

Senate Bill No. 83–Committee on Education

CHAPTER.....

AN ACT relating to education; authorizing the Department of Education to temporarily waive or pause certain requirements related to the statewide system of accountability for public schools and certain examinations or assessments if the United States Department of Education has waived or paused similar requirements of federal law; providing certain exceptions to provisions that require the use of the statewide system of accountability or results of an examination or assessment; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing federal law requires a state to describe a statewide accountability system for education. (20 U.S.C. § 6311(c)) Existing federal law requires a state to demonstrate that the state has implemented student academic assessments in certain subjects. (20 U.S.C. § 6311(b)(2)) Under existing federal law, the Secretary of Education of the United States Department of Education may grant a request made by a state for a waiver from various statutory or regulatory requirements, including, without limitation, the requirements to describe a statewide accountability system and implement academic assessments. (20 U.S.C. § 7861) Existing law requires the board of trustees of each school district and the Department of Education to make ratings for each public school in accordance with the statewide system of accountability. (NRS 385A.720) Under existing law, the State Board of Education is required to prescribe examinations that comply with federal law to measure the achievement and proficiency of pupils. Existing law also requires the board of trustees of a school district and the governing body of a charter school to administer such examinations to pupils as prescribed by the State Board. (NRS 390.105) **Sections 6.7 and 8** of this bill authorize the Department of Education to waive or pause the requirements relating to making ratings for public schools or administering examinations that comply with federal law, respectively, if the United States Department of Education grants a waiver from such requirements to the Department of Education or otherwise pauses the requirements of the federal law.

Existing law requires the results of the examinations to measure the achievement and proficiency of pupils and certain other information be included in the annual report of accountability prepared by the board of trustees of a school district and the annual report of accountability prepared by the State Board of Education. (NRS 385A.200, 385A.270, 385A.280, 385A.410, 385A.480, 385A.490) **Section 1** of this bill eliminates the requirement to include certain information in the annual report of accountability which is based upon the results of examinations to measure the achievement and proficiency of pupils during the period of time that a waiver or pause of such testing as provided in **section 8** is effective. Existing law requires the Department of Education to use the examinations to measure the achievement and proficiency of pupils to determine the proficiency of a pupil in certain grade levels. (NRS 387.137) Under existing law, the Department is required to adopt a model to measure the achievement of pupils in certain grade levels based on the results of such examinations. (NRS 390.125) Existing law also requires the Department to take certain actions if the Department determines that an irregularity in testing administration occurred during



certain school years. (NRS 390.290) **Sections 2-6, 7, 9 and 10** of this bill make conforming changes to comply with a waiver or pause of testing as provided in **section 8**.

Sections 1, 4, 6.3, 6.9 and 7.2-7.8 of this bill make conforming changes to comply with a waiver or pause of the requirement to make ratings for public schools as provided in **section 6.7**.

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

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

Section 1. NRS 385A.200 is hereby amended to read as follows:

385A.200 ~~{The}~~

1. Except as otherwise provided in subsection 2, the annual report of accountability prepared pursuant to NRS 385A.070 must include information on pupil achievement and school performance, including, without limitation, pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610 and shall compare the results of those examinations for the school year for which the annual report is being prepared with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school sponsored by the district, and each grade in which the examinations and assessments were administered:

~~{1.}~~ *(a)* The number of pupils who took the examinations and a record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school.

~~{2.}~~ *(b)* Except as otherwise provided in subsection 2 of NRS 385A.070, pupil achievement, reported separately by gender and reported separately for the groups of pupils identified in the statewide system of accountability for public schools.

~~{3.}~~ *(c)* A comparison of the achievement of pupils in each group identified in the statewide system of accountability for public schools with the performance targets established for that group.

~~{4.}~~ *(d)* The percentage of pupils who were not tested.



~~[5.]~~ (e) Except as otherwise provided in subsection 2 of NRS 385A.070, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in the statewide system of accountability for public schools.

~~[6.]~~ (f) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

~~[7.]~~ (g) ~~[The]~~ *Except as otherwise provided in subsection 3 of NRS 385A.720, the* rating of each public school in the district, including, without limitation, each charter school sponsored by the district, pursuant to the statewide system of accountability for public schools.

~~[8.]~~ (h) Information on whether each school in the district, including, without limitation, each charter school sponsored by the district, has made progress based upon the model adopted by the Department pursuant to NRS 390.125.

~~[9.]~~ (i) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools sponsored by the district, with the results of pupils throughout this State. The information required by this ~~[subsection]~~ *paragraph* must be provided in consultation with the Department to ensure the accuracy of the comparison.

~~[10.]~~ (j) For each school in the district, including, without limitation, each charter school sponsored by the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this ~~[subsection]~~ *paragraph* must be provided in consultation with the Department to ensure the accuracy of the comparison.

2. If the Department temporarily waives or otherwise pauses the requirement to administer examinations that comply with 20 U.S.C. § 6311(b)(2) pursuant to subsection 6 of NRS 390.105, the requirement of subsection 1 to include certain information in the annual report of accountability prepared pursuant to NRS 385A.070 does not apply for the period of time that such a waiver or pause is effective.

Sec. 2. NRS 385A.270 is hereby amended to read as follows:

385A.270 1. The annual report of accountability prepared pursuant to NRS 385A.070 must include, for each school in the



district and the district as a whole, including, without limitation, each charter school sponsored by the district, information concerning pupils who are eligible for free or reduced-price breakfasts pursuant to 42 U.S.C. §§ 1771 et seq. and pupils who are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq., including, without limitation:

(a) The number and percentage of pupils who are eligible for free or reduced-price breakfasts;

(b) The percentage of pupils who receive free and reduced-price breakfasts;

(c) The number and percentage of pupils who are eligible for free or reduced-price lunches;

(d) The percentage of pupils who receive free and reduced-price lunches;

(e) A comparison of the achievement and proficiency of pupils, reported separately by race and ethnicity, who are eligible for free or reduced-price breakfasts, pupils who receive free and reduced-price breakfasts, pupils who are eligible for free or reduced-price lunches, pupils who receive free and reduced-price lunches and pupils who are not eligible for free or reduced-price breakfasts or lunches;

(f) A comparison of pupils, reported separately by race and ethnicity, who are eligible for free or reduced-price breakfasts, pupils who receive free and reduced-price breakfasts, pupils who are eligible for free or reduced-price lunches and pupils who receive free and reduced-price lunches for which data is required to be collected in the following areas:

- (1) Retention rates;
- (2) Graduation rates;
- (3) Dropout rates;
- (4) Grade point averages; and

(5) ~~Secores~~ *Except as otherwise provided in subsection 6 of NRS 390.105, scores* on the examinations administered pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610.

2. The State Board may adopt any regulations necessary to carry out the provisions of this section.

Sec. 3. NRS 385A.280 is hereby amended to read as follows:

385A.280 1. The annual report of accountability prepared pursuant to NRS 385A.070 must include, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, information regarding the progression of pupils who are English learners in attaining proficiency in the English language, including, without limitation:



(a) The number and percentage of pupils who were identified as English learners at the beginning of the school year, were continually enrolled throughout the school year and were identified as proficient in English by the completion of the school year;

(b) The achievement and proficiency of pupils who are English learners in comparison to the pupils who are proficient in English;

(c) A comparison of pupils who are English learners and pupils who are proficient in the English language in the following areas:

- (1) Retention rates;
- (2) Graduation rates;
- (3) Dropout rates;
- (4) Grade point averages; and

(5) ~~Scores~~ *Except as otherwise provided in subsection 6 of NRS 390.105, scores* on the examinations administered pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610; and

(d) Results of the assessments and reassessments of pupils who are English learners, reported separately by the primary language of the pupils, pursuant to the policy developed by the board of trustees of the school district pursuant to NRS 388.407.

2. The data reported pursuant to subparagraph (5) of paragraph (c) of subsection 1 must be reported separately:

(a) According to subject matter areas measured using the examinations administered pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610;

(b) For pupils who are newcomers to the English language, pupils who are short-term English learners and pupils who are long-term English learners, as designated by regulation of the State Board; and

(c) For middle schools, junior high schools and high schools, according to any identified trends in the proficiency in the English language of pupils who are English learners over the immediately preceding 3 years.

3. In addition to including the information prescribed by this section in the annual report of accountability prepared pursuant to NRS 385A.070, the board of trustees of each school district and the governing body of each charter school shall, on or before October 1 of each year:

(a) Submit a report of the information prescribed by this section to the Department of Education and the Director of the Legislative Counsel Bureau for transmittal to:



(1) In odd-numbered years, the Legislative Committee on Education; and

(2) In even-numbered years, the next regular session of the Legislature; and

(b) Post the report on an Internet website maintained by the school district or charter school, as applicable.

Sec. 4. NRS 385A.410 is hereby amended to read as follows:

385A.410 ~~[The]~~ *Except as otherwise provided in subsection 6 of NRS 390.105, the* annual report of accountability prepared by the State Board pursuant to NRS 385A.400 must include information on pupil achievement and school performance, including, without limitation:

1. Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

2. Except as otherwise provided in subsection 2 of NRS 385A.400, pupil achievement, reported separately by gender and reported separately for the groups of pupils identified in the statewide system of accountability for public schools.

3. A comparison of the achievement of pupils in each group identified in the statewide system of accountability for public schools with the performance targets established for that group.

4. The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

5. Except as otherwise provided in subsection 2 of NRS 385A.400, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in the statewide system of accountability for public schools.

6. The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

7. ~~[The]~~ *Except as otherwise provided in subsection 3 of NRS 385A.720, the* rating of each public school, including, without



limitation, each charter school, pursuant to the statewide system of accountability for public schools.

8. Information on whether each public school, including, without limitation, each charter school, has made progress based upon the model adopted by the Department pursuant to NRS 390.125, if applicable for the grade level of pupils enrolled at the school.

9. Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 390.830.

Sec. 5. NRS 385A.480 is hereby amended to read as follows:

385A.480 The annual report of accountability prepared by the State Board pursuant to NRS 385A.400 must include for each school district, including, without limitation, each charter school in the district, and for this State as a whole, information concerning pupils who are eligible for free or reduced-price breakfasts pursuant to 42 U.S.C. §§ 1771 et seq. and pupils who are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq., including, without limitation:

1. The number and percentage of pupils who are eligible for free or reduced-price breakfasts;

2. The number and percentage of pupils who receive free and reduced-price breakfasts;

3. The number and percentage of pupils who are eligible for free or reduced-price lunches;

4. The number and percentage of pupils who receive free and reduced-price lunches;

5. A comparison of the achievement and proficiency of pupils, reported separately by race and ethnicity, who are eligible for free or reduced-price breakfasts, pupils who receive free and reduced-price breakfasts, pupils who are eligible for free or reduced-price lunches, pupils who receive free and reduced-price lunches and pupils who are not eligible for free or reduced-price breakfasts or lunches;

6. A comparison of pupils, reported separately by race and ethnicity, who are eligible for free or reduced-price breakfasts, pupils who receive free and reduced-price breakfasts, pupils who are eligible for free or reduced-price lunches and pupils who receive free and reduced-price lunches for which data is required to be collected in the following areas:

(a) Retention rates;

(b) Graduation rates;

(c) Dropout rates;

(d) Grade point averages; and



(e) ~~[Scores]~~ *Except as otherwise provided in subsection 6 of NRS 390.105, scores* on the examinations administered pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610.

Sec. 6. NRS 385A.490 is hereby amended to read as follows:

385A.490 1. The annual report of accountability prepared by the State Board pursuant to NRS 385A.400 must include for each school district, including, without limitation, each charter school in the district, and for this State as a whole, information regarding the progression of pupils who are English learners in attaining proficiency in the English language, including, without limitation:

(a) The number and percentage of pupils who were identified as English learners at the beginning of the school year, were continually enrolled throughout the school year and were identified as proficient in English by the completion of the school year;

(b) The achievement and proficiency of pupils who are English learners in comparison to the pupils who are proficient in English;

(c) A comparison of pupils who are English learners and pupils who are proficient in the English language in the following areas:

- (1) Retention rates;
- (2) Graduation rates;
- (3) Dropout rates;
- (4) Grade point averages; and

(5) ~~[Scores]~~ *Except as otherwise provided in subsection 6 of NRS 390.105, scores* on the examinations administered pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610; and

(d) Results of the assessments and reassessments of pupils who are English learners, reported separately by the primary language of the pupils, pursuant to the policies developed by the boards of trustees of school districts pursuant to NRS 388.407.

2. The data reported pursuant to subparagraph (5) of paragraph (c) of subsection 1 must be reported separately:

(a) According to subject matter areas measured using the examinations administered pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610;

(b) For pupils who are newcomers to the English language, pupils who are short-term English learners and pupils who are long-term English learners, as designated by regulation of the State Board; and

(c) For middle schools, junior high schools and high schools, according to any identified trends in the proficiency in the English



language of pupils who are English learners over the immediately preceding 3 years.

Sec. 6.3. NRS 385A.600 is hereby amended to read as follows:

385A.600 1. The Department shall make every effort to obtain the approval necessary from the United States Department of Education to ensure that the statewide system of accountability for public schools complies with all requirements for the receipt of federal money under the Elementary and Secondary Education Act of 1965, 20 U.S.C. §§ 6301 et seq., as amended.

2. The statewide system of accountability applies to all public schools, regardless of Title I status, and must ~~be~~, *except as otherwise provided in subsection 3 of NRS 385A.720:*

(a) Include a method to, on an annual basis, rate each public school based upon the performance of the school and based upon whether each public school meets the school achievement targets and performance targets established pursuant to the statewide system of accountability;

(b) Include a method to implement consequences, rewards and supports for public schools based upon the ratings;

(c) Include a method to provide grants and other financial support, to the extent that money is available from legislative appropriation, to public schools receiving one of the two lowest ratings of performance pursuant to the statewide system of accountability for public schools; and

(d) Establish school achievement targets and performance targets for public schools and performance targets for specific groups of pupils, including, without limitation, pupils who are economically disadvantaged, pupils from major racial and ethnic groups, pupils with disabilities and pupils who are English learners. The school achievement targets and performance targets must:

(1) Be based primarily upon the measurement of the progress and proficiency of pupils on the examinations administered pursuant to NRS 390.105; and

(2) For high schools, include the rate of graduation and the rate of attendance.

3. ~~The~~ *Except as otherwise provided in subsection 3 of NRS 385A.720, the* statewide system of accountability for public schools may include a method to:

(a) On an annual basis, rate school districts based upon the performance of the public schools within the school district and whether those public schools meet the school achievement targets



and performance targets established pursuant to the statewide system of accountability; and

(b) Implement consequences, rewards and supports for school districts based upon the ratings.

Sec. 6.7. NRS 385A.720 is hereby amended to read as follows:

385A.720 1. ***Except as otherwise provided in subsection 3:***

(a) Based upon the information received from the Department pursuant to NRS 385A.670, the board of trustees of each school district shall, on or before August 15 of each year, issue a preliminary rating for each public school in the school district in accordance with the statewide system of accountability for public schools, excluding charter schools sponsored by the State Public Charter School Authority or a college or university within the Nevada System of Higher Education.

(b) The board of trustees shall make preliminary ratings for all charter schools that are sponsored by the board of trustees.

(c) The Department shall make preliminary ratings for all charter schools sponsored by the State Public Charter School Authority and all charter schools sponsored by a college or university within the Nevada System of Higher Education.

2. ***Except as otherwise provided in subsection 3:***

(a) Before making a final rating for a school, the board of trustees of the school district or the Department, as applicable, shall provide the school an opportunity to review the data upon which the preliminary rating is based and to present evidence.

(b) If the school is a public school of the school district or a charter school sponsored by the board of trustees, the board of trustees of the school district shall, in consultation with the Department, make a final determination concerning the rating for the school on September 15.

(c) If the school is a charter school sponsored by the State Public Charter School Authority or a college or university within the Nevada System of Higher Education, the Department shall make a final determination concerning the rating for the school on September 15.

3. ***The Department may temporarily waive or otherwise pause the requirement to make ratings for public schools that comply with 20 U.S.C. § 6311(c) pursuant to this section if the United States Department of Education grants a waiver from or otherwise pauses the requirements of 20 U.S.C. § 6311(c).***



4. On or before September 15 of each year, the Department shall post on the Internet website maintained by the Department the determinations and final ratings made for all schools in this State.

Sec. 6.9. NRS 387.131 is hereby amended to read as follows:

387.131 1. On or before July 1 of each year, the Department shall, using the final count of pupils from the previous school year, determine the number of pupils in each public school who:

(a) Are English learners or are eligible for a free or reduced-price lunch pursuant to 42 U.S.C. §§ 1751 et seq.;

(b) Scored at or below the 25th percentile on an assessment of proficiency described in paragraphs (a) to (e), inclusive, of subsection 1 of NRS 387.137 or, for a grade level for which such an assessment does not exist or does not provide sufficient information to identify all such pupils, are projected to be at or below the 25th percentile for proficiency by the Department pursuant to subsection 2 of NRS 387.137;

(c) Are not enrolled at a Zoom school or Victory school; and

(d) Do not have an individualized education program.

2. On or before July 1 of each year, the Department shall determine, beginning with the category of all public schools that received the lowest rating possible indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools **☐ for the most recent school year for which the public school received an annual rating**, and proceeding through each category of all public schools that received the immediately higher rating until not all public schools within a category could be funded, each category of public schools for which the Department could provide a per pupil allocation of \$1,200 from the Account for the New Nevada Education Funding Plan created by NRS 387.129 for the upcoming school year for each pupil identified in subsection 1 who is enrolled at each public school in the category.

3. If the Department determines that one or more categories of public schools could not be fully funded pursuant to subsection 2, the Department shall rank each public school within the lowest category of public schools that could not be fully funded pursuant to subsection 2 by the highest number of pupils identified in subsection 1 who are enrolled at each such public school.

4. On or before July 15 of each year, the Department shall transfer money from the Account for the New Nevada Education Funding Plan to the board of trustees of each school district and each sponsor of a charter school on a per pupil basis as follows:



(a) First, for each public school within a category identified in subsection 2 as capable of being fully funded which is located in the school district or sponsored by the sponsor, as applicable, an amount of \$1,200 per pupil identified in subsection 1 who is enrolled at the public school; and

(b) Second, beginning with the highest ranked public school pursuant to subsection 3 and until the money in the Account for the New Nevada Education Funding Plan is exhausted, an amount of \$1,200 per pupil identified in subsection 1 who is enrolled at the public school.

↳ The board of trustees of a school district or the sponsor of a charter school that receives money pursuant to this subsection shall distribute the money to each identified public school on a per pupil basis for each pupil identified in subsection 1 who is enrolled at the public school.

Sec. 7. NRS 387.137 is hereby amended to read as follows:

387.137 1. To determine the proficiency of a pupil pursuant to paragraph (b) of subsection 1 of NRS 387.131, the Department shall use, for a pupil who is:

(a) An English learner in any grade, the assessment of proficiency in the English language prescribed by the State Board pursuant to NRS 390.810.

(b) In kindergarten or grade 1 or 2, the assessment implemented by the Department for those grades.

(c) In grade 3, 4, 5, 6, 7 or 8, *except as otherwise provided in subsection 6 of NRS 390.105*, the examinations administered pursuant to NRS 390.105.

(d) In grade 9 or 10, the assessment implemented by the Department for those grades.

(e) In grade 11 or 12, the college and career readiness assessment administered pursuant to NRS 390.610.

2. The Department shall, by regulation, establish a method for projecting the number of pupils who are at or below the 25th percentile for proficiency in any grade level for which an assessment identified in subsection 1 does not exist or does not provide sufficient information to identify all such pupils. Such a method may allow for the number of pupils to be projected by examining:

(a) The proficiency of pupils in nearby grade levels if an assessment for a grade level has not been fully implemented; or

(b) Information on credit deficiency for any grade in high school for which insufficient information exists to identify all such pupils.



Sec. 7.2. NRS 388A.300 is hereby amended to read as follows:

388A.300 1. ~~[The]~~ *Except as otherwise provided in subsection 3 of NRS 385A.720, the* sponsor of a charter school shall terminate the charter contract of the charter school or restart the charter school under a new charter contract if the charter school receives, in any period of 5 consecutive school years, three annual ratings established as the lowest rating possible indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools.

2. A charter school's annual rating pursuant to the statewide system of accountability based upon the performance of the charter school must not be included in the count of annual ratings for the purposes of subsection 1 for any school year before the 2015-2016 school year.

3. If a charter contract is terminated or a charter school is restarted pursuant to subsection 1, the sponsor of the charter school shall submit a written report to the Department and the governing body of the charter school setting forth the reasons for the termination or restart of the charter school not later than 10 days after terminating the charter contract or restarting the charter school.

4. The provisions of NRS 388A.330 do not apply to the termination of a charter contract or restart of the charter school pursuant to this section.

5. The Department shall adopt regulations governing procedures to restart a charter school under a new charter contract pursuant to subsection 1. Such regulations must include, without limitation, requiring a charter school that is restarted to enroll a pupil who was enrolled in the charter school before the school was restarted before any other eligible pupil is enrolled.

Sec. 7.4. NRS 388A.456 is hereby amended to read as follows:

388A.456 1. Before a charter school enrolls pupils who are eligible for enrollment pursuant to NRS 388A.453, a charter school may enroll a child who:

(a) Is a sibling of a pupil who is currently enrolled in the charter school.

(b) Was enrolled, free of charge and on the basis of a lottery system, in a prekindergarten program at the charter school or any other early childhood educational program affiliated with the charter school.

(c) Is a child of a person:



- (1) Who is employed by the charter school;
- (2) Who is a member of the committee to form the charter school;
- (3) Who is a member of the governing body of the charter school; or
- (4) Who resides on or is employed on the federal military installation, if the charter school is located on a federal military installation;

(d) Is enrolled at a charter school with which the charter school has an articulation agreement, approved by the sponsor, providing for priority enrollment.

(e) Is in a particular category of at-risk pupils and the child meets the eligibility for enrollment prescribed by the charter school for that particular category.

(f) At the time his or her application is submitted, is enrolled in a public school of a school district with an enrollment that is more than 25 percent over the public school's intended capacity, as reported on the list maintained by the school district pursuant to subsection 4. If a charter school enrolls pupils who are enrolled in such a public school before enrolling other pupils who are eligible for enrollment, the charter school must enroll such pupils who reside within 2 miles of the charter school before enrolling other such pupils.

(g) At the time his or her application is submitted, is enrolled in a public school that received an annual rating established as one of the two lowest ratings possible indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools for the ~~immediately preceding~~ *most recent* school year ~~[-]~~ *for which the public school received an annual rating*. If a charter school enrolls pupils who are enrolled in such a public school before enrolling other pupils who are eligible for enrollment, the charter school must enroll such pupils who reside within 2 miles of the charter school before enrolling other such pupils.

(h) Resides within the school district and within 2 miles of the charter school if the charter school is located in an area that the sponsor of the charter school determines includes a high percentage of children who are at risk. If space is available after the charter school enrolls pupils pursuant to this paragraph, the charter school may enroll children who reside outside the school district but within 2 miles of the charter school if the charter school is located within an area that the sponsor determines includes a high percentage of children who are at risk.



2. If more pupils described in this section who are eligible apply for enrollment than the number of spaces available, the charter school shall determine which applicants to enroll pursuant to this section on the basis of a lottery system.

3. A lottery held pursuant to subsection 2 must be held not sooner than 45 days after the date on which a charter school begins accepting applications for enrollment unless the sponsor of the charter school determines there is good cause to hold it sooner.

4. Each school district shall create and maintain a list which specifies for each public school of the school district, the maximum enrollment capacity for each school, the actual number of pupils enrolled at each school and the percentage by which enrollment at each school exceeds the intended enrollment capacity, if applicable. Each school district shall post the list on the Internet website maintained by the school district as soon as practicable after the count of pupils is completed pursuant to NRS 387.1223 but not later than November 1 of each year.

Sec. 7.6. NRS 388A.518 is hereby amended to read as follows:

388A.518 1. Except as otherwise provided in this subsection, at least 70 percent of the teachers who provide instruction at a charter school must demonstrate experience and qualifications through licensure or subject matter expertise. If a charter school operates a vocational school, the charter school shall, to the extent practicable, ensure that at least 70 percent of the teachers who provide instruction at the school demonstrate experience and qualifications through licensure or subject matter expertise, but in no event may less than 50 percent of the teachers who provide instruction at the school demonstrate experience and qualifications through licensure or subject matter expertise.

2. If a charter school specializes in:

(a) Arts and humanities, physical education or health education, a teacher must demonstrate experience and qualifications through licensure or subject matter expertise to teach those courses of study.

(b) The construction industry or other building industry, teachers who are employed full-time to teach courses of study relating to business and industry must:

(1) Demonstrate experience and qualifications through subject matter expertise; or

(2) Hold a license issued by the Superintendent of Public Instruction which contains an endorsement to teach such courses.

3. A teacher who is employed by a charter school, regardless of the date of hire, must demonstrate experience and qualifications



through licensure or subject matter expertise if the teacher teaches one or more of the following subjects:

- (a) English language arts;
- (b) Mathematics;
- (c) Science;
- (d) A foreign or world language;
- (e) Civics or government;
- (f) Economics;
- (g) Geography;
- (h) History; or
- (i) The arts.

4. Except as otherwise provided in NRS 388A.515, a charter school may employ a person who does not demonstrate experience and qualifications through licensure or subject matter expertise to teach a course of study for which a teacher is not required to demonstrate such experience and qualifications if the person has:

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

5. A teacher who is employed by a charter school to teach special education or English as a second language must be licensed to teach special education or English as a second language, as applicable.

6. For purposes of this section, a teacher demonstrates experience and qualifications through licensure or subject matter expertise:

(a) If the teacher is employed by a charter school that has not received, within the ~~immediately preceding~~ **most recent 2** consecutive school years ~~[]~~ **for which the charter school received an annual rating**, one of the three highest ratings of performance pursuant to the statewide system of accountability for public schools, or equivalent ratings in another state, as determined by the Department, and the:

(1) Overall performance of the teacher has been reported as effective or highly effective, in accordance with the regulations adopted by the State Public Charter School Authority; and

(2) Teacher is licensed to teach pursuant to chapter 391 of NRS.

(b) If the teacher is employed by a charter school that has received, within the ~~immediately preceding~~ **most recent 2** consecutive school years ~~[]~~ **for which the charter school received an annual rating**, one of the three highest ratings of performance pursuant to the statewide system of accountability for public



schools, or equivalent ratings in another state, as determined by the Department, and the:

(1) Overall performance of the teacher has been reported as effective or highly effective, in accordance with the regulations adopted by the State Public Charter School Authority, regardless of whether the teacher is licensed to teach pursuant to chapter 391 of NRS; or

(2) The teacher holds a bachelor's degree or a graduate degree from an accredited college or university and has demonstrated expertise in the subject area for which the teacher provides instruction on an assessment approved by the Department, in consultation with sponsors of charter schools described in this paragraph, regardless of whether the teacher is licensed to teach pursuant to chapter 391 of NRS.

7. If a charter school that has received within the ~~immediately preceding~~ *most recent* 2 consecutive school years ~~[] for which the charter school received an annual rating,~~ one of the three highest ratings of performance pursuant to the statewide system of accountability for public schools, or equivalent ratings in another state, as determined by the Department, intends to employ persons to teach who are not licensed, the charter school shall within 3 years:

(a) Obtain approval for and offer an alternative route to licensure pursuant to NRS 391.019; or

(b) Enter into an agreement with a qualified provider of an alternative route to licensure to provide the required education and training to unlicensed teachers who are employed by the school to teach such a course of study.

Sec. 7.8. NRS 388A.650 is hereby amended to read as follows:

388A.650 Except as otherwise provided in NRS 388A.685, the Director of the Department of Business and Industry shall not finance a project unless, before financing the project, the Director of the Department of Business and Industry finds and the State Board of Finance approves the findings of the Director of the Department of Business and Industry that:

1. The project consists of any land, building or other improvement, and all real and personal properties necessary in connection therewith, which is suitable for new construction, improvement, restoration or rehabilitation of charter school facilities;



2. The charter school for whose benefit the project is being financed is not in default under the charter contract granted by its sponsor, as determined by the sponsor;

3. The charter school for whose benefit the project is being financed has received, within the ~~immediately preceding~~ *most recent* 2 consecutive school years ~~for which the charter school received an annual rating~~, one of the three highest ratings of performance pursuant to the statewide system of accountability for public schools, or has received equivalent ratings in another state, as determined by the Department of Education;

4. There are sufficient safeguards to ensure that all money provided by the Director of the Department of Business and Industry will be expended solely for the purposes of the project;

5. There are sufficient safeguards to ensure that the Director of the Department of Business and Industry will have the ability to monitor compliance with the provisions of NRS 388A.550 to 388A.695, inclusive, on an ongoing basis with respect to the project;

6. Through the advice of counsel or other reliable source, the project has received all approvals by the local, state and federal governments which may be necessary to proceed with construction, improvement, rehabilitation or redevelopment of the project; and

7. There has been a request by a charter school, lessee, purchaser or other obligor to have the Director of the Department of Business and Industry issue bonds to finance the project.

Sec. 8. NRS 390.105 is hereby amended to read as follows:

390.105 1. ~~The~~ *Except as otherwise provided in subsection 6, the* State Board shall, in consultation with the Council to Establish Academic Standards for Public Schools, prescribe examinations that comply with 20 U.S.C. § 6311(b)(2) and that measure the achievement and proficiency of pupils:

(a) For grades 3, 4, 5, 6, 7 and 8, in the standards of content established by the Council for the subjects of English language arts and mathematics.

(b) For grades 5 and 8, in the standards of content established by the Council for the subject of science.

(c) For grades 9, 10, 11 and 12, in the standards of content established by the Council for the subjects required to comply with 20 U.S.C. § 6311(b)(2).

↪ The examinations prescribed pursuant to this subsection must be written, developed, printed and scored by a nationally recognized testing company.

2. In addition to the examinations prescribed pursuant to subsection 1, the State Board shall, in consultation with the Council



to Establish Academic Standards for Public Schools, prescribe a writing examination for grades 5 and 8.

3. The Department shall ensure the availability of:

(a) The examinations prescribed pursuant to subsections 1 and 2 to pupils in any language in which those examinations are published; and

(b) Authorized supports to pupils who are English learners for the examinations prescribed pursuant to subsections 1 and 2.

4. The State Board shall prescribe:

(a) The minimum number of school days that must take place before the examinations prescribed by the State Board pursuant to subsection 1 may be administered to pupils; and

(b) The period during which the examinations prescribed by the State Board pursuant to subsection 1 must be administered.

5. 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 at such times as prescribed by the State Board pursuant to subsection 4. The examinations must be:

(a) 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.

(b) Administered in each school in accordance with the plan adopted pursuant to NRS 390.270 by the Department and with the plan adopted pursuant to NRS 390.275 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.

6. *The Department may temporarily waive or otherwise pause the requirement to administer examinations that comply with 20 U.S.C. § 6311(b)(2) pursuant to this section if the United States Department of Education grants a waiver from or otherwise pauses the requirements of 20 U.S.C. § 6311(b)(2).*

Sec. 9. NRS 390.125 is hereby amended to read as follows:

390.125 1. The Department shall adopt a model to measure the achievement of pupils enrolled in grades 3 to 8, inclusive, ***except as otherwise provided in subsection 6 of NRS 390.105,*** based upon



the results of the examinations administered pursuant to NRS 390.105. The model must be designed so that the progress of pupils enrolled in a public school may be tracked from year to year to determine whether the school has made progress in the achievement of pupils.

2. The board of trustees of each school district and the governing body of each charter school shall apply the model in the format required by the Department. The information collected must be used to determine whether individual schools have made progress in the achievement of pupils.

Sec. 10. NRS 390.290 is hereby amended to read as follows:

390.290 1. If the Department determines that:

(a) At least one irregularity in testing administration occurred at a school, including, without limitation, a charter school, during 1 school year on the examinations administered pursuant to NRS 390.105;

(b) In the immediately succeeding school year ~~is~~ *in which an examination was administered pursuant to NRS 390.105*, at least one additional irregularity in testing administration occurred at that school on the examinations administered pursuant to NRS 390.105; and

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

↳ the Department shall notify the school and the school district in which the school is located that the school is required to provide for an additional administration of the examinations to pupils who are enrolled in a grade that is required to take the examinations pursuant to NRS 390.105 or to the pupils the Department determines must take the additional administration pursuant to subsection 3. The additional administration must occur in the same school year in which the irregularity described in paragraph (b) occurred. Except as otherwise provided in this subsection, the school district shall pay for all costs related to the administration of examinations pursuant to this subsection. If a charter school is required to administer examinations pursuant to this subsection, the charter school shall pay for all costs related to the administration of the examinations to pupils enrolled in the charter school.

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



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

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

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

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

Sec. 11. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 12. This act becomes effective upon passage and approval.

