than the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for *either or both of* the immediately preceding 2 school [~~year, the larger~~] *years, the largest* number must be used *from among the 3 years* for

purposes of apportioning money from the state distributive school account to that school district or charter school pursuant to NRS 387.124.

3. Pupils who are excused from attendance at examinations or have completed their work in accordance with the rules of the board of trustees must be credited with attendance during that period.

4. Pupils who are incarcerated in a facility or institution operated by the department of prisons must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the department of education.

5. ~~[Part-time pupils]~~ *Pupils* who are enrolled in courses which are approved by the department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing basic support pursuant to this section. ~~[The average daily attendance for such pupils must be reported to the department.]~~

Sec. 7. NRS 387.303 is hereby amended to read as follows:

387.303 1. Not later than November 10 of each year, the board of trustees of each school district shall submit to the superintendent of public instruction and the department of taxation a report which includes the following information:

(a) For each fund within the school district, including, without limitation, the school district's general fund and any special revenue fund which receives state money, the total number and salaries of licensed and nonlicensed persons whose salaries are paid from the fund and who are employed by the school district in full-time positions or in part-time positions added together to represent full-time positions. Information must be provided for the current school year based

upon the school district's final budget, including any amendments and augmentations thereto, and for the preceding school year. An employee must be categorized as filling an instructional, administrative, instructional support or other position.

(b) The count of pupils computed pursuant to paragraph (a) of subsection 1 of NRS 387.1233.

~~(c) [The average daily attendance for the preceding school year and the estimated average daily attendance for the current school year of part time pupils enrolled in courses which are approved by the department as meeting the requirements for an adult to earn a high school diploma.~~

~~—(d)]~~ The school district's actual expenditures in the fiscal year immediately preceding the report.

~~[(e)]~~ (d) The school district's proposed expenditures for the current fiscal year.

~~[(f)]~~ (e) The schedule of salaries for licensed employees in the current school year and a statement of whether the negotiations regarding salaries for the current school year have been completed. If the negotiations have not been completed at the time the schedule of salaries is submitted, the board of trustees shall submit a supplemental report to the superintendent of public instruction upon completion of negotiations or the determination of an arbitrator concerning the negotiations that includes the schedule of salaries agreed to or required by the arbitrator.

~~[(g)]~~ (f) The number of teachers who received an increase in salary pursuant to subsection 2 of NRS 391.160 for the current and preceding fiscal years.

~~[(h)]~~ (g) The number of employees eligible for health insurance within the school district for the current and preceding fiscal years and the amount paid for health insurance for each such employee during those years.

~~[(i)]~~ (h) The rates for fringe benefits, excluding health insurance, paid by the school district for its licensed employees in the preceding and current fiscal years.

~~[(j)]~~ (i) The amount paid for extra duties, supervision of extracurricular activities and supplemental pay and the number of employees receiving that pay in the preceding and current fiscal years.

2. On or before November 25 of each year, the superintendent of public instruction shall submit to the department of administration and the fiscal analysis division of the legislative counsel bureau, in a format approved by the director of the department of administration, a compilation of the reports made by each school district pursuant to subsection 1.

3. The superintendent of public instruction shall, in the compilation required by subsection 2, reconcile the revenues and expenditures of the school districts with the apportionment received by those districts from the state distributive school account for the preceding year.

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

389.017 1. The state board shall prescribe 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 given in the 4th, 8th, 10th and 11th grades to public school pupils of the district and 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 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 under regular testing conditions; and

(b) The average score, as defined by the department, of pupils who took the examinations with modifications or accommodations approved by the private entity that created the examination or, if the department created the examination, the department, if such reporting does not violate the confidentiality of the test scores of any individual pupil.

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

(a) Took the examinations under conditions that were not approved by the private entity that created the examination or, if the department created the examination, by the department;

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

(c) Are enrolled in an alternative program for the education of pupils at risk of dropping out of high school; or

(d) Are detained in a:

(1) Youth training center;

(2) Youth center;

(3) Juvenile forestry camp;

- (4) Detention home;
- (5) Youth camp;
- (6) Juvenile correctional institution; or
- (7) Correctional institution.

The scores reported pursuant to this subsection must not be included in the average scores reported pursuant to subsection 2.

4. Not later than 10 days after the department receives the results of the achievement and proficiency examinations, the department shall transmit a copy of the results of the examinations 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.

5. On or before November ~~14~~ 15 of each year, each school district and each charter school shall report to the department the following information for each examination administered in the public 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;
- (c) The costs incurred by the school district or charter school in administering each examination; and
- (d) The purpose, if any, for which the results of the examination are used by the school district or charter school.

On or before December ~~14~~ 15 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.

6. 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 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 except for those pupils who are exempt from taking the examinations. A pupil may be exempt from taking the examinations if:

(a) His primary language is not English and his proficiency in the English language is below the level that the state board determines is proficient, as measured by an assessment of proficiency in the English language prescribed by the state board pursuant to subsection 8; or

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

7. In addition to the information required by subsection 5, the superintendent of public instruction shall:

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

(b) Reconcile the number of pupils who were required to take the examinations with the number of pupils who were exempt from taking the examinations or absent from school on the day that the examinations were administered.

8. The state board shall prescribe an assessment of proficiency in the English language for pupils whose primary language is not English to determine which pupils are exempt from the examinations pursuant to paragraph (a) of subsection 6.

Sec. 9. NRS 389.020 is hereby amended to read as follows:

389.020 1. In all public schools, the Caliente youth center and the Nevada youth training center, instruction must be given in American government, including , but not limited to , the essentials of the Constitution of the United States, the constitution of the State of Nevada, the origin and history of the constitutions and the study of and devotion to American institutions and ideals.

2. ~~[The]~~ *If the* instruction required in subsection 1 ~~[must be given during at least 1 year of the elementary school grades and for a period of at least 1 year in all high schools.]~~ *is not offered as a separate course, it must be included as part of a course in social studies.*

Sec. 10. NRS 389.030 is hereby amended to read as follows:

389.030 *Instruction in* American history, including the history of the State of Nevada , must be taught in all of the public schools in the State of Nevada . ~~[for a period of at least 1 year.]~~ *If the instruction required by this section is not offered as a separate course, it must be included as part of a course in social studies.*

Sec. 11. NRS 389.035 is hereby amended to read as follows:

389.035 No pupil in any public high school, the Caliente youth center or the Nevada youth training center may receive a certificate or diploma of graduation without having passed a course *that includes instruction* in American government and American history as required by NRS 389.020 and 389.030.

Sec. 12. NRS 389.560 is hereby amended to read as follows:

389.560 1. The state board shall adopt regulations that require the board of trustees of each school district and the governing body of each charter school to submit to the superintendent of public instruction, the department and the council, in the form and manner prescribed by the superintendent, the results of the examinations administered pursuant to NRS 389.550. The state board shall not include in the regulations any provision that would violate the confidentiality of the test scores of an individual pupil.

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

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

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

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

(a) Took the examinations under conditions that were not approved by the private entity that created the examination or, if the department created the examination, by the department;

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

(c) Are enrolled in an alternative program for the education of pupils at risk of dropping out of high school; or

(d) Are detained in a:

(1) Youth training center;

(2) Youth center;

(3) Juvenile forestry camp;

(4) Detention home;

(5) Youth camp;

(6) Juvenile correctional institution; or

(7) Correctional institution.

The results reported pursuant to this subsection must not be included in the percentage of pupils reported pursuant to subsection 2.

4. Not later than 10 days after the department receives the results of the examinations, the department shall transmit a copy of the results 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.

5. On or before November ~~14~~ 15 of each year, each school district and each charter school shall report to the department the following information for each examination administered in the public 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;
- (c) The costs incurred by the school district or charter school in administering each examination; and
- (d) The purpose, if any, for which the results of the examination are used by the school district or charter school.

On or before December ~~14~~ 15 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.

6. 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 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, except for those pupils who are exempt from taking the examinations. A pupil may be exempt from taking the examinations if:

- (a) His primary language is not English and his proficiency in the English language is below the level that the state board determines is proficient, as measured by an assessment of proficiency in the English language prescribed by the state board pursuant to subsection 8; or

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

7. In addition to the information required by subsection 5, the superintendent of public instruction shall:

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

(b) Reconcile the number of pupils who were required to take the examinations with the number of pupils who were exempt from taking the examinations or absent from school on the day that the examinations were administered.

8. The state board shall prescribe an assessment of proficiency in the English language for pupils whose primary language is not English to determine which pupils are exempt from the examinations pursuant to paragraph (a) of subsection 6.

Sec. 13. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

Attendance required by the provisions of NRS 392.040 must be excused if a child has obtained permission to take the tests of general educational development pursuant to NRS 385.448.

Sec. 14. NRS 293.2175 is hereby amended to read as follows:

293.2175 1. The county clerk may appoint a pupil as a trainee for the position of election board officer. To qualify for such an appointment, the pupil must be:

(a) A United States citizen, a resident of Nevada and a resident of the county in which he serves;

(b) Enrolled as a senior in high school;

(c) At the time of service, enrolled in or have completed a high school course *that includes instruction* in American government in accordance with NRS 389.020; and

(d) Performing at an academic level deemed acceptable by the principal of the pupil's high school.

2. The county clerk may only appoint a pupil as a trainee if:

(a) The pupil is appointed without party affiliation;

(b) The county clerk sends the pupil a certificate stating the date and hours the pupil, upon approval, will act as trainee;

(c) At least 20 days before the election in which the pupil will act as trainee, the principal of his high school receives the county clerk's certificate and a written request signed by his parent or guardian to be excused from school for the time specified in the certificate;

(d) The principal of the high school approves the pupil's request; and

(e) The pupil attends the training class required by NRS 293B.260.

3. The county clerk may assign a trainee such duties as the county clerk deems appropriate. The county clerk shall not require the trainee to perform those duties later than 10 p.m. or any applicable curfew, whichever is earlier.

4. The county clerk may compensate a trainee for his service at the same rate fixed for election board officers generally.

Sec. 15. NRS 293C.222 is hereby amended to read as follows:

293C.222 1. The city clerk may appoint a pupil as a trainee for the position of election board officer. To qualify for such an appointment, the pupil must be:

- (a) A United States citizen, a resident of Nevada and a resident of the city in which he serves;
- (b) Enrolled as a senior in high school;
- (c) At the time of service, enrolled in or have completed a high school course *that includes instruction* in American government in accordance with NRS 389.020; and
- (d) Performing at an academic level deemed acceptable by the principal of the pupil's high school.

2. The city clerk may only appoint a pupil as a trainee if:

- (a) The pupil is appointed without party affiliation;
- (b) The city clerk sends the pupil a certificate stating the date and hours the pupil, upon approval, will act as a trainee;
- (c) At least 20 days before the election in which the pupil will act as a trainee, the principal of his high school receives the city clerk's certificate and a written request signed by his parent or guardian to be excused from school for the time specified in the certificate;
- (d) The principal of the high school approves the pupil's request; and
- (e) The pupil attends the training class required by NRS 293B.260.

3. The city clerk may assign a trainee such duties as the city clerk deems appropriate. The city clerk shall not require the trainee to perform those duties later than 10 p.m., or any applicable curfew, whichever is earlier.

4. The city clerk may compensate a trainee for his service at the same rate fixed for election board officers generally.

Sec. 16. This act becomes effective on July 1, 2001.

SUMMARY—Makes various changes regarding educational personnel. (BDR 34-219)

FISCAL NOTE: Effect on Local Government: Yes.

Effect on the State: Contains Appropriation not included in Executive Budget.

AN ACT relating to educational personnel; revising the provisions governing the increase of salary for a teacher who is certified by the National Board for Professional Teaching Standards; requiring the boards of trustees of school districts to pay the increase of salary retroactively under certain circumstances; authorizing under certain circumstances the employment of licensed teachers who do not hold endorsements in a particular subject area; authorizing under certain circumstances the licensure and employment of teachers who are not citizens of the United States; authorizing transfers of money from the state distributive school account to continue the operation of the regional training programs for the professional development of teachers and administrators and to provide 1 additional day of professional development for teachers; making an appropriation for the reimbursement of certain costs of teachers who acquire certification by the National Board for Professional Teaching Standards; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN

SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 387.303 is hereby amended to read as follows:

387.303 1. Not later than November 10 of each year, the board of trustees of each school district shall submit to the superintendent of public instruction and the department of taxation a report which includes the following information:

(a) For each fund within the school district, including, without limitation, the school district's general fund and any special revenue fund which receives state money, the total number and salaries of licensed and nonlicensed persons whose salaries are paid from the fund and who are employed by the school district in full-time positions or in part-time positions added together to represent full-time positions. Information must be provided for the current school year based upon the school district's final budget, including any amendments and augmentations thereto, and for the preceding school year. An employee must be categorized as filling an instructional, administrative, instructional support or other position.

(b) The count of pupils computed pursuant to paragraph (a) of subsection 1 of NRS 387.1233.

(c) The average daily attendance for the preceding school year and the estimated average daily attendance for the current school year of part-time pupils enrolled in courses which are approved by the department as meeting the requirements for an adult to earn a high school diploma.

(d) The school district's actual expenditures in the fiscal year immediately preceding the report.

(e) The school district's proposed expenditures for the current fiscal year.

(f) The schedule of salaries for licensed employees in the current school year and a statement of whether the negotiations regarding salaries for the current school year have been completed. If the negotiations have not been completed at the time the schedule of salaries is submitted, the board of trustees shall submit a supplemental report to the superintendent of public instruction upon completion of negotiations or the determination of an arbitrator concerning the negotiations that includes the schedule of salaries agreed to or required by the arbitrator.

(g) The number of teachers who received an increase in salary pursuant to subsection 2 of NRS 391.160 for the current and preceding fiscal years. *If the board of trustees is required to pay an increase in salary retroactively pursuant to subsection 2 of NRS 391.160, the board of trustees shall submit a supplemental report to the superintendent of public instruction not later than February 15 of the year in which the retroactive payment was made that includes the number of teachers to whom an increase in salary was paid retroactively.*

(h) The number of employees eligible for health insurance within the school district for the current and preceding fiscal years and the amount paid for health insurance for each such employee during those years.

(i) The rates for fringe benefits, excluding health insurance, paid by the school district for its licensed employees in the preceding and current fiscal years.

(j) The amount paid for extra duties, supervision of extracurricular activities and supplemental pay and the number of employees receiving that pay in the preceding and current fiscal years.

2. On or before November 25 of each year, the superintendent of public instruction shall submit to the department of administration and the fiscal analysis division of the legislative counsel bureau, in a format approved by the director of the department of administration, a compilation of the reports made by each school district pursuant to subsection 1.

3. The superintendent of public instruction shall, in the compilation required by subsection 2, reconcile the revenues and expenditures of the school districts with the apportionment received by those districts from the state distributive school account for the preceding year.

Sec. 2. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the board of trustees of a school district determines that a shortage of teachers exists within the school district in a particular subject area, the board of trustees may submit a written request to the superintendent of public instruction to employ persons who are licensed teachers but who do not hold an endorsement to teach in the subject area for which there is a shortage of teachers. The superintendent of public instruction may grant such a request if the superintendent determines that a shortage of teachers exists in the subject area. If the superintendent of public instruction grants a request pursuant to this subsection, a person who holds a license to teach but not an endorsement in the subject area for which the request

was granted may be employed by the school district for not more than 2 school years to teach in that subject area.

2. If the superintendent of public instruction grants a request pursuant to subsection 1, the superintendent shall submit a written report to the commission that includes the name of the school district for which the request was granted and the subject area for which the request was granted. Upon receipt of such a report, the commission shall consider whether to adopt revisions to the requirements for an endorsement in that subject area to address the shortage of teachers.

Sec. 3. NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the commission:

(a) Shall adopt regulations:

(1) Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of such licenses.

(2) Identifying fields of specialization in teaching which require the specialized training of teachers.

(3) ~~Requiring~~ *Except as otherwise provided in section 2 of this act, requiring* teachers to obtain from the department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

(4) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(5) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language.

(b) May adopt such other regulations as it deems necessary for its own government or to carry out its duties.

2. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

Sec. 4. NRS 391.060 is hereby amended to read as follows:

391.060 1. Except as otherwise provided in *this section and* NRS 391.070, it is unlawful for:

(a) The superintendent of public instruction to issue a license to, or a board of trustees of a school district or a governing body of a charter school to employ, any teacher, instructor, principal or superintendent of schools who is not a citizen of the United States or a person who has filed a valid declaration to become a citizen or valid petition for naturalization, or who is not a lawful permanent resident of the United States.

(b) The state controller or any county auditor to issue any warrant to any teacher, instructor, principal or superintendent of schools who is not a citizen of the United States or a person who has filed a valid declaration to become a citizen or valid petition for naturalization, or who is not a lawful permanent resident of the United States.

2. *Upon the request of a school district, the superintendent of public instruction may issue a license to a person who does not meet the requirements of subsection 1 but is otherwise entitled to work in the United States pursuant to federal laws and regulations if:*

(a) *The school district has demonstrated to the satisfaction of the superintendent of public instruction that a shortage of teachers exists in the subject area for which the person is qualified;*

(b) *The person is otherwise qualified to teach in the subject area for which there is a shortage of teachers, except that he does not meet the requirements of subsection 1; and*

(c) *The school district agrees to employ the person to teach in the subject area for which there is a shortage of teachers.*

3. *A license issued by the superintendent of public instruction pursuant to subsection 2:*

(a) *Automatically expires on the date that the licensee is no longer entitled to work in the United States pursuant to federal laws and regulations; and*

(b) *Authorizes the person who holds the license to teach only in the:*

(1) *School district that submitted the request for the issuance of the license to that person; and*

(2) *Subject area for which the person is qualified.*

4. Upon compliance with all applicable federal laws and regulations, the board of trustees of a school district may employ a person who does not meet the requirements of subsection 1 if the person holds a license issued by the superintendent of public instruction pursuant to subsection 2. A teacher's employment with a school district pursuant to this subsection automatically expires on the date that he is no longer entitled to work in the United States pursuant to federal laws and regulations.

5. The state controller or a county auditor may issue a warrant to a teacher who is employed pursuant to subsection 4.

6. Any person who violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 5. NRS 391.080 is hereby amended to read as follows:

391.080 1. Each teacher or other licensed employee employed in this state whose compensation is payable out of public money, except teachers employed pursuant to the provisions of *subsection 4 of NRS 391.060 or* NRS 391.070, must take and subscribe to the constitutional oath of office before entering upon the discharge of his duties.

2. The oath of office, when taken and subscribed, must be filed with the department . [~~of education.~~]

3. The superintendent of public instruction, his deputy superintendents and other members of the professional staff of the department designated by the superintendent, members of boards of trustees of school districts, superintendents of schools, principals of schools and notaries public may administer the oath of office to teachers and other licensed employees.

Sec. 6. NRS 391.160 is hereby amended to read as follows:

391.160 1. The salaries of teachers and other employees must be determined by the character of the service required. A school district shall not discriminate between male and female employees in the matter of salary.

2. Each year when determining the salary of a teacher who holds certification issued by the National Board for Professional Teaching Standards, a school district shall add 5 percent to the salary that the teacher would otherwise receive in 1 year for his classification on the schedule of salaries for the school district if:

(a) On or before ~~{September 15}~~ **January 31** of the school year, the teacher has submitted evidence satisfactory to the school district of his current certification; and

(b) The teacher is assigned by the school district to provide classroom instruction during that school year.

No increase in salary may be given during a particular school year to a teacher who submits evidence of certification after ~~{September 15}~~ **January 31** of that school year. ***For the first school year that a teacher submits evidence of his current certification, the board of trustees of the school district to whom the evidence was submitted shall pay the increase in salary required by this subsection retroactively to the beginning of that school year.*** Once a teacher has submitted evidence of such certification to the school district, the school district shall retain the evidence in its records, as applicable, for future school years. An increase in salary given in accordance with this subsection is in addition to any other increase to which the teacher may otherwise be entitled.

3. In determining the salary of a licensed teacher who is employed by a school district after the teacher has been employed by another school district in this state, the present employer shall, except as otherwise provided in subsection 5:

(a) Give the teacher the same credit for previous teaching service as he was receiving from his former employer at the end of his former employment; and

(b) Give the teacher credit for his final year of service with his former employer, if credit for that service is not included in credit given pursuant to paragraph (a).

4. A school district may give the credit required by subsection 3 for previous teaching service earned in another state if the commission has approved the standards for licensing teachers of that state. The commission shall adopt regulations that establish the criteria by which the commission will consider the standards for licensing teachers of other states for the purposes of this subsection. The criteria may include, without limitation, whether the commission has authorized reciprocal licensure of educational personnel from the state under consideration.

5. This section does not:

(a) Require a school district to allow a teacher more credit for previous teaching service than the maximum credit for teaching experience provided for in the schedule of salaries established by it for its licensed personnel.

(b) Permit a school district to deny a teacher credit for his previous teaching service on the ground that the service differs in kind from the teaching experience for which credit is otherwise given by the school district.

6. As used in this section, "previous teaching service" means the total of:

(a) Any period of teaching service for which a teacher received credit from his former employer at the beginning of his former employment; and

(b) His period of teaching service in his former employment.

Sec. 7. NRS 391.170 is hereby amended to read as follows:

391.170 1. Except as otherwise provided in subsection 2, a teacher or other employee for whom a license is required is not entitled to receive any portion of public money for schools as compensation for services rendered unless:

(a) He is legally employed by the board of trustees of the school district in which he is teaching or performing other educational functions.

(b) He has a license authorizing him to teach or perform other educational functions at the level and *except as otherwise provided in section 2 of this act*, in the field for which he is employed, issued in accordance with law and in full force at the time the services are rendered.

2. The provisions of subsection 1 do not prohibit the payment of public money to teachers or other employees who are employed by a charter school pursuant to the provisions of NRS 386.590 and 386.595.

Sec. 8. 1. The department of education is hereby authorized to transfer from the state distributive school account to the school districts specified in this section the following sums for fiscal years 2001-2002 and 2002-2003:

<u>School District</u>	<u>2001-2002</u>	<u>2002-2003</u>
Clark County School District	\$2,365,491	\$3,041,127

Douglas County School District.....	\$832,851	\$892,339
Elko County School District.....	\$871,023	\$915,738
Washoe County School District	<u>\$1,082,890</u>	<u>\$1,197,768</u>
	\$5,152,255	\$6,046,972

2. A school district that receives an allocation pursuant to subsection 1 shall:

(a) Use the money to maintain and continue the operation of a regional training program for the professional development of teachers and administrators established by the school district pursuant to section 16 of chapter 559, Statutes of Nevada 1999, at page 2930;

(b) Comply with the provisions of section 16 of chapter 559, Statutes of Nevada 1999, at page 2930; and

(c) Notwithstanding the provisions of subsection 9 of section 16 of chapter 559, Statutes of Nevada 1999, at page 2930, to the contrary, provide training for teachers in the standards established by the council to establish academic standards for public schools pursuant to NRS 389.520.

3. In lieu of the requirement of paragraph (b) of subsection 13 of section 16 of chapter 559, Statutes of Nevada 1999, at page 2930, the annual report of the board of trustees of a school district must include an evaluation of whether the training received by teachers through the regional training program in the immediately preceding year included the standards of content and performance established by the council to establish academic standards for public schools pursuant to NRS 389.520.

4. Any remaining balance of the transfers made by subsection 1 for the 2001-2002 fiscal year must be added to the money received by the school districts for the 2002-2003 fiscal year and may be expended as that money is expended. Any remaining balance of the transfers made by subsection 1 for the 2002-2003 fiscal year, including any money added from the allocation for the previous fiscal year, must not be committed for expenditure after June 30, 2003, and reverts to the state distributive school account as soon as all payments of money committed have been made.

Sec. 9. 1. The school districts that receive an allocation pursuant to section 8 of this act are hereby authorized to continue the consortium formed pursuant to section 17 of chapter 559, Statutes of Nevada 1999, at page 2934, and to receive \$65,000 in each fiscal year of the 2001-2003 biennium from the state distributive school account to spend for an evaluation of the regional training programs for the professional development of teachers and administrators.

2. The consortium of school districts, after consulting with the legislative bureau of educational accountability and program evaluation, shall use the money allocated by subsection 1 to:

(a) Continue the services of the consultant hired pursuant to section 17 of chapter 559, Statutes of Nevada 1999, at page 2934, to conduct an evaluation of the effectiveness of the four regional training programs; or

(b) Hire another qualified, independent consultant to conduct an evaluation of the effectiveness of the four regional training programs.

The evaluation must include, without limitation, a review of the annual reports submitted by the governing body of each regional training program pursuant to subsection 12 of section 16 of chapter 559, Statutes of Nevada 1999, at page 2930, and the annual reports submitted by the board of trustees of each school district pursuant to subsection 13 of section 16 of chapter 559, Statutes of Nevada 1999, at page 2930.

3. On or before February 1, 2003, the consultant shall submit a written report of the results of his evaluation to the consortium and the legislative bureau of educational accountability and program evaluation. On or before February 19, 2003, the legislative bureau of educational accountability and program evaluation shall submit a copy of the written evaluation, including any recommendations for legislation, to the director of the legislative counsel bureau for transmission to the 72nd session of the Nevada Legislature.

4. Any remaining balance of the allocation made by subsection 1 must not be committed for expenditure after June 30, 2003, and reverts to the state distributive school account as soon as all payments of money committed have been made.

Sec. 10. 1. The department of education is hereby authorized to transfer from the state distributive school account the sum of \$14.8 million for the addition of 1 day to each school year of the 2001-2003 biennium to be used for the professional development of teachers. The department shall allocate this money in a fair and equitable manner among the 17 county school districts to ensure that the requirements of subsection 2 are met.

2. A school district that receives an allocation of money pursuant to subsection 1 shall:

(a) Add 1 day to the regular school year to each school year of the 2001-2003 biennium to be used for 1 additional day of professional development for teachers;

(b) Require the teachers who are employed by the school district to attend at least 1 additional day of professional development for training that:

(1) Includes the standards established by the council to establish academic standards for public schools pursuant to NRS 389.520; and

(2) Is provided by a regional training program for the professional development of teachers and administrators established pursuant to section 16 of chapter 559, Statutes of Nevada 1999, at page 2930; and

(c) Use the money to pay for the salaries and other compensation of teachers to attend 1 additional day of professional development as required by paragraph (b).

3. Any remaining balance of the sum authorized for expenditure pursuant to subsection 1 must not be committed for expenditure after June 30, 2003, and reverts to the state distributive school account as soon as all payments of money committed have been made.

Sec. 11. 1. There is hereby appropriated from the state general fund to the department of education the sum of \$150,000 for reimbursement of certain costs of public school teachers related to acquiring certification by the National Board for Professional Teaching Standards.

2. If a public school teacher desires to obtain reimbursement from the department of education for the costs that will be incurred in acquiring certification by the National Board for Professional Teaching Standards, the teacher shall file a statement of intended certification with the school district or the governing body of the charter school by whom he is employed. The

statement must be filed at least 1 year before the teacher reasonably believes that he will acquire the certification. Upon receipt of such a statement, the school district or governing body shall forward a copy of the statement to the department of education.

3. Upon certification, a public school teacher who has filed such a statement may request reimbursement by submitting to the school district or the governing body of the charter school by whom he is employed:

(a) A written statement indicating that the teacher understands that if he does not teach in a public school in this state, including, without limitation, a charter school, for at least 2 years after the date on which he receives the reimbursement, he will be required to repay the reimbursement in full to the department of education;

(b) Proof that he has acquired the certification; and

(c) A statement of the costs incurred by the teacher in acquiring the certification.

4. A school district or the governing body of a charter school shall verify the certification and the statement of costs submitted by a teacher pursuant to subsection 3. Upon verification, the school district or governing body shall notify the department of education of the certification and the amount of verified costs and shall request the department to reimburse the teacher. Upon receipt of such a request, the department shall cause the teacher to be reimbursed if the teacher agrees to teach in a public school in this state, including, without limitation, a charter school, for at least 2 years after the date on which he receives the reimbursement. Such a reimbursement must not exceed an amount equal to the actual verified costs incurred by the teacher or \$2,000,

whichever is less, to the extent that money is available from the appropriation made by subsection 1 for this purpose or other sources.

5. Except as otherwise provided in this subsection, if a teacher who receives a reimbursement pursuant to this section does not teach in a public school in this state, including, without limitation, a charter school, for at least 2 years after the date on which he received the reimbursement, the teacher shall repay the full amount of the reimbursement to the department of education. The teacher may request that the department of education grant a waiver from the repayment required by this subsection. The department of education may grant a waiver if the department determines that the teacher suffers from a hardship that warrants a waiver. The department of education shall prescribe the procedures for the repayment required by this subsection and the procedures for a teacher to request a waiver from the repayment.

6. The department of education shall use any money that it receives pursuant to this subsection to reimburse the costs of other teachers who acquire certification by the National Board of Professional Teaching Standards. The department of education shall not use the money appropriated by subsection 1 to reimburse costs related to certification acquired by a teacher before July 1, 2001.

7. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2003, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 12. The board of trustees of a school district shall pay the increase in salary required by subsection 2 of NRS 391.160 retroactively for the 2000-2001 school year for each teacher employed by the board of trustees who:

1. Acquired certification by the National Board for Professional Teaching Standards in the year 2000;
 2. Submits evidence satisfactory to the school district of the teacher's current certification;
- and
3. Provided classroom instruction during the 2000-2001 school year.

Sec. 13. This act becomes effective on July 1, 2001.

SUMMARY—Makes various changes regarding charter schools. (BDR 34-833)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State: Contains Appropriation not included in Executive Budget.

AN ACT relating to education; revising provisions governing the contents of an application to form a charter school and a written charter of a charter school; revising provisions governing the requirements of a charter school to provide special education; clarifying provisions governing the reassignment of employees of a charter school upon revocation of the written charter; providing that a charter school may offer independent study in accordance with the regulations of the state board of education; specifying that charter schools are included within a school district's program for the statewide automated system of information concerning pupils; making an appropriation to the legislative fund for a consultant to conduct case study evaluations of certain charter schools; and providing other matters properly relating thereto.

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

Section 1. NRS 386.520 is hereby amended to read as follows:

386.520 1. A committee to form a charter school must consist of at least three teachers, as defined in NRS 391.311, alone or in combination with:

- (a) Ten or more members of the general public;
- (b) Representatives of an organization devoted to service to the general public;
- (c) Representatives of a private business; or
- (d) Representatives of a college or university within the University and Community College System of Nevada.

2. Before a committee to form a charter school may submit an application to the board of trustees of a school district, it must submit the application to the department. The application must include all information prescribed by the department by regulation and:

(a) A written description of how the charter school will carry out the provisions of NRS 386.500 to 386.610, inclusive.

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

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

- (c) The projected enrollment of pupils in the charter school.
- (d) The proposed dates of enrollment for the charter school.
- (e) The proposed system of governance for the charter school, including, without limitation ~~the~~ **the** :
 - (1) *The* number of persons who will govern ~~the~~ ;
 - (2) *The* method of selecting the persons who will govern ~~and the~~ ;
 - (3) *The* term of office for each person ~~;~~ ; *and*
 - (4) *A mechanism for the removal of a member of the governing body of the charter school for inefficiency, neglect of duty or other just cause.*
- (f) The method by which disputes will be resolved between the governing body of the charter school and the sponsor of the charter school.
- (g) The proposed curriculum for the charter school.
- (h) The textbooks that will be used at the charter school.
- (i) The qualifications of the persons who will provide instruction at the charter school.
- (j) Except as otherwise required by NRS 386.595, the process by which the governing body of the charter school will negotiate employment contracts with the employees of the charter school.
- (k) A financial plan for the operation of the charter school. The plan must include, without limitation, procedures for the audit of the programs and finances of the charter school and guidelines for determining the financial liability if the charter school is unsuccessful.

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

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

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

(o) A written assurance that the charter school will comply with all applicable federal laws and regulations governing the education of pupils with disabilities and a written procedure for carrying out and documenting the charter school's compliance with those laws and regulations.

(p) A statement of whether the charter school will offer a program of independent study. If the charter school will offer a program of independent study, the application must include a written assurance that the charter school will comply with NRS 389.155.

3. The department shall review an application to form a charter school to determine whether it is complete. The department shall provide written notice to the applicant of its approval or

denial of the application. If the department denies an application, the department shall include in the written notice the reason for the denial and the deficiencies in the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

Sec. 2. NRS 386.527 is hereby amended to read as follows:

386.527 1. Except as otherwise provided in subsection 3, if the board of trustees of a school district approves an application to form a charter school, it shall grant a written charter to the applicant. The board of trustees shall, not later than 10 days after the approval of the application, provide written notice to the department of the approval and the date of the approval. The board of trustees that approves the application shall be deemed the sponsor of the charter school. A written charter must be for a term of 6 years unless the governing body of a charter school renews its initial charter after 3 years of operation pursuant to subsection 2 of NRS 386.530. A written charter must include all conditions of operation set forth in paragraphs (a) to ~~[(n)]~~ (p), inclusive, of subsection 2 of NRS 386.520. As a condition of the issuance of a written charter pursuant to this subsection, the charter school must agree to comply with all conditions of operation set forth in NRS 386.550.

2. The governing body of a charter school may submit to the sponsor of the charter school a written request for an amendment of the written charter of the charter school. If the proposed amendment complies with the provisions of this section, NRS 386.500 to 386.610, inclusive, and any other statute or regulation applicable to charter schools, the sponsor shall amend the written charter in accordance with the proposed amendment.

3. If the board of trustees of a school district is considering an application to form a charter school and determines that the applicant is not yet eligible for the issuance of a charter pursuant to subsection 1, it may, if applicable, hold the application in abeyance and grant a conditional charter to the applicant if the applicant:

(a) Has not obtained a building, equipment or personnel for the charter school; and

(b) Submits proof satisfactory to the entity which is considering the application that acceptance of the application is necessary to obtain the building, equipment or personnel for the charter school.

The board of trustees of a school district that grants a conditional charter pursuant to this subsection shall provide written notice to the state board of its action.

4. A conditional charter expires 1 year after its issuance and is nonrenewable. The holder of a conditional charter shall not operate a charter school and is not eligible to receive any public school money for the operation of a charter school. Before the expiration of a conditional charter, the holder of the conditional charter may submit a supplemental application and request the board of trustees that granted the conditional charter to determine whether the holder is eligible for the issuance of a charter pursuant to subsection 1. The board of trustees shall consider such a request as soon as is practicable.

Sec. 3. NRS 386.565 is hereby amended to read as follows:

386.565 *1.* The board of trustees of a school district in which a charter school is located shall not:

~~{1.}~~ (a) Assign any pupil who is enrolled in a public school in the school district or any employee who is employed in a public school in the school district to a charter school.

~~{2.}~~ (b) Interfere with the operation and management of the charter school except as authorized by the written charter, NRS 386.500 to 386.610, inclusive, and any other statute or regulation applicable to charter schools or its officers or employees.

2. For purposes of the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and NRS 388.440 to 388.520, inclusive, a charter school shall be deemed a public school of the local educational agency if the local educational agency is the school district that sponsors the charter school.

3. As used in this section, "local educational agency" has the meaning ascribed to it in 20 U.S.C. § 1401(15).

Sec. 4. NRS 386.595 is hereby amended to read as follows:

386.595 1. Except as otherwise provided in this subsection and subsections 2 and 3, the provisions of the collective bargaining agreement entered into by the board of trustees of the school district in which the charter school is located apply to the terms and conditions of employment of employees of the charter school. If a written charter is renewed, the employees of the charter school may, at the time of renewal, apply for recognition as a bargaining unit pursuant to NRS 288.160.

2. A charter school is exempt from the specific provisions of the collective bargaining agreement that controls the:

(a) Periods of preparation time for teachers, provided that the charter school allows at least the same amount of time for preparation as the school district;

(b) Times of day that a teacher may work;

(c) Number of hours that a teacher may work in 1 day;

(d) Number of hours and days that a teacher may work in 1 week; and

(e) Number of hours and days that a teacher may work in 1 year.

If a teacher works more than the number of hours or days prescribed in the collective bargaining agreement, the teacher must be compensated for the additional hours or days in an amount calculated by prorating the salary for the teacher that is set forth in the collective bargaining agreement.

3. A teacher or a governing body of a charter school may request that the board of trustees of the school district and other persons who entered into the collective bargaining agreement grant a waiver from specific provisions of the collective bargaining agreement for the teacher or governing body.

4. All employees of a charter school shall be deemed public employees.

5. The governing body of a charter school may make all employment decisions with regard to its employees pursuant to NRS 391.311 to 391.3197, inclusive, unless the applicable collective bargaining agreement contains separate provisions relating to the discipline of licensed employees of a school.

6. If the written charter of a charter school is revoked, the employees of the charter school *who are on leave of absence from the school district pursuant to this section* must be

reassigned to employment within the school district in accordance with the collective bargaining agreement.

7. The board of trustees of a school district that is a sponsor of a charter school shall grant a leave of absence, not to exceed 6 years, to any employee who is employed by the board of trustees who requests such a leave of absence to accept employment with the charter school. After the first school year in which an employee is on a leave of absence, he may return to his former teaching position with the board of trustees. After the third school year, an employee who is on a leave of absence may submit a written request to the board of trustees to return to a comparable teaching position with the board of trustees. After the sixth school year, an employee shall either submit a written request to return to a comparable teaching position or resign from the position for which his leave was granted. The board of trustees shall grant a written request to return to a comparable position pursuant to this subsection even if the return of the employee requires the board of trustees to reduce the existing work force of the school district. The board of trustees may require that a request to return to a teaching position submitted pursuant to this subsection be submitted at least 90 days before the employee would otherwise be required to report to duty.

8. An employee who is on a leave of absence from a school district pursuant to this section shall contribute to and be eligible for all benefits for which he would otherwise be entitled, including, without limitation, participation in the public employees' retirement system and accrual of time for the purposes of leave and retirement. The time during which such an

employee is on leave of absence and employed in a charter school does not count toward the acquisition of permanent status with the school district.

9. Upon the return of a teacher to employment in the school district, he is entitled to the same level of retirement, salary and any other benefits to which he would otherwise be entitled if he had not taken a leave of absence to teach in a charter school.

10. An employee of a charter school who is not on a leave of absence from a school district is eligible for all benefits for which he would be eligible for employment in a public school, including, without limitation, participation in the public employees' retirement system.

11. For all employees of a charter school:

(a) The compensation that a teacher or other school employee would have received if he were employed by the school district must be used to determine the appropriate levels of contribution required of the employee and employer for purposes of the public employees' retirement system.

(b) The compensation that is paid to a teacher or other school employee that exceeds the compensation that he would have received if he were employed by the school district must not be included for the purposes of calculating future retirement benefits of the employee.

12. If the board of trustees of a school district in which a charter school is located manages a plan of group insurance for its employees, the governing body of the charter school may negotiate with the board of trustees to participate in the same plan of group insurance that the board of trustees offers to its employees. If the employees of the charter school participate in the plan of group insurance managed by the board of trustees, the governing body of the charter school shall:

- (a) Ensure that the premiums for that insurance are paid to the board of trustees; and
- (b) Provide, upon the request of the board of trustees, all information that is necessary for the board of trustees to provide the group insurance to the employees of the charter school.

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

386.650 1. The department shall establish and maintain a statewide automated system of information concerning pupils. The system must be designed to improve the ability of the department, school districts and the public schools in this state , ***including, without limitation, charter schools,*** to account for the pupils who are enrolled in the public schools ~~{ }~~ , ***including, without limitation, charter schools.***

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

(a) Adopt and maintain the program for the collection, maintenance and transfer of data from the records of individual pupils to the statewide automated system of information, including, without limitation, the development of plans for the educational technology which is necessary to adopt and maintain the program;

(b) Provide to the department electronic data concerning pupils as required by the superintendent of public instruction pursuant to subsection 3; and

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

3. The superintendent of public instruction shall:

(a) Prescribe the data to be collected and reported to the department by each school district pursuant to subsection 2 [;], *including, without limitation, data relating to each charter school located within a school district;*

(b) Prescribe the format for the data;

(c) Prescribe the date by which each school district shall report the data;

(d) *Prescribe the date by which each charter school located within a school district shall report the data to the school district for incorporation into the report of the school district;*

(e) Provide technical assistance to each school district to ensure that the data from each *public* school in the *school* district , *including, without limitation, each charter school located within the school district*, is compatible with the statewide automated system of information and comparable to the data reported by other school districts; and

~~(e)~~ (f) Provide for the analysis and reporting of the data in the statewide automated system of information.

Sec. 6. NRS 386.655 is hereby amended to read as follows:

386.655 1. The department, the school districts and the public schools , *including, without limitation, charter schools*, shall, in operating the statewide automated system of information established pursuant to NRS 386.650, comply with the provisions of:

(a) For all pupils, the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto; and

(b) For pupils with disabilities who are enrolled in programs of special education, the provisions governing access to education records and confidentiality of information prescribed in

the Individuals with Disabilities Education Act, 20 U.S.C. § 1417(c), and the regulations adopted pursuant thereto.

2. Except as otherwise provided in 20 U.S.C. § 1232g(b) and any other applicable federal law, a public school , *including, without limitation, a charter school*, shall not release the education records of a pupil to a person or an agency of a federal, state or local government without the written consent of the parent or legal guardian of the pupil.

3. In addition to the record required pursuant to 20 U.S.C. § 1232g(b)(4)(A), each school district shall maintain within the statewide automated system of information an electronic record of all persons and agencies who have requested the education record of a pupil or obtained access to the education record of a pupil, or both, pursuant to 20 U.S.C. § 1232g. The electronic record must be maintained and may only be disclosed in accordance with the provisions of 20 U.S.C. § 1232g. *A charter school shall provide to the school district in which the charter school is located such information as is necessary for the school district to carry out the provisions of this subsection.*

4. The right accorded to a parent or legal guardian of a pupil pursuant to subsection 2 devolves upon the pupil on the date on which he attains the age of 18 years.

5. As used in this section, unless the context otherwise requires, “education records” has the meaning ascribed to it in 20 U.S.C. § 1232g(a)(4).

Sec. 7. NRS 389.155 is hereby amended to read as follows:

389.155 1. The state board shall, by regulation, establish a program pursuant to which a pupil enrolled full time in high school may complete any required or elective course by independent study outside of the normal classroom setting.

2. The regulations must require that:

(a) The teacher of the course assign to the pupil the work assignments necessary to complete the course; and

(b) The pupil and teacher meet or otherwise communicate with each other at least once each week during the course to discuss the pupil's progress.

3. The board of trustees in each school district may, in accordance with the regulations adopted pursuant to subsections 1 and 2, provide for independent study by pupils enrolled full time in high schools in its district. *The governing body of a charter school that provides a program of instruction for pupils enrolled in the grade levels for high school may, in accordance with the regulations adopted pursuant to subsections 1 and 2, provide for independent study by pupils enrolled full time in the charter school in a grade level for high school.* A board of trustees *or a governing body* that chooses to allow such study may provide that:

(a) The pupils participating in the independent study be given instruction individually or in a group.

(b) The independent study be offered during the regular school day.

Sec. 8. 1. There is hereby appropriated from the state general fund to the legislative fund the sum of \$10,000 for use by the legislative bureau of educational accountability and program

evaluation to hire a consultant to conduct case study evaluations of charter schools within this state.

2. The consultant hired by the legislative bureau of educational accountability and program evaluation shall conduct on-site evaluations of not more than eight charter schools within this state selected by the bureau for evaluation. On or before February 1, 2003, the consultant shall submit a written report to the legislative bureau of educational accountability and program evaluation that includes for each charter school that was evaluated:

- (a) A description of the charter school;
- (b) A description of the academic achievement and progress of pupils who are enrolled in the charter school;
- (c) A description of the demographics of the pupils who are enrolled in the charter school;
- (d) An overview of the curriculum for each grade level taught at the charter school;
- (e) A description of the system of governance of the charter school, including, without limitation, an explanation of the process by which decisions are made;
- (f) A description of the financial plan for the charter school;
- (g) An identification and evaluation of the accomplishments of the charter school;
- (h) An identification and evaluation of the factors that hindered the progress of the charter school in achieving the academic or educational results set forth in its application to form a charter school;
- (i) A summary of the practices of the charter school that offer an example for other charter schools within this state; and

(j) Any recommendations for legislation based upon the results of the evaluation.

3. The legislative bureau of educational accountability and program evaluation shall submit a copy of the written evaluation, including any recommendations for legislation, to the 72nd session of the Nevada legislature.

Sec. 9. This act becomes effective on July 1, 2001.

SUMMARY—Authorizes school districts and charter schools to provide programs of distance education. (BDR 34-834)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State: Yes.

AN ACT relating to education; revising provisions governing the apportionments of money from the state distributive school account to provide for the payment of money for pupils who are enrolled in programs of distance education; requiring the department of education to prepare a list of approved courses of distance education; providing for the submission of applications to the department of education to include a course of distance education on the list prepared by the department; providing for the submission of applications to the department of education by boards of trustees of schools districts, governing bodies of charter schools and consortiums thereof to provide programs of distance education; requiring the state board of education to adopt regulations prescribing the requirements of programs of distance education; and providing other matters properly relating thereto.

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

Section 1. Chapter 386 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, a charter school shall not operate through a facility located in a school district other than the school district in which the charter school is located.

2. A charter school that provides a program of distance education pursuant to sections 11 to 25, inclusive, of this act, may operate through a satellite facility located in a school district other than the school district in which the charter school is located to provide services and instruction to pupils who are enrolled in the program of distance education.

Sec. 2. NRS 386.550 is hereby amended to read as follows:

386.550 A charter school shall:

1. Comply with all laws and regulations relating to discrimination and civil rights.
2. Remain nonsectarian, including, without limitation, in its educational programs, policies for admission and employment practices.
3. Refrain from charging tuition or fees, levying taxes or issuing bonds.
4. Comply with any plan for desegregation ordered by a court that is in effect in the school district in which the charter school is located.
5. Comply with the provisions of chapter 241 of NRS.
6. Except as otherwise provided in this subsection [] and subsection 3 of NRS 388.090, schedule and provide annually at least as many days of instruction as are required of other public schools located in the same school district as the charter school is located. The governing body

of a charter school may submit a written request to the superintendent of public instruction for a waiver from providing the days of instruction required by this subsection ~~[-]~~ *if the waiver will not apply to a program of distance education provided pursuant to sections 11 to 25, inclusive, of this act.* The superintendent of public instruction may grant such a request if the governing body demonstrates to the satisfaction of the superintendent that:

- (a) Extenuating circumstances exist to justify the waiver; and
- (b) The charter school will provide at least as many hours or minutes of instruction as would be provided under a program consisting of 180 days.

7. Cooperate with the board of trustees of the school district in the administration of the achievement and proficiency examinations administered pursuant to NRS 389.015 and the examinations required pursuant to NRS 389.550 to the pupils who are enrolled in the charter school.

8. Comply with applicable statutes and regulations governing the achievement and proficiency of pupils in this state.

9. Provide instruction in the core academic subjects set forth in subsection 1 of NRS 389.018, as applicable for the grade levels of pupils who are enrolled in the charter school, and provide at least the courses of instruction that are required of pupils by statute or regulation for promotion to the next grade or graduation from a public high school and require the pupils who are enrolled in the charter school to take those courses of study. This subsection does not preclude a charter school from offering, or requiring the pupils who are enrolled in the charter school to take, other courses of study that are required by statute or regulation.

10. Refrain from using public money to purchase real property or buildings without the approval of the sponsor.

11. Hold harmless, indemnify and defend the sponsor of the charter school against any claim or liability arising from an act or omission by the governing body of the charter school or an employee or officer of the charter school. An action at law may not be maintained against the sponsor of a charter school for any cause of action for which the charter school has obtained liability insurance.

12. Provide written notice to the parents or legal guardians of pupils in grades 9 to 12, inclusive, who are enrolled in the charter school of whether the charter school is accredited by the Commission on Schools of the Northwest Association of Schools and Colleges.

13. Adopt a final budget in accordance with the regulations adopted by the department. A charter school is not required to adopt a final budget pursuant to NRS 354.598 or otherwise comply with the provisions of chapter 354 of NRS.

14. If the charter school provides a program of distance education pursuant to sections 11 to 25, inclusive, of this act, comply with all statutes and regulations that are applicable to a program of distance education for purposes of the operation of the program, regardless of whether those statutes and regulations impose additional requirements upon the charter school.

Sec. 3. NRS 386.560 is hereby amended to read as follows:

386.560 1. The governing body of a charter school may contract with the board of trustees of the school district in which the charter school is located or the University and Community

College System of Nevada for the provision of facilities to operate the charter school or to perform any service relating to the operation of the charter school, including, without limitation, transportation and the provision of health services for the pupils who are enrolled in the charter school.

2. A charter school may use any public facility located within the school district in which the charter school is located. A charter school may use school buildings owned by the school district only upon approval of the board of trustees of the school district and during times that are not regular school hours.

3. The board of trustees of a school district may donate surplus personal property of the school district to a charter school that is located within the school district.

4. ~~Upon~~ ***Except as otherwise provided in this subsection, upon*** the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the charter school is located shall authorize the pupil to participate in a class that is not available to the pupil at the charter school or participate in an extracurricular activity, excluding sports, at a public school within the school district if:

(a) Space for the pupil in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate in the class or extracurricular activity.

If the board of trustees of a school district authorizes a pupil to participate in a class or extracurricular activity, excluding sports, pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to attend the class or activity. ***The provisions of***

this subsection do not apply to a pupil who is enrolled in a charter school and who desires to participate on a part-time basis in a program of distance education provided by the board of trustees of a school district or a consortium pursuant to section 22 of this act.

5. Upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the charter school is located shall authorize the pupil to participate in sports at the public school that he would otherwise be required to attend within the school district, or upon approval of the board of trustees, any public school within the same zone of attendance as the charter school if:

- (a) Space is available for the pupil to participate; and
- (b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate.

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

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

Sec. 4. NRS 386.570 is hereby amended to read as follows:

386.570 1. Each pupil who is enrolled in a charter school, including, without limitation, a pupil who is enrolled in a program of special education in a charter school, must be included in the count of pupils in the school district for the purposes of apportionments and allowances from the state distributive school account pursuant to NRS 387.121 to 387.126, inclusive, unless the pupil is exempt from compulsory attendance pursuant to NRS 392.070. A charter school is entitled to receive its proportionate share of any other money available from federal, state or local sources that the school or the pupils who are enrolled in the school are eligible to receive.

2. The governing body of a charter school may negotiate with the board of trustees of the school district and the state board for additional money to pay for services which the governing body wishes to offer.

3. To determine the amount of money for distribution to a charter school in its first year of operation, the count of pupils who are enrolled in the charter school must initially be determined 30 days before the beginning of the school year of the school district, based on the number of pupils whose applications for enrollment have been approved by the charter school. The count of pupils who are enrolled in the charter school must be revised on the last day of the first school month of the school district in which the charter school is located for the school year, based on the actual number of pupils who are enrolled in the charter school. Pursuant to subsection ~~{2}~~ 5 of NRS 387.124, the governing body of a charter school may request that the apportionments made to the charter school in its first year of operation be paid to the charter school 30 days before the apportionments are otherwise required to be made.

4. The governing body of a charter school may solicit and accept donations, money, grants, property, loans, personal services or other assistance for purposes relating to education from members of the general public, corporations or agencies. The governing body may comply with applicable federal laws and regulations governing the provision of federal grants for charter schools.

5. If a charter school uses money received from this state to purchase real property, buildings, equipment or facilities, the governing body of the charter school shall assign a security interest in the property, buildings, equipment and facilities to the State of Nevada.

Sec. 5. NRS 387.123 is hereby amended to read as follows:

387.123 1. The count of pupils for apportionment purposes includes all pupils who are enrolled in programs of instruction of the school district , *including, without limitation, a program of distance education provided by the school district*, or pupils who reside in the county in which the school district is located and are enrolled in any charter school , *including, without limitation, a program of distance education provided by a charter school*, for:

- (a) Pupils in the kindergarten department.
- (b) Pupils in grades 1 to 12, inclusive.
- (c) Pupils not included under paragraph (a) or (b) who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive.
- (d) *Pupils not included under paragraph (a) or (b) who reside in the county and are enrolled fulltime in a program of distance education provided by another school district or a*

consortium if an agreement is filed with the superintendent of public instruction pursuant to section 21 of this act.

(e) Pupils not included under paragraphs (a) or (b) who reside in the county and are enrolled parttime in a program of distance education if an agreement is filed with the superintendent of public instruction pursuant to section 21 or 22 of this act, as applicable.

(f) Children detained in detention homes, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570.

~~{(e)}~~ (g) Pupils who are enrolled in classes pursuant to subsection 4 of NRS 386.560.

~~{(f)}~~ (h) Pupils who are enrolled in classes pursuant to subsection 3 *or* 5 of NRS 392.070.

~~{(g)}~~ (i) Part-time pupils enrolled in classes and taking courses necessary to receive a high school diploma, excluding those pupils who are included in paragraphs (e) ~~[and (f)]~~, (g) *and* (h).

2. The state board shall establish uniform regulations for counting enrollment and calculating the average daily attendance of pupils. In establishing such regulations for the public schools, the state board:

(a) Shall divide the school year into 10 school months, each containing 20 or fewer school days.

(b) May divide the pupils in grades 1 to 12, inclusive, into categories composed respectively of those enrolled in elementary schools and those enrolled in secondary schools.

(c) Shall prohibit the counting of any pupil specified in subsection 1 more than once.

3. Except as otherwise provided in subsection 4 and NRS 388.700, the state board shall establish by regulation the maximum pupil-teacher ratio in each grade, and for each subject matter wherever different subjects are taught in separate classes, for each school district of this state which is consistent with:

- (a) The maintenance of an acceptable standard of instruction;
- (b) The conditions prevailing in the school district with respect to the number and distribution of pupils in each grade; and
- (c) Methods of instruction used, which may include educational television, team teaching or new teaching systems or techniques.

If the superintendent of public instruction finds that any school district is maintaining one or more classes whose pupil-teacher ratio exceeds the applicable maximum, and unless he finds that the board of trustees of the school district has made every reasonable effort in good faith to comply with the applicable standard, he shall, with the approval of the state board, reduce the count of pupils for apportionment purposes by the percentage which the number of pupils attending those classes is of the total number of pupils in the district, and the state board may direct him to withhold the quarterly apportionment entirely.

4. ~~[A] The provisions of subsection 3 do not apply to a charter school [is not required to comply with the pupil-teacher ratio prescribed by the state board pursuant to subsection 3.] or a program of distance education provided pursuant to sections 11 to 25, inclusive, of this act.~~

Sec. 6. NRS 387.1233 is hereby amended to read as follows:

387.1233 1. Except as otherwise provided in subsection 2, basic support of each school district must be computed by:

(a) Multiplying the basic support guarantee per pupil established for that school district for that school year by the sum of:

(1) Six-tenths the count of pupils enrolled in the kindergarten department on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year.

(2) The count of pupils enrolled in grades 1 to 12, inclusive, on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year.

(3) *The count of pupils not included under subparagraph (1) or (2) who reside in the county and are enrolled:*

(I) Fulltime or parttime in a program of distance education provided by the school district on the last day of the first school month of the school district for the school year.

(II) Fulltime in a program of distance education provided by another school district or a consortium, if an agreement is filed with the superintendent of public instruction pursuant to section 21 of this act, on the last day of the first school month of the school district for the school year.

(III) In a public school of the school district and are concurrently enrolled parttime in a program of distance education provided by another school district, a charter school or a consortium, if an agreement is filed with the superintendent of public instruction pursuant to section 21 of this act, on the last day of the first school month of the school district for the school year.

(IV) In a charter school located within the school district and are concurrently enrolled parttime in a program of distance education provided by a school district, another charter school or a consortium, if an agreement is filed with the superintendent of public instruction pursuant to section 22 of this act, on the last day of the first school month of the school district for the school year.

(4) The count of pupils not included under subparagraph (1) , ~~{or}~~ (2) or (3) who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive, on the last day of the first school month of the school district for the school year, excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.490 on that day.

~~{(4)}~~ (5) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.490 on the last day of the first school month of the school district for the school year.

~~{(5)}~~ (6) The count of children detained in detention homes, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550,

388.560 and 388.570 on the last day of the first school month of the school district for the school year.

~~[(6)]~~ (7) The count of pupils who are enrolled in classes for at least one semester pursuant to subsection 4 of NRS 386.560 or subsection 3 *or* 5 of NRS 392.070, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(b) Multiplying the number of special education program units maintained and operated by the amount per program established for that school year.

(c) Adding the amounts computed in paragraphs (a) and (b).

2. If the enrollment of pupils in a school district or a charter school that is located within the school district on the last day of the first school month of the school district for the school year is less than the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for the immediately preceding school year, the larger number must be used for purposes of apportioning money from the state distributive school account to that school district or charter school pursuant to NRS 387.124.

3. Pupils who are excused from attendance at examinations or have completed their work in accordance with the rules of the board of trustees must be credited with attendance during that period.

4. Pupils who are incarcerated in a facility or institution operated by the department of prisons must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the department . ~~{of education.}~~

5. Part-time pupils who are enrolled in courses which are approved by the department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the department.

Sec. 7. NRS 387.124 is hereby amended to read as follows:

387.124 Except as otherwise provided in *this section and* NRS 387.528:

1. On or before August 1, November 1, February 1 and May 1 of each year, the superintendent of public instruction shall ~~[except as otherwise provided in subsections 2 and 3,]~~ apportion the state distributive school account in the state general fund among the several county school districts and charter schools in amounts approximating one-fourth of their respective yearly apportionments less any amount set aside as a reserve. The apportionment to a school district, computed on a yearly basis, equals the difference between the basic support and the local funds available pursuant to NRS 387.1235, minus all the funds attributable to pupils who reside in the county but attend a charter school ~~[.]~~ *and all the funds attributable to pupils who reside in the county and are enrolled fulltime or parttime in a program of distance education provided by another school district, a charter school or a consortium.* No apportionment may be made to a school district if the amount of the local funds exceeds the amount of basic support. The apportionment to a charter school, computed on a yearly basis, is equal to the sum of the basic

support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides ~~{ }~~ *minus all the funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled parttime in a program of distance education provided by a school district, another charter school or a consortium.* If the apportionment per pupil to a charter school is more than the amount to be apportioned to the school district in which a pupil who is enrolled in the charter school resides, the school district in which the pupil resides shall pay the difference directly to the charter school.

2. *In addition to the apportionments made pursuant to this section, an apportionment must be made to a school district or a consortium that provides a program of distance education for each pupil enrolled fulltime in the program if an agreement is filed for that pupil pursuant to section 21 of this act. The amount of the apportionment must be equal to the per pupil amount which would have been received by the school district in which the pupil resides pursuant to subsection 1 or the actual cost to provide the program of distance education to the pupil, as set forth in the written agreement pursuant to paragraph (b) of subsection 2 of section 21 of this act, whichever is less. If the amount of the apportionment made pursuant to this subsection for a pupil who is enrolled fulltime in a program of distance education is less than the amount per pupil which would have been received by the school district in which the pupil resides, the remainder must be paid directly to the school district in which the pupil resides.*

3. *In addition to the apportionments made pursuant to this section, an apportionment must be made to a school district, charter school or consortium that provides a program of distance education for each pupil who is enrolled parttime in the program if an agreement is filed for that pupil pursuant to section 21 or 22 of this act, as applicable. The amount of the apportionment must be equal to the percentage of the total time services are provided to the pupil through the program of distance education per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233 for the school district in which the pupil resides.*

4. *In addition to the apportionments made pursuant to this section, an apportionment must be made to a school district, charter school or consortium that provides a program of distance education for each child who is enrolled in a private school or receives instruction at home who participates in a class offered through a program of distance education pursuant to subsection 5 of NRS 392.070. The amount of the apportionment must be equal to the percentage of the total time services are provided to the pupil through the program of distance education per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233 for the school district in which the pupil resides.*

5. The governing body of a charter school may submit a written request to the superintendent of public instruction to receive, in the first year of operation of the charter school, an apportionment 30 days before the apportionment is required to be made pursuant to

subsection 1. Upon receipt of such a request, the superintendent of public instruction may make the apportionment 30 days before the apportionment is required to be made. A charter school may receive all four apportionments in advance in its first year of operation.

~~{3-}~~ 6. If the state controller finds that such an action is needed to maintain the balance in the state general fund at a level sufficient to pay the other appropriations from it, he may pay out the apportionments monthly, each approximately one-twelfth of the yearly apportionment less any amount set aside as a reserve. If such action is needed, the state controller shall submit a report to the department of administration and the fiscal analysis division of the legislative counsel bureau documenting reasons for the action.

Sec. 8. NRS 387.1243 is hereby amended to read as follows:

387.1243 1. The first apportionment based on an estimated number of pupils and special education program units and succeeding apportionments are subject to adjustment from time to time as the need therefor may appear.

2. The apportionments to a school district may be adjusted during a fiscal year by the department of education, upon approval by the board of examiners and the interim finance committee, if the department of taxation and the county assessor in the county in which the school district is located certify to the department of education that the school district will not receive the tax levied pursuant to subsection 1 of NRS 387.195 on property of the Federal Government located within the county if:

(a) The leasehold interest, possessory interest, beneficial interest or beneficial use of the property is subject to taxation pursuant to NRS 361.157 and 361.159 and one or more lessees or users of the property are delinquent in paying the tax; and

(b) The total amount of tax owed but not paid for the fiscal year by any such lessees and users is at least 5 percent of the proceeds that the school district would have received from the tax levied pursuant to subsection 1 of NRS 387.195.

If a lessee or user pays the tax owed after the school district's apportionment has been increased in accordance with the provisions of this subsection to compensate for the tax owed, the school district shall repay to the distributive school account in the state general fund an amount equal to the tax received from the lessee or user for the year in which the school district received an increased apportionment, not to exceed the increase in apportionments made to the school district pursuant to this subsection.

3. On or before August 1 of each year, the board of trustees of a school district shall provide to the department, in a format prescribed by the department, the count of pupils calculated pursuant to subparagraph ~~[(6)]~~ (7) of paragraph (a) of subsection 1 of NRS 387.1233 who completed at least one semester during the immediately preceding school year. The count of pupils submitted to the department must be included in the final adjustment computed pursuant to subsection 4.

4. A final adjustment for each school district and charter school must be computed as soon as practicable following the close of the school year, but not later than August 25. The final computation must be based upon the actual counts of pupils required to be made for the

computation of basic support and the limits upon the support of special education programs, except that for any year when the total enrollment of pupils and children in a school district or a charter school located within the school district described in paragraphs (a) [~~(b), (c) and (d)~~] *to (f), inclusive*, of subsection 1 of NRS 387.123 is greater on the last day of any school month of the school district after the second school month of the school district and the increase in enrollment shows at least:

(a) A 3 percent gain, basic support as computed from first month enrollment for the school district or charter school must be increased by 2 percent.

(b) A 6 percent gain, basic support as computed from first month enrollment for the school district or charter school must be increased by an additional 2 percent.

5. If the final computation of apportionment for any school district or charter school exceeds the actual amount paid to the school district or charter school during the school year, the additional amount due must be paid before September 1. If the final computation of apportionment for any school district or charter school is less than the actual amount paid to the school district or charter school during the school year, the difference must be repaid to the state distributive school account in the state general fund by the school district or charter school before September 25.

Sec. 9. NRS 387.185 is hereby amended to read as follows:

387.185 1. Except as otherwise provided in subsection 2 and NRS 387.528, all school money due each county school district must be paid over by the state treasurer to the county treasurer on August 1, November 1, February 1 and May 1 of each year or as soon thereafter as

the county treasurer may apply for it, upon the warrant of the state controller drawn in conformity with the apportionment of the superintendent of public instruction as provided in NRS 387.124.

2. Except as otherwise provided in NRS 387.528, if the board of trustees of a school district establishes and administers a separate account pursuant to the provisions of NRS 354.603, all school money due that school district must be paid over by the state treasurer to the school district on August 1, November 1, February 1 and May 1 of each year or as soon thereafter as the school district may apply for it, upon the warrant of the state controller drawn in conformity with the apportionment of the superintendent of public instruction as provided in NRS 387.124.

3. No county school district may receive any portion of the public school money unless that school district has complied with the provisions of this Title and regulations adopted pursuant thereto.

4. Except as otherwise provided in this subsection, all school money due each charter school must be paid over by the state treasurer to the governing body of the charter school on August 1, November 1, February 1 and May 1 of each year or as soon thereafter as the governing body may apply for it, upon the warrant of the state controller drawn in conformity with the apportionment of the superintendent of public instruction as provided in NRS 387.124. If the superintendent of public instruction has approved, pursuant to subsection ~~{2}~~ 5 of NRS 387.124, a request for payment of an apportionment 30 days before the apportionment is otherwise required to be made, the money due to the charter school must be paid by the state treasurer to the governing body of the charter school on July 1, October 1, January 1 or April 1, as applicable.

Sec. 10. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 11 to 25, inclusive, of this act.

Sec. 11. *As used in sections 11 to 25, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 12 to 15, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 12. *“Consortium” means a consortium of two or more entities that is formed pursuant to section 17 of this act.*

Sec. 13. *“Course of distance education” means a course of study that uses distance education as its primary mechanism for delivery of instruction.*

Sec. 14. *“Distance education” means instruction which is delivered by means of video, computer, television, correspondence, or the Internet or other electronic means of communication, or any combination thereof, in such a manner that the person supervising or providing the instruction and the pupil receiving the instruction are separated geographically for a majority of the time during which the instruction is delivered.*

Sec. 15. *“Program of distance education” means a program comprised of one or more courses of distance education that is approved by the department pursuant to section 18 of this act.*

Sec. 16. 1. *The department shall prepare and publish a list of courses of distance education that satisfy the requirements of sections 11 to 25, inclusive, of this act, and all other applicable statutes and regulations. If an application to provide a program of distance education is approved by the department pursuant to section 18 of this act, the department*

shall automatically include on the list each course of study included within that program if the course of study has not been approved by the department before submission of the application to provide the program.

2. A person or entity that has developed a course of distance education, including, without limitation, a vendor of a course of distance education, the University and Community College System of Nevada or other postsecondary educational institution, a board of trustees of a school district or a governing body of a charter school, may submit an application for inclusion of the course on the list prepared by the department. The department may approve an application if the application satisfies the requirements of sections 11 to 25, inclusive, of this act, and all other applicable statutes and regulations. The department shall provide written notice to the applicant of its approval or denial of the application. The department shall not unreasonably withhold its approval of an application if the application satisfies the requirements of sections 11 to 25, inclusive, of this act.

3. If the department denies an application, the department shall include in the written notice the reasons for the denial and the deficiencies of the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application. The department may approve an application that has been resubmitted pursuant to this subsection if the application satisfies the requirements of sections 11 to 25, inclusive, of this act and all other applicable statutes and regulations. The department shall not unreasonably withhold its approval of an application that has been resubmitted pursuant to this subsection if the applicant corrected the deficiencies identified in

written notice and if the application otherwise satisfies the requirements of sections 11 to 25, inclusive, of this act.

Sec. 17. A consortium to provide a program of distance education may be formed by written agreement in accordance with the regulations adopted by the state board pursuant to paragraph (d) of subsection 1 of section 25 of this act. A consortium may be comprised of a combination of the board of trustees of one or more school districts whose boundaries may be contiguous or noncontiguous or the governing body of one or more charter schools, or any combination thereof. If such a consortium is formed, the consortium may submit an application to the department to provide a program of distance education pursuant to section 18 of this act.

Sec. 18. 1. The board of trustees of a school district, the governing body of a charter school or a consortium may submit an application to the department to provide a program of distance education.

2. An applicant to provide a program of distance education may seek approval to provide a program that is comprised of one or more courses of distance education included on the list of courses approved by the department pursuant to section 16 of this act or a program that is comprised of one or more courses of distance education that have not been reviewed by the department before submission of the application.

3. An application to provide a program of distance education must include:

(a) All the information prescribed by the state board by regulation.

(b) Except as otherwise provided in this paragraph, proof satisfactory to the department that the program satisfies all applicable statutes and regulations. The proof required by this paragraph shall be deemed satisfied if the program is comprised only of courses of distance education approved by the department pursuant to section 16 of this act before submission of the application.

(c) If the applicant is a consortium, a copy of the written agreement to form the consortium required by section 17 of this act.

(d) If the applicant is the board of trustees of a school district and the program will be offered for enrollment of pupils on a full-time basis, a written description of the manner in which the board of trustees will determine the affiliation of a pupil with a public school of the school district for purposes of section 23 of this act. The affiliation of a pupil with a public school for purposes of section 23 of this act may be determined in accordance with, without limitation, applicable zones established by the board of trustees pursuant to NRS 388.040, the grade level of pupils who are enrolled in the program or the level of participation of a particular public school of the school district in the operation of the program of distance education.

(e) If the applicant is a consortium that includes the board of trustees of a school district and the program will be offered for enrollment of pupils on a full-time basis, a written description of the manner in which the board of trustees of each school district that participates in the consortium will determine the affiliation of a pupil with a public school of the school district for purposes of section 23 of this act. The affiliation of a pupil with a public

school for purposes of section 23 of this act may be determined in accordance with, without limitation, applicable zones established by the board of trustees pursuant to NRS 388.040, the grade level of pupils who are enrolled in the program or the level of participation of a particular public school of the school district in the operation of the program of distance education.

4. The department may approve an application submitted pursuant to this section if the application satisfies the requirements of sections 11 to 25, inclusive, of this act and all other applicable statutes and regulations. The department shall provide written notice to the applicant of its approval or denial of the application. The department shall not unreasonably withhold its approval of an application if the application satisfies the requirements of sections 11 to 25, inclusive, of this act and all other applicable statutes and regulations.

5. If the department denies an application, the department shall include in the written notice the reasons for the denial and the deficiencies of the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application. The department may approve an application that has been resubmitted pursuant to this subsection if the application satisfies the requirements of sections 11 to 25, inclusive, of this act and all other applicable statutes and regulations. The department shall not unreasonably withhold its approval of an application that has been resubmitted pursuant to this subsection if the applicant corrected the deficiencies identified in the written notice and if the application otherwise satisfies the requirements of sections 11 to 25, inclusive, of this act and all other applicable statutes and regulations.

Sec. 19. A program of distance education may include, without limitation, an opportunity for pupils to participate in the program:

1. For a shorter school day or a longer school day than that regularly provided for in the school district or charter school, as applicable; and

2. During any part of the calendar year.

Sec. 20. 1. The board of trustees of a school district, the governing body of a charter school or a consortium that provides a program of distance education may operate a satellite facility in any school district to provide services and instruction to pupils who are enrolled in the program. Before commencing operation of such a satellite facility, the board of trustees, governing body or consortium, as applicable, shall notify the board of trustees of the school district in which the satellite facility will be located of the intended commencement of operations.

2. The board of trustees of a school district, the governing body of a charter school or a consortium that provides a program of distance education may contract with the board of trustees of a school district to provide a satellite facility for the operation of the program or to perform any service relating to the operation of the program.

Sec. 21. 1. Except as otherwise provided in this subsection, before a pupil may enroll fulltime or parttime in a program of distance education that is provided by a consortium or a school district other than the school district in which the pupil resides, the pupil must obtain the written permission of the board of trustees of the school district in which the pupil resides. Before a pupil who is enrolled in a public school of a school district may enroll parttime in a

program of distance education that is provided by a charter school, the pupil must obtain the written permission of the board of trustees of the school district in which the pupil resides. A pupil who enrolls fulltime in a program of distance education that is provided by a charter school, including, without limitation, a charter school that participates in a consortium, is not required to obtain the approval of the board of trustees of the school district in which the pupil resides.

2. If the board of trustees of a school district grants permission pursuant to subsection 1, the board of trustees shall enter into a written agreement with the board of trustees, governing body or consortium, as applicable, that provides the program of distance education. A separate agreement must be prepared for each year that a pupil enrolls in a program of distance education. The written agreement must:

(a) Contain a statement prepared by the board of trustees of the school district in which the pupil resides indicating that the board of trustees understands that the superintendent of public instruction will make appropriate adjustments in the apportionments to the school district pursuant to NRS 387.124 to account for the pupil's enrollment in the program of distance education;

(b) If the pupil plans to enroll fulltime in the program of distance education, contain a statement of costs prepared by the board of trustees or the consortium that provides the program of distance education setting forth the actual cost to the board of trustees or the consortium to provide the program of distance education to the pupil;

(c) If the pupil plans to enroll parttime in the program of distance education, contain a statement prepared by the board of trustees of the school district in which the pupil resides and the board of trustees, governing body or consortium that provides the program of distance education setting forth the percentage of the total time services will be provided to the pupil through the program of distance education per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233 for the school district in which the pupil resides;

(d) If the pupil plans to enroll fulltime in a program of distance education provided by a consortium and the school district in which the pupil resides does not participate in that consortium, contain a statement prepared by the members of that consortium designating the public school of a school district that participates in the consortium to which the pupil is declared affiliated for purposes of section 23 of this act;

(e) Be signed by the board of trustees of the school district in which the pupil resides and the board of trustees, governing body or consortium that provides the program of distance education; and

(f) Include any other information required by the state board by regulation.

3. On or before September 1 of each year, a written agreement must be filed with the superintendent of public instruction for each pupil who is enrolled fulltime or parttime in a program of distance education provided by a consortium or a school district other than the school district in which the pupil resides. On or before September 1 of each year, a written

agreement must be filed with the superintendent of public instruction for each pupil who is enrolled in a public school of the school district and who is enrolled parttime in a program of distance education provided by a charter school. If an agreement is not filed for a pupil who is enrolled in a program of distance education as required by this section, the superintendent of public instruction shall not apportion money for that pupil to the board of trustees of the school district in which the pupil resides, or the board of trustees, governing body or consortium that provides the program of distance education.

Sec. 22. 1. If a pupil is enrolled in a charter school, he may enroll full time in a program of distance education only if the charter school in which he is enrolled provides the program of distance education or participates in a consortium that provides the program of distance education.

2. Before a pupil who is enrolled in a charter school may enroll parttime in a program of distance education that is provided by a school district, another charter school or a consortium, the pupil must obtain the written permission of the governing body of the charter school in which the pupil is enrolled.

3. If the governing body of a charter school grants permission pursuant to subsection 2, the governing body shall enter into a written agreement with the board of trustees, governing body or consortium, as applicable, that provides the program of distance education. A separate agreement must be prepared for each year that a pupil enrolls in a program of distance education. The written agreement must:

(a) Contain a statement prepared by the governing body of the charter school in which the pupil is enrolled indicating that the governing body understands that the superintendent of public instruction will make appropriate adjustments in the apportionments to the charter school pursuant to NRS 387.124 to account for the pupil's enrollment in the program of distance education;

(b) Contain a statement prepared by the governing body of the charter school in which the pupil is enrolled and the board of trustees, governing body or consortium that provides the program of distance education setting forth the percentage of the total time services will be provided to the pupil through the program of distance education per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233 for the school district in which the pupil resides;

(c) Be signed by the governing body of the charter in which the pupil is enrolled and the board of trustees, governing body or consortium that provides the program of distance education; and

(d) Include any other information required by the state board by regulation.

4. On or before September 1 of each year, a written agreement must be filed with the superintendent of public instruction for each pupil who is enrolled in a charter school and who is enrolled parttime in a program of distance education provided by a school district, another charter school or a consortium. If an agreement is not filed for such a pupil, the superintendent of public instruction shall not apportion money for that pupil to the governing

body of the charter school in which the pupil is enrolled, or the board of trustees, governing body or consortium that provides the program of distance education.

Sec. 23. 1. If a pupil is enrolled fulltime in a program of distance education provided by the board of trustees of a school district, the board of trustees shall declare for each such pupil the public school within that school district to which the pupil is affiliated. Upon the declared affiliation, the pupil shall be deemed enrolled in that public school for purposes of all the applicable requirements, statutes, regulations, rules and policies of that public school and school district, including, without limitation:

(a) Graduation requirements;

(b) Accountability of public schools, as set forth in NRS 385.3455 to 385.391, inclusive;

(c) Provisions governing the attendance and truancy of pupils, as set forth in NRS 392.040 to 392.220, inclusive; and

(d) Discipline of pupils.

2. If a pupil is enrolled fulltime in a program of distance education provided by a consortium and the board of trustees of the school district in which the pupil resides participates in the consortium, the board of trustees of the school district in which the pupil resides shall declare for each such pupil the public school within that school district to which the pupil is affiliated. Upon the declared affiliation, the pupil shall be deemed enrolled in that public school for purposes of all the applicable requirements, statutes, regulations, rules and policies of that public school and school district, including, without limitation:

(a) Graduation requirements;

(b) Accountability of public schools, as set forth in NRS 385.3455 to 385.391, inclusive;

(c) Provisions governing the attendance and truancy of pupils, as set forth in NRS 392.040 to 392.220, inclusive; and

(d) Discipline of pupils.

3. If a pupil is enrolled fulltime in a program of distance education provided by a consortium and the board of trustees of the school district in which the pupil resides does not participate in the consortium, the pupil shall be declared affiliated with and deemed enrolled in a public school of a school district that participates in the consortium, as designated in the written agreement pursuant to paragraph (d) of subsection 2 of section 21 of this act. All the applicable requirements, statutes, regulations, rules and policies of that public school and school district apply to such a pupil, including, without limitation:

(a) Graduation requirements;

(b) Accountability of public schools, as set forth in NRS 385.3455 to 385.391, inclusive;

(c) Provisions governing the attendance and truancy of pupils, as set forth in NRS 392.040 to 392.220, inclusive; and

(d) Discipline of pupils.

4. A pupil who is enrolled fulltime in a program of distance education provided by a charter school, including without limitation, a charter school that participates in a consortium, shall be deemed enrolled in the charter school. All the applicable requirements, statutes, regulations, rules and policies of that charter school apply to such a pupil, including, without limitation:

(a) Graduation requirements;

(b) Accountability of public schools, as set forth in NRS 385.3455 to 385.391, inclusive;

(c) Provisions governing the attendance and truancy of pupils, as set forth in NRS 392.040 to 392.220, inclusive; and

(d) Discipline of pupils.

5. Except for a pupil who is enrolled parttime in a program of distance education pursuant to NRS 392.070, if a pupil is enrolled parttime in a program of distance education, all the applicable requirements, statutes, regulations, rules and policies of the public school of the school district in which the pupil is otherwise enrolled or the charter school in which the pupil is otherwise enrolled apply to such a pupil, including, without limitation:

(a) Graduation requirements;

(b) Accountability of public schools, as set forth in NRS 385.3455 to 385.391, inclusive;

(c) Provisions governing the attendance and truancy of pupils, as set forth in NRS 392.040 to 392.220, inclusive; and

(d) Discipline of pupils.

Sec. 24. On or before November 1 of each year, the board of trustees of a school district, the governing body of a charter school or a consortium that provides a program of distance education shall submit to the department and to the legislative bureau of educational accountability and program evaluation a written report that contains a summary of the program for the immediately preceding school year which includes, without limitation:

1. A description of the manner in which the program was carried out;

2. *The expenditures made for the program;*
3. *The number of pupils who were enrolled fulltime in the program and the number of pupils who were enrolled parttime in the program;*
4. *If available, a description of the reasons why pupils enrolled in the program;*
5. *The number of pupils who dropped out of the program, if any;*
6. *A description of any disciplinary measures taken against pupils who were enrolled in the program; and*
7. *An analysis of the academic achievement and performance of the pupils who were enrolled in the program before and after the pupils participated in the program.*

Sec. 25. 1. *The state board shall adopt regulations that prescribe:*

(a) The process for submission of an application by a person or entity for inclusion of a course of distance education on the list prepared by the department pursuant to section 16 of this act and the contents of the application;

(b) The process for submission of an application by the board of trustees of a school district, the governing body of a charter school or a consortium to provide a program of distance education and the contents of the application;

(c) The criteria and type of investigation that must be applied by the department in determining whether to approve an application:

(1) For inclusion of a course of distance education on the list prepared by the department pursuant to section 16 of this act; and

(2) To provide a program of distance education;

(d) The requirements for a written agreement of a consortium formed pursuant to section 17 of this act;

(e) The process for accepting pupils for enrollment in a program of distance education;

(f) The instruction required of a program of distance education, including, without limitation, a requirement that the program:

(1) If applicable to the type of program offered, provides courses of study that satisfy the standards of content and performance established by the council to establish academic standards for public schools pursuant to NRS 389.520; and

(2) Meets or exceeds all other academic requirements identified by the state board;

(g) The qualifications required of persons who provide instruction in a program of distance education;

(h) A method for reporting to the department the number of pupils who are enrolled in a program of distance education and the attendance of those pupils;

(i) The requirements for communication between a teacher who supervises or provides instruction to a pupil who is enrolled in a program of distance education;

(j) The requirements for assessing the achievement of pupils who are enrolled in a program of distance education, which must include, without limitation, the administration of the achievement and proficiency examinations required pursuant to NRS 389.015 and 389.550;

(k) A written description of the process pursuant to which the department may revoke its approval for the operation of a program of distance education; and

(1) A method for ensuring the accountability of each program of distance education that is consistent with section 24 of this act.

2. The state board may adopt regulations as it determines are necessary to carry out the provisions of sections 11 to 25, inclusive, of this act.

Sec. 26. NRS 388.090 is hereby amended to read as follows:

388.090 1. Except as otherwise permitted pursuant to this section, boards of trustees of school districts shall schedule and provide a minimum of 180 days of free school in the districts under their charge.

2. The superintendent of public instruction may, upon application by a board of trustees, authorize a reduction of not more than 15 school days in a particular district to establish or maintain a 12-month school program or a program involving alternative scheduling, if the board of trustees demonstrates that the proposed schedule for the program provides for a greater number of minutes of instruction than would be provided under a program consisting of 180 school days. Before authorizing a reduction in the number of required school days pursuant to this subsection, the superintendent of public instruction must find that the proposed schedule will be used to alleviate problems associated with a growth in enrollment or overcrowding, or to establish and maintain a program of alternative schooling.

3. The superintendent of public instruction may, upon application by the board of trustees of a school district, the governing body of a charter school or a consortium that provides a program of distance education pursuant to sections 11 to 25, inclusive, of this act, authorize a reduction of not more than 15 school days to establish or maintain a 12-month school

program or a program involving alternative scheduling, if the board of trustees, governing body or consortium, as applicable, demonstrates that the proposed schedule for the program of distance education provides for a greater number of minutes of instruction than would be provided under a program consisting of 180 school days. Before authorizing a reduction in the number of required school days pursuant to this subsection, the superintendent of public instruction must find that the proposed schedule will be used to establish and maintain a program of distance education approved by the department pursuant to section 18 of this act.

4. The superintendent of public instruction may, upon application by a board of trustees, authorize the addition of minutes of instruction to any scheduled day of free school if days of free school are lost because of any interscholastic activity. Not more than 5 days of free school so lost may be rescheduled in this manner.

~~{4.}~~ 5. Each school district shall schedule at least 3 contingent days of school in addition to the number of days required by this section, which must be used if a natural disaster, inclement weather or an accident necessitates the closing of a majority of the facilities within the district.

~~{5.}~~ 6. If more than 3 days of free school are lost because a natural disaster, inclement weather or an accident necessitates the closing of a majority of the facilities within a school district, the superintendent of public instruction, upon application by the school district, may permit the additional days lost to be counted as school days in session. The application must be submitted in the manner prescribed by the superintendent of public instruction.

~~{6.}~~ 7. The state board ~~{of education}~~ shall adopt regulations providing procedures for changing schedules of instruction to be used if a natural disaster, inclement weather or an accident necessitates the closing of a particular school within a school district.

Sec. 27. NRS 388.700 is hereby amended to read as follows:

388.700 1. Except as otherwise provided in subsections 2, 3 and 6, after the last day of the first month of the school year, the ratio in each school district of pupils per class in kindergarten and grades 1, 2 and 3 per licensed teacher designated to teach those classes full time must not exceed 15 to 1 in classes where core curriculum is taught. In determining this ratio, all licensed educational personnel who teach kindergarten or grade 1, 2 or 3 must be counted except teachers of art, music, physical education or special education, counselors, librarians, administrators, deans and specialists.

2. A school district may, within the limits of any plan adopted pursuant to NRS 388.720, assign a pupil whose enrollment in a grade occurs after the last day of the first month of the school year to any existing class regardless of the number of pupils in the class.

3. The state board may grant to a school district a variance from the limitation on the number of pupils per class set forth in subsection 1 for good cause, including the lack of available financial support specifically set aside for the reduction of pupil-teacher ratios.

4. The state board shall, on or before February 1 of each odd-numbered year, report to the legislature on:

(a) Each variance granted by it during the preceding biennium, including the specific justification for the variance.

(b) The data reported to it by the various school districts pursuant to subsection 2 of NRS 388.710, including an explanation of that data, and the current pupil-teacher ratios per class in kindergarten and grades 1, 2 and 3.

5. The department shall, on or before November 15 of each year, report to the chief of the budget division of the department of administration and the fiscal analysis division of the legislative counsel bureau:

- (a) The number of teachers employed;
- (b) The number of teachers employed in order to attain the ratio required by subsection 1;
- (c) The number of pupils enrolled; and
- (d) The number of teachers assigned to teach in the same classroom with another teacher or in any other arrangement other than one teacher assigned to one classroom of pupils, during the current school year in kindergarten and grades 1, 2 and 3 for each school district.

6. The provisions of this section do not apply to a charter school ~~or~~ *or to a program of distance education provided pursuant to sections 11 to 25, inclusive, of this act.*

Sec. 28. NRS 389.155 is hereby amended to read as follows:

389.155 1. The state board shall, by regulation, establish a program pursuant to which a pupil enrolled full time in high school may complete any required or elective course by independent study outside of the normal classroom setting.

2. The regulations must require that:

- (a) The teacher of the course assign to the pupil the work assignments necessary to complete the course; and

(b) The pupil and teacher meet or otherwise communicate with each other at least once each week during the course to discuss the pupil's progress.

3. The board of trustees in each school district may, in accordance with the regulations adopted pursuant to subsections 1 and 2, provide for independent study by pupils enrolled full time in high schools in its district. A board of trustees that chooses to allow such study may provide that:

(a) The pupils participating in the independent study be given instruction individually or in a group.

(b) The independent study be offered during the regular school day.

4. *The provisions of this section do not apply to a:*

(a) *Program of distance education provided pursuant to sections 11 to 25, inclusive, of this act; or*

(b) *Pupil who is enrolled in a program of distance education provided pursuant to sections 11 to 25, inclusive, of this act.*

Sec. 29. NRS 392.010 is hereby amended to read as follows:

392.010 Except as to the attendance of a pupil pursuant to NRS 392.015 ***or sections 11 to 25, inclusive, of this act,*** or a pupil who is ineligible for attendance pursuant to NRS 392.4675 and except as otherwise provided in NRS 392.264 and 392.268:

1. The board of trustees of any school district may, with the approval of the superintendent of public instruction:

(a) Admit to the school or schools of the school district any pupil or pupils living in an adjoining school district within this state or in an adjoining state when the school district of residence in the adjoining state adjoins the receiving Nevada school district; or

(b) Pay tuition for pupils residing in the school district but who attend school in an adjoining school district within this state or in an adjoining state when the receiving district in the adjoining state adjoins the school district of Nevada residence.

2. With the approval of the superintendent of public instruction, the board of trustees of the school district in which the pupil or pupils reside and the board of trustees of the school district in which the pupil or pupils attend school shall enter into an agreement providing for the payment of such tuition as may be agreed upon, but transportation costs must be paid by the board of trustees of the school district in which the pupil or pupils reside:

(a) If any are incurred in transporting a pupil or pupils to an adjoining school district within the state; and

(b) If any are incurred in transporting a pupil or pupils to an adjoining state, as provided by the agreement.

3. In addition to the provisions for the payment of tuition and transportation costs for pupils admitted to an adjoining school district as provided in subsection 2, the agreement may contain provisions for the payment of reasonable amounts of money to defray the cost of operation, maintenance and depreciation of capital improvements which can be allocated to such pupils.

Sec. 30. NRS 392.035 is hereby amended to read as follows:

392.035 1. In determining the mobility of pupils in a school, for any purpose, the department shall divide the sum of the following numbers by the cumulative enrollment in the school:

(a) The number of late entries or transfers into a school from another school, school district or state, after the beginning of the school year;

(b) The number of pupils reentering the school after having withdrawn from the same school; and

(c) The number of pupils who withdraw for any reason or who are dropped for nonattendance.

2. To determine the cumulative enrollment of the school pursuant to subsection 1, the department shall add the total number of pupils enrolled in programs of instruction in the school who are included in the count for apportionment purposes pursuant to paragraphs (a) ~~[(b), (c), (e) and (f)]~~ *to (e), inclusive, (g) and (h)* of subsection 1 of NRS 387.123 and the number of pupils included in paragraphs (a) and (b) of subsection 1.

3. The department shall develop and distribute to the county school districts a form upon which the information necessary to the formula may be submitted by the individual schools.

Sec. 31. NRS 392.070 is hereby amended to read as follows:

392.070 1. Attendance required by the provisions of NRS 392.040 must be excused when satisfactory written evidence is presented to the board of trustees of the school district in which the child resides that the child is receiving at home or in some other school equivalent instruction of the kind and amount approved by the state board.

2. The board of trustees of each school district shall provide programs of special education and related services for children who are exempt from compulsory attendance pursuant to subsection 1 and receive instruction at home. The programs of special education and related services required by this section must be made available:

(a) Only if a child would otherwise be eligible for participation in programs of special education and related services pursuant to NRS 388.440 to 388.520, inclusive;

(b) In the same manner that the board of trustees provides, as required by 20 U.S.C. § 1412, for the participation of pupils with disabilities who are enrolled in private schools within the school district voluntarily by their parents or legal guardians; and

(c) In accordance with the same requirements set forth in 20 U.S.C. § 1412 which relate to the participation of pupils with disabilities who are enrolled in private schools within the school district voluntarily by their parents or legal guardians.

3. Except as otherwise provided in subsection 2 for programs of special education and related services ~~and~~ *and subsection 5 for programs of distance education*, upon the request of a parent or legal guardian of a child who is enrolled in a private school or who receives instruction at home, the board of trustees of the school district in which the child resides shall authorize the child to participate in a class that is not available to the child at the private school or home school or participate in an extracurricular activity, excluding sports, at a public school within the school district if:

(a) Space for the child in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the child is qualified to participate in the class or extracurricular activity.

If the board of trustees of a school district authorizes a child to participate in a class or extracurricular activity, excluding sports, pursuant to this subsection, the board of trustees is not required to provide transportation for the child to attend the class or activity.

4. The board of trustees of a school district may revoke its approval for a pupil to participate in a class or extracurricular activity at a public school pursuant to subsection 3 if the board of trustees or the public school determines that the pupil has failed to comply with applicable statutes, or applicable rules and regulations of the board of trustees. If the board of trustees revokes its approval, neither the board of trustees nor the public school are liable for any damages relating to the denial of services to the pupil.

5. *The board of trustees of a school district, the governing body of a charter school or a consortium that provides a program of distance education pursuant to sections 11 to 25, inclusive, of this act shall, upon the request of a parent or legal guardian of a child who is enrolled in a private school or who receives instruction at home, authorize the child to participate in a class offered through the program of distance education that is not available to the child at the private school or home school or participate in an extracurricular activity offered through the program of distance education if:*

(a) Space for the child in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees, governing body or consortium, as applicable, that the child is qualified to participate in the class or extracurricular activity.

If the board of trustees, governing body or consortium, as applicable, authorizes a child to participate in a class or extracurricular activity pursuant to this subsection, the board of trustees, governing body or consortium is not required to provide transportation for the child to participate in the class or activity.

6. If the board of trustees of a school district other than the school district in which a child resides authorizes the child to participate in a class or extracurricular activity pursuant to subsection 5, or if the governing body of a charter school or a consortium authorizes a child to participate in a class or extracurricular activity pursuant to subsection 5, the board of trustees, governing body or consortium, as applicable, shall provide written notice of the authorization to the board of trustees of the school district in which the child resides. Upon receipt of the written notice, the board of trustees of the school district in which the child resides shall enter into a written agreement with the board of trustees, governing body or consortium that provides the program of distance education. A separate agreement must be prepared for each year that a child participates in a class or extracurricular activity offered through a program of distance education. The written agreement must:

(a) Contain a statement prepared by the board of trustees of the school district in which the child resides indicating that the board of trustees understands that the child will be included in the calculation of basic support for the school district pursuant to subparagraph (7) of

paragraph (a) of subsection 1 of NRS 387.1233 and that the superintendent of public instruction will make appropriate adjustments in the apportionments to the school district pursuant to NRS 387.124 to account for the child's enrollment in the program of distance education;

(b) Contain a statement prepared by the board of trustees of the school district in which the child resides and the board of trustees, governing body or consortium that provides the program of distance education setting forth the percentage of the total time services will be provided to the child through the program of distance education per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233 for the school district in which the pupil resides;

(c) Be signed by the board of trustees of the school district in which the child resides and the board of trustees, governing body or consortium, as applicable, that provides the program of distance education; and

(d) Include any other information required by the state board by regulation.

7. On or before September 1 of each year, a written agreement must be filed with the superintendent of public instruction for each child who participates in a program of distance education pursuant to subsection 5. The superintendent of public instruction shall apportion money for that child in accordance with subsection 4 of NRS 387.124 regardless of whether an agreement has been filed as required by this section if the child was included in the count for basic support pursuant to NRS 387.1233.

8. The board of trustees of a school district, the governing body of a charter school or a consortium, as applicable, may revoke its approval for a child to participate in a class or extracurricular activity pursuant to subsection 5 if the board of trustees, governing body or consortium determines that the child has failed to comply with applicable statutes, or applicable rules and regulations. If the board of trustees, governing body or consortium revokes its approval, neither the board of trustees, governing body or consortium, as applicable, nor the program of distance education are liable for any damages relating to the denial of services to the child.

9. The programs of special education and related services required by subsection 2 may be offered at a public school or another location that is appropriate.

~~{6.}~~ 10. The department may adopt such regulations as are necessary for the boards of trustees of school districts to provide the programs of special education and related services required by subsection 2.

~~{7.}~~ 11. As used in this section, "related services" has the meaning ascribed to it in 20 U.S.C. § 1401(22).

Sec. 32. 1. On or before December 1, 2001, the state board of education shall submit a draft of the regulations required by section 25 of this act to the legislative committee on education for the review and comment of the committee.

2. On or before February 1, 2002, the legislative committee on education shall review the draft regulations and provide comment to the state board of education.

3. On or before April 1, 2002, the state board of education shall adopt final regulations required by section 25 of this act.

Sec. 33. The department of education shall accept applications to provide programs of distance education in accordance with section 18 of this act for programs that will commence operation with the 2002-2003 school year. If any deadlines contained within the regulations adopted by the state board of education pursuant to section 25 of this act prohibit a school district, charter school or consortium from submitting an application for the 2002-2003 school year, the department of education shall grant a shorter period of time for a school district, charter school or consortium to submit an application for the 2002-2003 school year notwithstanding the provisions of those regulations.

Sec. 34. 1. This section and sections 25, 32 and 33 of this act become effective upon passage and approval.

2. Sections 1 to 24 inclusive, and 26 to 31, inclusive, of this act become effective on July 1, 2002.

SUMMARY—Requires establishment of standards and programs pertaining to promotion of health, wellness, physical fitness and good nutrition at public schools.
(BDR 34-835)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

AN ACT relating to education; requiring the state board of education to prescribe standards for the sale of candy and soft drinks at public schools within this state; requiring the department of education to develop a program to promote health and wellness among persons employed at public schools within this state; authorizing the transfer of certain sums of money from the state distributive school account to provide training to teachers and administrators regarding health, physical education and wellness; and providing other matters properly relating thereto.

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

Section 1. Chapter 385 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. The state board shall, by regulation, prescribe standards for the sale of candy and soft drinks at public schools within this state.

2. The standards prescribed by the state board pursuant to subsection 1 must be consistent with:

(a) The standards of content and performance for the course of study of health, established pursuant to NRS 389.520 by the council to establish academic standards for public schools; and

(b) Federal requirements pertaining to the sale, at schools, of competitive foods and foods of minimal nutritional value.

3. Each public school, including, without limitation, each charter school, shall comply with the standards prescribed by the state board.

4. As used in this section:

(a) "Candy" includes candies, cakes, cookies, glaced fruits, prepared cereals and other similar products, as determined by the state board.

(b) "Competitive foods" has the meaning ascribed to it in 7 C.F.R. § 210.11.

(c) "Food of minimal nutritional value" has the meaning ascribed to it in 7 C.F.R. § 210.11.

(d) "Soft drink" means any nonalcoholic beverage, whether carbonated or not, that is sweetened by sucrose, high fructose corn syrup or an artificial sweetener such as aspartame or saccharin. The term does not include:

(1) Water, coffee, tea or milk, if such beverages are unsweetened; or

(2) Beverages containing a minimum of 50 percent by volume of fruit or vegetable juice.

Sec. 3. The department, in cooperation with the health division of the department of human resources, shall develop a program to promote health and wellness among persons who are employed at public schools within this state. A program developed pursuant to this section must be designed to:

1. Ensure that participants in the program will serve as role models to pupils in the promotion of health and wellness; and

2. Reinforce standards for health and physical education.

Sec. 4. 1. Upon the adoption of a program pursuant to section 3 of this act, the department of education is hereby authorized to transfer from the state distributive school account to the school districts specified in this section the following sums for use during fiscal years 2001-2002 and 2002-2003:

<u>School District</u>	<u>Amount</u>
Clark County School District	\$782,000
Douglas County School District	\$272,000
Elko County School District	\$289,000
Washoe County School District	<u>\$357,000</u>
	\$1,700,000

2. A school district that receives an allocation pursuant to subsection 1 shall use the money to provide, in accordance with the program developed pursuant to section 3 of this act, training on health, physical education and wellness through the regional training program for the professional development of teachers and administrators established by the school district pursuant to section 16 of chapter 559, Statutes of Nevada 1999, at page 2930.

3. Any remaining balance of the transfers made pursuant to subsection 1 must not be committed for expenditure after June 30, 2003, and reverts to the state distributive school account as soon as all payments of money committed have been made.

Sec. 5. 1. On or before January 1, 2002:

(a) The state board of education shall adopt regulations prescribing standards in accordance with section 1 of this act; and

(b) The department of education shall adopt a program in accordance with section 3 of this act.

2. Commencing with the 2002-2003 school year, each public school in this state, including, without limitation, each charter school, shall comply with the standards prescribed pursuant to section 1 of this act.

Sec. 6. 1. This section and sections 1, 3, 4 and 5 of this act become effective on July 1, 2001.

2. Section 2 of this act becomes effective on July 1, 2001, for the purpose of adopting regulations and on July 1, 2002, for all other purposes.

SUMMARY—Establishes certain requirements pertaining to certain examinations administered in public schools and reporting of alleged irregularities concerning such examinations. (BDR 34-836)

FISCAL NOTE: Effect on Local Government: Yes.

Effect on the State: No.

AN ACT relating to education; requiring the department of education and the board of trustees of each school district to adopt a plan setting forth procedures concerning the security of certain examinations; providing for the enforcement of those procedures; requiring the department of education to enforce certain provisions of certain contracts relating to the timely delivery of the results of examinations; prohibiting retaliatory action against an official of a school district or charter school who discloses information regarding irregularities in testing administration or testing security; providing that a teacher or administrator who willfully neglects or fails to observe and carry out the provisions of a plan for test security is subject to disciplinary action; providing a penalty; and providing other matters properly relating thereto.

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

Section 1. Chapter 389 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. 1. *The department shall, by regulation or otherwise, adopt and enforce a plan setting forth procedures to ensure the security of examinations that are administered to pupils pursuant to NRS 389.015 and 389.550.*

2. *A plan adopted pursuant to subsection 1 must include, without limitation:*

(a) Procedures pursuant to which pupils, school officials and other persons may, and are encouraged to, report irregularities in testing administration and testing security; and

(b) Procedures necessary to ensure the security of test materials and the consistency of testing administration.

3. *A copy of the plan adopted pursuant to this section and the procedures set forth therein must be submitted on or before September 1 of each year to:*

(a) The state board; and

(b) The legislative committee on education, created pursuant to NRS 218.5352.

4. *As used in this section:*

(a) "Irregularity in testing administration" means the failure to administer an examination administered to pupils pursuant to NRS 389.015 or 389.550 in the manner intended by the person or entity that created the examination.

(b) "Irregularity in testing security" means an act or omission that tends to corrupt or impair the security of an examination administered to pupils pursuant to NRS 389.015 or 389.550, including, without limitation:

(1) The failure to comply with security procedures adopted pursuant to this section or section 4 of this act;

(2) The disclosure of questions or answers to questions on an examination in a manner not otherwise approved by law; and

(3) Other breaches in the security or confidentiality of the questions or answers to questions on an examination.

(c) "School official" means:

(1) A member of a board of trustees of a school district;

(2) A member of a governing body of a charter school; or

(3) A licensed or unlicensed person employed by the board of trustees of a school district or the governing body of a charter school.

Sec. 3. 1. If the department:

(a) Has reason to believe that a violation of the plan adopted pursuant to section 2 of this act may have occurred;

(b) Has reason to believe that a violation of the plan adopted pursuant to section 4 of this act may have occurred; or

(c) Receives a request pursuant to subparagraph (2) of paragraph (b) of subsection 1 of section 5 of this act to investigate a potential violation of the plan adopted pursuant to section 4 of this act,

the department shall investigate the matter as it deems appropriate.

2. *If the department investigates a matter pursuant to subsection 1, the department may issue a subpoena to compel the attendance or testimony of a witness or the production of any relevant materials, including, but not limited to, books, papers, documents, records, photographs, recordings, reports and tangible objects.*

3. *If a witness refuses to attend, testify or produce materials as required by the subpoena, the department may report to the district court by petition, setting forth that:*

(a) *Due notice has been given of the time and place of attendance or testimony of the witness or the production of materials;*

(b) *The witness has been subpoenaed by the department pursuant to this section; and*

(c) *The witness has failed or refused to attend, testify or produce materials before the department as required by the subpoena, or has refused to answer questions propounded to him,*

and asking for an order of the court compelling the witness to attend, testify or produce materials before the department.

4. *Upon receipt of such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why he has not attended, testified or produced materials before the department. A certified copy of the order must be served upon the witness.*

5. *If it appears to the court that the subpoena was regularly issued by the department, the court shall enter an order that the witness appear before the department at a time and place*

fixed in the order and testify or produce materials, and that upon failure to obey the order the witness must be dealt with as for contempt of court.

Sec. 4. 1. The board of trustees of each school district shall, for each public school in the district, including, without limitation, charter schools, adopt and enforce a plan setting forth procedures to ensure the security of examinations.

2. A plan adopted pursuant to subsection 1 must include, without limitation:

(a) Procedures pursuant to which pupils, school officials and other persons may, and are encouraged to, report irregularities in testing administration and testing security;

(b) Procedures necessary to ensure the security of test materials and the consistency of testing administration; and

(c) With respect to secondary schools, procedures pursuant to which the school district or charter school, as appropriate, will verify the identity of pupils taking an examination.

The procedures adopted in accordance with paragraphs (a) and (b) must be consistent, to the extent applicable, with the procedures adopted by the department pursuant to section 2 of this act.

3. A copy of each plan adopted pursuant to this section and the procedures set forth therein must be submitted on or before September 1 of each year to:

(a) The state board; and

(b) The legislative committee on education, created pursuant to NRS 218.5352.

4. As used in this section:

(a) "Examination" means:

(1) Achievement and proficiency examinations that are administered to pupils pursuant to NRS 389.015 or 389.550; and

(2) Any other examinations which measure the achievement and proficiency of pupils and which are administered to pupils on a district-wide basis.

(b) "Irregularity in testing administration" means the failure to administer an examination in the manner intended by the person or entity that created the examination.

(c) "Irregularity in testing security" means an act or omission that tends to corrupt or impair the security of an examination, including, without limitation:

(1) The failure to comply with security procedures adopted pursuant to section 2 or 4 of this act;

(2) The disclosure of questions or answers to questions on an examination in a manner not otherwise approved by law; and

(3) Other breaches in the security or confidentiality of the questions or answers to questions on an examination.

(d) "School official" means:

(1) A member of a board of trustees of a school district;

(2) A member of a governing body of a charter school; or

(3) A licensed or unlicensed person employed by the board of trustees of a school district or the governing body of a charter school.

Sec. 5. 1. If the board of trustees of a school district has reason to believe that a violation of its plan adopted pursuant to section 4 of this act may have occurred, the board of trustees shall:

(a) Immediately report the incident to the department orally or in writing followed by a comprehensive written report within 14 school days after the incident occurred; and

(b) Cause to be commenced an investigation of the incident. The board of trustees may carry out the requirements of this paragraph by:

(1) Investigating the incident as it deems appropriate, including, without limitation, using the powers of subpoena set forth in this section.

(2) Requesting that the department investigate the incident pursuant to section 3 of this act.

The fact that a board of trustees elects initially to carry out its own investigation pursuant to subparagraph (1) of paragraph (b) does not affect the ability of the board of trustees to request, at any time, that the department investigate the incident as authorized pursuant to subparagraph (2) of paragraph (b).

2. Except as otherwise provided in this subsection, if the board of trustees of a school district proceeds in accordance with subparagraph (1) of paragraph (b) of subsection 1, the board of trustees may issue a subpoena to compel the attendance or testimony of a witness or the production of any relevant materials, including, but not limited to, books, papers, documents, records, photographs, recordings, reports and tangible objects. A board of trustees shall not issue a subpoena to compel the attendance or testimony of a witness or the

production of materials unless the attendance, testimony or production sought to be compelled is related directly to a violation or an alleged violation of the plan adopted pursuant to section 4 of this act.

3. If a witness refuses to attend, testify or produce materials as required by the subpoena, the board of trustees may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of attendance or testimony of the witness or the production of materials;

(b) The witness has been subpoenaed by the board of trustees pursuant to this section; and

(c) The witness has failed or refused to attend, testify or produce materials before the board of trustees as required by the subpoena, or has refused to answer questions propounded to him,

and asking for an order of the court compelling the witness to attend, testify or produce materials before the board of trustees.

4. Upon receipt of such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why he has not attended, testified or produced materials before the board of trustees. A certified copy of the order must be served upon the witness.

5. If it appears to the court that the subpoena was regularly issued by the board of trustees, the court shall enter an order that the witness appear before the board of trustees at a

time and place fixed in the order and testify or produce materials, and that upon failure to obey the order the witness must be dealt with as for contempt of court.

Sec. 6. If the department enters into a contract with a person or entity to score the results of an examination that is administered to pupils pursuant to NRS 389.015 or 389.550 and the contract sets forth penalties or sanctions in the event that the person or entity fails to deliver the scored results to a school district or charter school on a timely basis, the department shall ensure that any such penalties or sanctions are fully enforced.

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

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

- (a) Reading;
- (b) Writing;
- (c) Mathematics; and
- (d) Science.

2. The examinations required by subsection 1 must be:

- (a) Administered before the completion of grades 4, 8, 10 and 11.
- (b) Administered in each school district and each charter school at the same time. The time for the administration of the examinations must be prescribed by the state board.

(c) Administered in each school 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) *Administered in each school in accordance with the plan adopted pursuant to section 2 of this act by the department and with the plan adopted pursuant to section 4 of this act by the board of trustees of the school district in which the examinations are 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) Scored by the department or a single private entity that has contracted with the state board to score the examinations. If a private entity scores the examinations, it 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 or the department completes the scoring of 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 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 as soon as practicable but not later than 15 working days after the school receives the results of the examination.

4. Different standards of proficiency may be adopted for pupils with diagnosed learning disabilities. If a pupil with a disability is unable to take an examination created by a private entity under regular testing conditions or with modifications and accommodations that are approved by the private entity, the pupil may take the examination with modifications and accommodations that are approved by the state board pursuant to subsection 8. If a pupil with a disability is unable to take an examination created by the department under regular testing conditions or with modifications and accommodations that are approved by the department, the pupil may take the examination with modifications and accommodations that are approved by the state board pursuant to subsection 8. The results of an examination that is taken under conditions that are not approved by a private entity or the department, as applicable, must not be reported pursuant to

subsection 2 of NRS 389.017. If different standards of proficiency are adopted or other modifications or accommodations are made in the administration of the examinations for a pupil who is enrolled in a program of special education pursuant to NRS 388.440 to 388.520, inclusive, other than a gifted and talented pupil, the different standards adopted or other modifications or accommodations must be set forth in the pupil's program of special education developed in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the standards prescribed by the state board. During the administration of the high school proficiency examination, a pupil with a disability may be given additional time to complete the examination if the additional time is a modification or accommodation that is approved in the pupil's program of special education developed in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

5. If a pupil fails to demonstrate at least adequate achievement on the examination administered before the completion of grade 4, 8 or 10, he may be promoted to the next higher grade, but the results of his examination must be evaluated to determine what remedial study is appropriate. If such a pupil is enrolled at a school that has been designated as demonstrating need for improvement pursuant to NRS 385.367, 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.

6. If a pupil fails to pass the proficiency examination administered before the completion of grade 11, he must not be graduated until he is able, through remedial study, to pass the

proficiency examination, but he may be given a certificate of attendance, in place of a diploma, if he has reached the age of 17 years.

7. The state board shall prescribe standard examinations of achievement and proficiency to be administered pursuant to subsection 1. The examinations on reading, mathematics and science prescribed for grades 4, 8 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, 8 and 10 in this state to that of a national reference group of pupils in grades 4, 8 and 10. The questions contained in the examinations 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.

(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 duties;

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

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

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

8. The state board shall prescribe, in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., the modifications and accommodations that may be used in the administration of an examination to a pupil with a disability who is unable to take the examination under regular testing conditions or with modifications and accommodations that are approved by the private entity that created the examination or, if the department created the examination, by the department. These regulations may include, without limitation, authorizing a pupil to complete an examination with additional time.

Sec. 8. NRS 389.550 is hereby amended to read as follows:

389.550 1. The state board shall, in consultation with the council, prescribe examinations that measure the achievement and proficiency of pupils in selected grades in the standards of content established by the council that are in addition to the examinations administered pursuant to NRS 389.015. The state board shall, based upon the recommendations of the council, select the grade levels of pupils that are required to take the examinations and the standards that the examinations must measure.

2. The board of trustees of each school district and the governing body of each charter school shall administer the examinations prescribed by the state board. The examinations must be:

(a) Administered to pupils in each school district and each charter school at the same time, as prescribed by the state board.

(b) Administered in each school in accordance with uniform procedures adopted by the state board. The department shall monitor the school districts and individual schools to ensure compliance with the uniform procedures.

(c) Administered in each school in accordance with the plan adopted pursuant to section 2 of this act by the department and with the plan adopted pursuant to section 4 of this act by the board of trustees of the school district in which the examinations are 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.

Sec. 9. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 10 to 22, inclusive, of this act.

Sec. 10. *As used in sections 10 to 22, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 11 to 15, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 11. *“Examination” means:*

1. Achievement and proficiency examinations that are administered to pupils pursuant to NRS 389.015 or 389.550; and

2. Any other examinations which measure the achievement and proficiency of pupils and which are administered to pupils on a district-wide basis.

Sec. 12. *“Irregularity in testing administration” means the failure to administer an examination in the manner intended by the person or entity that created the examination.*

Sec. 13. *“Irregularity in testing security” means an act or omission that tends to corrupt or impair the security of an examination, including, without limitation:*

1. *The failure to comply with security procedures adopted pursuant to section 2 or 4 of this act;*

2. *The disclosure of questions or answers to questions on an examination in a manner not otherwise approved by law; and*

3. *Other breaches in the security or confidentiality of the questions or answers to questions on an examination.*

Sec. 14. *“Reprisal or retaliatory action” includes, without limitation:*

1. *Frequent or undesirable changes in the location of an office;*

2. *Frequent or undesirable transfers or reassignments;*

3. *The issuance of letters of reprimand or evaluations of poor performance;*

4. *A demotion;*

5. *A reduction in pay;*

6. *The denial of a promotion;*

7. *A suspension;*

8. *A dismissal;*

9. *A transfer; or*

10. *Frequent changes in working hours or workdays,*

if such action is taken, in whole or in part, because the school official disclosed information concerning irregularities in testing administration or testing security.

Sec. 15. "School official" means:

- 1. A member of a board of trustees of a school district;*
- 2. A member of a governing body of a charter school; or*
- 3. A licensed or unlicensed person employed by the board of trustees of a school district or the governing body of a charter school.*

Sec. 16. *It is hereby declared to be the policy of this state that a school official is encouraged to disclose, to the extent not expressly prohibited by law, irregularities in testing administration and testing security, and it is the intent of the legislature to protect the rights of a school official who makes such a disclosure.*

Sec. 17. 1. *A school official shall not directly or indirectly use or attempt to use his official authority or influence to intimidate, threaten, coerce, command, influence or attempt to intimidate, threaten, coerce, command or influence another school official in an effort to interfere with or prevent the disclosure of information concerning irregularities in testing administration or testing security.*

2. *As used in this section, "official authority or influence" includes taking, directing others to take, recommending, processing or approving any personnel action such as an appointment, promotion, transfer, assignment, reassignment, reinstatement, restoration, reemployment, evaluation or other disciplinary action.*

Sec. 18. 1. If any reprisal or retaliatory action is taken against a school official who discloses information concerning irregularities in testing administration or testing security within 2 years after the information is disclosed, the school official may file a written appeal with the state board for a hearing on the matter and determination of whether the action taken was a reprisal or retaliatory action. The written appeal must be accompanied by a statement that sets forth with particularity:

(a) The facts and circumstances pursuant to which the disclosure of information concerning irregularities in testing administration or testing security was made; and

(b) The reprisal or retaliatory action that is alleged to have been taken against the school official.

The hearing must be conducted in accordance with the rules of procedure adopted by the state board pursuant to subsection 4.

2. If the state board determines that the action taken was a reprisal or retaliatory action, it may issue an order directing the proper person to desist and refrain from engaging in such action.

3. The state board may not rule against the school official based on the identity of the person or persons to whom the information concerning irregularities in testing administration or testing security was disclosed.

4. The state board shall adopt rules of procedure for conducting a hearing pursuant to this section.

Sec. 19. 1. During any stage of an investigation or hearing concerning allegations of reprisal or retaliatory action, the state board may issue a subpoena to compel the attendance or testimony of a witness or the production of any relevant materials, including, but not limited to, books, papers, documents, records, photographs, recordings, reports and tangible objects.

2. If a witness refuses to attend, testify or produce materials as required by the subpoena, the state board may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of attendance or testimony of the witness or the production of materials;

(b) The witness has been subpoenaed by the state board pursuant to this section; and

(c) The witness has failed or refused to attend, testify or produce materials as required by the subpoena before the state board, or has refused to answer questions propounded to him, and asking for an order of the court compelling the witness to attend, testify or produce materials before the state board.

3. Upon receipt of such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why he has not attended, testified or produced materials before the state board. A certified copy of the order must be served upon the witness.

4. If it appears to the court that the subpoena was regularly issued by the state board, the court shall enter an order that the witness appear before the state board at a time and place

fixed in the order and testify or produce materials, and that upon failure to obey the order the witness must be dealt with as for contempt of court.

Sec. 20. 1. No school official may use the provisions of sections 10 to 22, inclusive, of this act to harass another school official.

2. A person who willfully discloses untruthful information concerning irregularities in testing administration or testing security:

(a) Is guilty of a misdemeanor; and

(b) Is subject to appropriate disciplinary action.

Sec. 21. Each year, the department shall provide to the board of trustees of each school district and to the governing body of each charter school a written summary of sections 10 to 22, inclusive, of this act. Upon receipt of the written summary, the board of trustees or governing body, as appropriate, shall provide a copy of the written summary to all other school officials within the school district or charter school.

Sec. 22. Except as otherwise provided in section 20 of this act, the provisions of sections 10 to 22, inclusive, of this act are intended to be directory and preventive rather than punitive. The provisions of sections 10 to 22, inclusive, of this act do not abrogate or decrease the effect of any of the provisions of NRS that define crimes or prescribe punishments with respect to the conduct of school officials.

Sec. 23. NRS 391.312 is hereby amended to read as follows:

391.312 1. A teacher may be suspended, dismissed or not reemployed and an administrator may be demoted, suspended, dismissed or not reemployed for the following reasons:

- (a) Inefficiency;
- (b) Immorality;
- (c) Unprofessional conduct;
- (d) Insubordination;
- (e) Neglect of duty;
- (f) Physical or mental incapacity;
- (g) A justifiable decrease in the number of positions due to decreased enrollment or district reorganization;
- (h) Conviction of a felony or of a crime involving moral turpitude;
- (i) Inadequate performance;
- (j) Evident unfitness for service;
- (k) Failure to comply with such reasonable requirements as a board may prescribe;
- (l) Failure to show normal improvement and evidence of professional training and growth;
- (m) Advocating overthrow of the Government of the United States or of the State of Nevada by force, violence or other unlawful means, or the advocating or teaching of communism with the intent to indoctrinate pupils to subscribe to communistic philosophy;
- (n) Any cause which constitutes grounds for the revocation of a teacher's license;
- (o) Willful neglect or failure to observe and carry out the requirements of this Title;

(p) Dishonesty;

(q) Breaches in the security or confidentiality of the questions and answers of the achievement and proficiency examinations that are administered pursuant to NRS 389.015; ~~{or}~~

(r) *Willful neglect or failure to observe and carry out the requirements of a plan to ensure the security of examinations adopted pursuant to section 2 or 4 of this act; or*

(s) An intentional violation of NRS 388.5265 or 388.527.

2. In determining whether the professional performance of a licensed employee is inadequate, consideration must be given to the regular and special evaluation reports prepared in accordance with the policy of the employing school district and to any written standards of performance which may have been adopted by the board.

Sec. 24. NRS 391.330 is hereby amended to read as follows:

391.330 The state board may suspend or revoke the license of any teacher, administrator or other licensed employee, after notice and an opportunity for hearing have been provided pursuant to NRS 391.322 and 391.323, for:

1. Immoral or unprofessional conduct.
2. Evident unfitness for service.
3. Physical or mental incapacity which renders the teacher, administrator or other licensed employee unfit for service.
4. Conviction of a felony or crime involving moral turpitude.
5. Conviction of a sex offense under NRS 200.366, 200.368, 201.190, 201.220, 201.230 or 207.260 in which a pupil enrolled in a school of a county school district was the victim.

6. Knowingly advocating the overthrow of the Federal Government or of the State of Nevada by force, violence or unlawful means.

7. Persistent defiance of or refusal to obey the regulations of the state board, the commission or the superintendent of public instruction, defining and governing the duties of teachers, administrators and other licensed employees.

8. Breaches in the security or confidentiality of the questions and answers of the achievement and proficiency examinations that are administered pursuant to NRS 389.015.

9. *Willful neglect or failure to observe and carry out the requirements of a plan to ensure the security of examinations adopted pursuant to section 2 or 4 of this act.*

10. An intentional violation of NRS 388.5265 or 388.527.

Sec. 25. 1. The department shall adopt a plan in accordance with the provisions of section 2 of this act on or before August 15, 2001.

2. The board of trustees of each school district in this state shall adopt a plan in accordance with the provisions of section 4 of this act on or before September 15, 2001.

3. Upon the adoption of each initial plan, the plan must be submitted as soon as practicable to the state board of education and the legislative committee on education.

Sec. 26. 1. The provisions of section 20 of this act do not apply to offenses committed before July 1, 2001.

2. The amendatory provisions of sections 23 and 24 of this act do not apply to acts committed before July 1, 2001.

Sec. 27. 1. This section and section 25 of this act become effective upon passage and approval.

2. Sections 2 and 4 of this act become effective upon passage and approval for the purpose of adopting a plan and on July 1, 2001, for all other purposes.

3. Sections 1, 3, 5 to 24, inclusive, and 26 of this act become effective on July 1, 2001.

SUMMARY—Revises provisions governing membership of commission on professional standards in education. (BDR 34-837)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State: Yes.

AN ACT relating to education; increasing the membership of the commission on professional standards in education; and providing other matters properly relating thereto.

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

Section 1. NRS 391.011 is hereby amended to read as follows:

391.011 1. The commission on professional standards in education, consisting of ~~nine~~ *11* members appointed by the governor, is hereby created.

2. Four members of the commission must be teachers who teach in the classroom as follows:

- (a) One who teaches in a secondary school.
- (b) One who teaches in a middle school or junior high school.
- (c) One who teaches in an elementary school.

(d) One who teaches special education.

3. The remaining members of the commission must include:

(a) One counselor or psychologist employed by a school district.

(b) Two administrators of schools, at least one of whom must be a principal of a school.

(c) *Two persons who are employed to recruit and select licensed educational personnel for a school district. The persons appointed pursuant to this paragraph must not be employed by the same school district.*

(d) The dean of the College of Education at one of the universities in the University and Community College System of Nevada, or a representative of one of the Colleges of Education nominated by such a dean for appointment by the governor.

~~(d)~~ (e) One member who is a representative of the general public.

4. The appointments of a counselor, the administrators, *the persons who are employed to recruit and select licensed educational personnel* and three of the four teachers must be made from a list of names of at least three persons for each position that is submitted to the governor:

(a) For the counselor and teachers, by an employee organization representing the majority of counselors and the majority of teachers in the State of Nevada who teach in the educational level from which the appointment is being made. ~~(c)~~

(b) For administrators, by an organization of administrators for schools in which the majority of administrators of schools in this state have membership.

(c) *For the persons who are employed to recruit and select licensed educational personnel, by the Nevada Association of School Boards.*

5. One member of the commission who is a teacher, administrator, counselor or psychologist must be employed by a private school licensed pursuant to chapter 394 of NRS.

Sec. 2. NRS 391.013 is hereby amended to read as follows:

391.013 No member of the commission who is a teacher, counselor, administrator ~~{or}~~ , representative of the general public *or employee who recruits and selects licensed educational personnel* may serve more than two terms.

Sec. 3. On or before July 1, 2001, the governor shall appoint two members to the commission on professional standards in education in accordance with the amendatory provisions of section 1 of this act to terms commencing on July 1, 2001.

Sec. 4. This act becomes effective upon passage and approval.

SUMMARY—Makes appropriations relating to education. (BDR S-838)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State: Contains Appropriation not included in Executive Budget.

AN ACT making appropriations to the Department of Education and the Interim Finance Committee to improve public relations concerning the standards of content and performance established by the Council to Establish Academic Standards for Public Schools and for certain contractual services related to the financial reporting of school districts and charter schools; and providing other matters properly relating thereto.

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

Section 1. 1. There is hereby appropriated from the state general fund to the Department of Education the sum of \$213,000 to improve public relations concerning the standards of content and performance established by the Council to Establish Academic Standards for public schools pursuant to NRS 389.520.

2. The Department of Education shall use the money appropriated by subsection 1 for programs to improve public relations concerning the standards of content and performance

established by the Council to Establish Academic Standards for public schools pursuant to NRS 389.520. Such programs to improve public relations must include, without limitation:

(a) The organization and presentation of workshops for teachers and other educational personnel regarding methods to improve their communication concerning the standards of content and performance; and

(b) The use of the print and electronic media to communicate to the general public concerning the standards of content and performance.

3. In determining the manner by which to improve public relations, the Department of Education shall use not more than \$50,000 of the appropriation made by subsection 1 to conduct research that includes, without limitation, surveying the public to determine current public knowledge and opinion of the standards of content and performance, surveying pupils regarding their knowledge and opinion of the standards of content and performance and determining the practices for communicating the standards of content and performance that have proved successful in school districts and individual schools.

4. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2003, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 2. 1. There is hereby appropriated from the state general fund to the Interim Finance Committee the sum of \$276,217 to continue the contractual services for a consultant to carry out a financial analysis model program in:

(a) Each school district; and

(b) The charter schools selected for participation by the Interim Finance Committee, that is designed to track educational expenditures to individual schools and to provide for uniformity in financial reporting among school districts and charter schools.

2. The Department of Education, each school district and each charter school that is selected for participation by the Interim Finance Committee shall provide such information as is necessary for the consultant to carry out his duties pursuant to subsection 1.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2003, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 3. This act becomes effective upon passage and approval.