CHAPTER 389 - EXAMINATIONS, COURSES, STANDARDS AND GRADUATION

GENERAL PROVISIONS

NRS 389.004 Maintenance of Internet website by school districts containing information on available examinations and assessments.

DISTRICT-WIDE EXAMINATIONS; PUPILS WHO ARE LIMITED ENGLISH PROFICIENT AND PUPILS WITH DISABILITIES; NATIONAL EXAMINATIONS

NRS 389.006 Limitation on administration; periodic review.

NRS 389.011 Administration of examinations to pupils who are limited English proficient; State Board required to prescribe modifications and accommodations; administration in language other than English required under certain circumstances; assessment of proficiency in English language.

NRS 389.0115 Administration of examinations to pupils with disabilities; modifications and accommodations required for certain pupils; State Board required to prescribe alternate examination.

NRS 389.012 Examinations of National Assessment of Educational Progress; regulations requiring selected schools to participate; report of results; report of discrepancies.

HIGH SCHOOL PROFICIENCY EXAMINATIONS

NRS 389.015 Administration and scoring; transmission of results; effect of failure to pass; certain exceptions for child transferred due to military transfer of parent; confidentiality of examinations. [Repealed.]

NRS 389.016 Postponement of administration of examination in mathematics and science for pupil enrolled in grade 10; revision of pupil's academic plan; annual report by school district. [Repealed.]

NRS 389.017 Reporting of results of examinations; reconciliation of number of pupils taking examinations. [Repealed.]

NRS 389.0173 Development of informational pamphlet concerning examination by Department; duties of school districts and charter schools to post pamphlet and distribute to pupils and parents. [Replaced in revision by NRS 389.809.]

NRS 389.0175 Establishment of statewide program for preparation of pupils to take examination; compliance with program required of school districts and certain schools; use of additional materials and information. [Repealed.]

ACADEMIC SUBJECTS, INSTRUCTION AND COURSES OF STUDY

NRS 389.018 Designation of core academic subjects; minimum units of credit required in high school; exception; additional subjects to be taught.

NRS 389.0185 Establishment of courses of study; provisions governing cardiopulmonary resuscitation and automated external defibrillator for health course in middle school, junior high school and high school.

NRS 389.0187 Development of model curriculum for English language arts and mathematics; distribution; authorized use by teachers and regional training programs for professional development.

NRS 389.019 Enforcement of standards and courses of study by trustees.

NRS 389.0195 Uniform grading scale for high schools.

NRS 389.020 Instruction in American government required; exception.

NRS 389.030 Instruction in American history required; exception.

NRS 389.035 Satisfactory completion of courses in American government and American history required for graduation; exception for certain pupils.

NRS 389.040 Patriotic observance.

NRS 389.045 Course of study designed to assist pupils with passing high school proficiency examination; board of trustees authorized to offer course as elective. [Repealed.]

NRS 389.065 Instruction on acquired immune deficiency syndrome, human reproductive system, related communicable diseases and sexual responsibility.
NRS 389.074 Instruction on financial literacy.
NRS 389.090 Automobile drivers' education: Regulations by State Board; purposes; liability insurance required; content of courses; restrictions on age of pupils.
NRS 389.100 Automobile drivers' education: Legislative findings; authorization for school districts and charter schools to charge fee.
NRS 389.150 Programs and curricula for American Indians.
NRS 389.155 Program of independent study for certain pupils; regulations; requirements.
NRS 389.160 Credit toward graduation from high school for courses taken at community college or university.
NRS 389.165 Credit toward graduation from high school for certain community service projects.
NRS 389.167 Credit toward graduation from high school for completion of public or private internship; duties of school district or charter school.
NRS 389.171 Credit granted for performance on examination in lieu of course attendance.
NRS 389.180 Occupational guidance and counseling.

ACADEMIC STANDARDS; CRITERION-REFERENCED EXAMINATIONS

NRS 389.500 "Council" defined.
NRS 389.505 Superintendent of Public Instruction required to ensure Council carries out duties successfully.
NRS 389.510 Council to Establish Academic Standards: Creation; membership; terms; compensation.
NRS 389.520 Council to Establish Academic Standards: Establishment of standards; periodic review of standards; adoption of standards by State Board; establishment of policy for ethical, safe and secure use of computers.
NRS 389.530 Council to Establish Academic Standards: Duty of Department to provide support; assistance from other state agencies.
NRS 389.540 Review of courses of study to determine compliance with standards.
NRS 389.550 Administration of criterion-referenced examinations.
NRS 389.560 Reporting of results of examinations; reconciliation of number of pupils taking examinations. [Repealed.]
NRS 389.570 Council required to review and evaluate results of examinations; report of evaluation.

ADMINISTRATION AND SECURITY OF EXAMINATIONS

NRS 389.600 Definitions.
NRS 389.604 "Irregularity in testing administration" defined.
NRS 389.608 "Irregularity in testing security" defined.
NRS 389.612 "School official" defined.
NRS 389.616 Adoption and enforcement of plan for test security by Department; contents of plan; annual submission of plan to State Board and Legislative Committee on Education.
NRS 389.620 Adoption and enforcement of plan for test security by board of trustees; contents of plan; annual submission of plan to State Board and Legislative Committee on Education; written notice concerning plan to educational personnel, pupils and parents; definitions.
NRS 389.624 Violation of state or district plan: Duty of Department to investigate; authority of Department to issue subpoenas; enforcement of subpoena by court.
NRS 389.628 Violation of district plan: Duty of board of trustees to investigate or refer to Department; authority of board of trustees to issue subpoenas; enforcement of subpoena by court.
NRS 389.632 Certain schools required to provide for additional administration of examinations if consecutive irregularities in testing administration occur; school district or charter school required to pay costs of additional administration; determination and notice by Department.
NRS 389.636 Plan for corrective action required of school or school district in response to irregularity in testing administration or security; notice by Department; establishment by Department of procedures to document corrective action; amendment of plan.
NRS 389.644 Establishment of program of education and training regarding administration and security of examinations and assessments; expanded program authorized; school districts and charter schools required to ensure educational personnel receive program of education and training.

NRS 389.648 Establishment of procedures for uniform documentation and maintenance of irregularities in testing administration and security; maintenance by Department of written summary for each irregularity; annual report by Department required.

GRADUATION AND DIPLOMAS

NRS 389.805 State Board required to prescribe criteria for standard high school diploma; end-of-course examinations and college and career readiness assessment; exception for certain pupils with disabilities; prohibition to issue certificate of attendance.

NRS 389.807 State Board required to select college and career readiness assessment for grade 11; requirement of pupil to take assessment; results not used for receipt of diploma; use of results to provide data and information for pupil.

NRS 389.809 Department required to develop informational pamphlet concerning end-of-course examinations and college and career readiness assessment; duties of school districts and charter schools to post pamphlet and distribute to pupils and parents.

NRS 389.810 Issuance of standard high school diploma to certain veterans who left high school to serve in Armed Forces.

MISCELLANEOUS PROVISIONS

NRS 389.900 Enforcement of contractual penalties or sanctions for failure to deliver results of examinations on timely basis.

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NOTE: Section 10.5 of chapter 463, Statutes of Nevada 2009, at p. 2616, has been codified as NRS 392C.070.

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GENERAL PROVISIONS

NRS 389.004 Maintenance of Internet website by school districts containing information on available examinations and assessments. The board of trustees of each school district shall maintain on its Internet website, and shall post in a timely manner, all pertinent information concerning the examinations and assessments available to children who reside in the school district, including, without limitation, the dates and times of, and contact information concerning, such examinations and assessments. The examinations and assessments posted must include, without limitation:

1. The college and career readiness assessment administered pursuant to NRS 389.807.
2. The examinations required pursuant to NRS 389.805.
3. All other college entrance examinations offered in this State, including, without limitation, the Scholastic Aptitude Test, the American College Test, the Preliminary Scholastic Aptitude Test and the National Merit Scholarship Qualifying Test.

(Added to NRS by 2007, 3032; A 2013, 3269)

DISTRICT-WIDE EXAMINATIONS; PUPILS WHO ARE LIMITED ENGLISH PROFICIENT AND PUPILS WITH DISABILITIES; NATIONAL EXAMINATIONS

NRS 389.006 Limitation on administration; periodic review.

1. In addition to any other test, examination or assessment required by state or federal law, the board of trustees of each school district may require the administration of district-wide tests, examinations and assessments that the board of trustees determines are vital to measure the

achievement and progress of pupils. In making this determination, the board of trustees shall consider any applicable findings and recommendations of the Legislative Committee on Education.

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

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

(Added to NRS by 2007, 773; R temp. 2009, 2341; A 2011, 806; 2013, 3269)

NRS 389.011 Administration of examinations to pupils who are limited English proficient; State Board required to prescribe modifications and accommodations; administration in language other than English required under certain circumstances; assessment of proficiency in English language.

1. The board of trustees of each school district and the governing body of each charter school shall ensure that each pupil who is limited English proficient and is enrolled in the school district or charter school, as applicable, participates in the achievement and proficiency examinations administered pursuant to this chapter. The State Board shall prescribe reasonable modifications and accommodations that must be used in the administration of an examination to a pupil who is limited English proficient and who is unable to take an examination under regular testing conditions. The results of each pupil who is limited English proficient and who takes an examination with modifications and accommodations must be reported and included within the determination of whether the school has met the annual measurable objectives and performance targets established pursuant to the statewide system of accountability for public schools.

2. The board of trustees of a school district and the governing body of a charter school shall administer to a pupil who is limited English proficient:

(a) To the extent practicable, examinations in mathematics and science required by subsection 1 in the language most likely to yield accurate and reliable information on what the pupil knows.

(b) To the extent practicable, examinations in reading required by subsection 1 in the language most likely to yield accurate and reliable information on what the pupil knows if the pupil has attended public schools in the United States for less than 3 consecutive years.

(c) If the pupil has attended public schools in the United States for 3 consecutive years but less than 5 consecutive years:

(1) Examinations in reading required by subsection 1 in the English language; or

(2) Examinations in reading required by subsection 1 in the language most likely to yield accurate and reliable information on what the pupil knows if the board of trustees or the governing body, as applicable, determines that the pupil has not reached a level of English proficiency sufficient to yield valid and reliable information on what the pupil knows. The board of trustees or the governing body of a charter school, as applicable, may grant exceptions for a particular pupil pursuant to this subparagraph, on a case-by-case basis, for a period not longer than 2 consecutive years.

(d) If the pupil has attended public schools in the United States for 5 consecutive years or more, examinations in reading required by subsection 1 in the English language.

3. The State Board shall prescribe an assessment of proficiency in the English language for pupils who are limited English proficient to measure oral language skills, comprehension skills, reading skills and writing skills. The board of trustees of each school district and the governing body of each charter school shall administer the assessment annually at the time prescribed by the State Board. A pupil who takes the assessment prescribed pursuant to this subsection is not exempt from the achievement and proficiency examinations administered pursuant to this chapter.

(Added to NRS by 2003, 19th Special Session, 53; A 2013, 1930)

NRS 389.0115 Administration of examinations to pupils with disabilities; modifications and accommodations required for certain pupils; State Board required to prescribe alternate examination.

1. If a pupil with a disability is unable to take an examination administered pursuant to NRS 389.550 or 389.805 under regular testing conditions, the pupil may take the examination with modifications and accommodations that the pupil's individualized education program team determines, in consultation with the Department and in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq., are necessary to measure the progress of the pupil. If modifications or accommodations are made in the administration of an examination for a pupil with a disability, the modifications or accommodations must be set forth in the pupil's individualized education program. The results of each pupil with a disability who takes an examination with modifications or accommodations must be reported and must be included in the determination of whether the school has met the annual measurable objectives and performance targets established pursuant to the statewide system of accountability for public schools.

2. The State Board shall prescribe an alternate examination for administration to a pupil with a disability if the pupil's individualized education program team determines, in consultation with the Department, that the pupil cannot participate in all or a portion of an examination administered pursuant to NRS 389.550 or 389.805 even with modifications and accommodations.

3. The State Board shall prescribe, in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq., the modifications and accommodations that must 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.

4. As used in this section:

(a) "Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

(b) "Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

(Added to NRS by 2003, 19th Special Session, 54; A 2013, 1931, 3269)

NRS 389.012 Examinations of National Assessment of Educational Progress; regulations requiring selected schools to participate; report of results; report of discrepancies.

1. The State Board shall:

(a) In accordance with guidelines established by the National Assessment Governing Board and National Center for Education Statistics and in accordance with 20 U.S.C. §§ 6301 et seq. and the regulations adopted pursuant thereto, adopt regulations requiring the schools of this State that are selected by the National Assessment Governing Board or the National Center for Education Statistics to participate in the examinations of the National Assessment of Educational Progress.

(b) Report the results of those examinations to the:

(1) Governor;

(2) Board of trustees of each school district of this State;

(3) Legislative Committee on Education created pursuant to NRS 218E.605; and

(4) Legislative Bureau of Educational Accountability and Program Evaluation created pursuant to NRS 218E.625.

(c) Include in the report required pursuant to paragraph (b) an analysis and comparison of the results of pupils in this State on the examinations required by this section with:

(1) The results of pupils throughout this country who participated in the examinations of the National Assessment of Educational Progress; and

(2) The results of pupils on the achievement and proficiency examinations administered pursuant to this chapter.

2. If the report required by subsection 1 indicates that the percentage of pupils enrolled in the public schools in this State who are proficient on the National Assessment of Educational Progress differs by more than 10 percent of the pupils who are proficient on the examinations administered pursuant to NRS 389.550 and the examinations administered pursuant to NRS 389.805, the Department shall prepare a written report describing the discrepancy. The report must include, without limitation, a comparison and evaluation of:

(a) The standards of content and performance for English and mathematics established pursuant to NRS 389.520 with the standards for English and mathematics that are tested on the National Assessment.

(b) The standards for proficiency established for the National Assessment with the standards for proficiency established for the examinations that are administered pursuant to NRS 389.550 and the examinations administered pursuant to NRS 389.805.

3. The report prepared by the Department pursuant to subsection 2 must be submitted to the:

(a) Governor;

(b) Legislative Committee on Education;

(c) Legislative Bureau of Educational Accountability and Program Evaluation; and

(d) Council to Establish Academic Standards for Public Schools.

4. The Council to Establish Academic Standards for Public Schools shall review and evaluate the report provided to the Council pursuant to subsection 3 to identify any discrepancies in the standards of content and performance established by the Council that require revision and a timeline for carrying out the revision, if necessary. The Council shall submit a written report of its review and evaluation to the Legislative Committee on Education and Legislative Bureau of Educational Accountability and Program Evaluation.

(Added to NRS by 1997, 1772; A 2003, 19th Special Session, 55; 2005, 1656; 2013, 3270)

HIGH SCHOOL PROFICIENCY EXAMINATIONS

NRS 389.015 Administration and scoring; transmission of results; effect of failure to pass; certain exceptions for child transferred due to military transfer of parent; confidentiality of examinations. Repealed. (See chapter 506, Statutes of Nevada 2013, at page 3295.)

NRS 389.016 Postponement of administration of examination in mathematics and science for pupil enrolled in grade 10; revision of pupil's academic plan; annual report by school district. Repealed. (See chapter 506, Statutes of Nevada 2013, at page 3295.)

NRS 389.017 Reporting of results of examinations; reconciliation of number of pupils taking examinations. Repealed. (See chapter 506, Statutes of Nevada 2013, at page 3295.)

NRS 389.0173 Development of informational pamphlet concerning examination by Department; duties of school districts and charter schools to post pamphlet and distribute to pupils and parents. [Replaced in revision by NRS 389.809.]

NRS 389.0175 Establishment of statewide program for preparation of pupils to take examination; compliance with program required of school districts and certain schools; use of additional materials and information. Repealed. (See chapter 506, Statutes of Nevada 2013, at page 3295.)

ACADEMIC SUBJECTS, INSTRUCTION AND COURSES OF STUDY

NRS 389.018 Designation of core academic subjects; minimum units of credit required in high school; exception; additional subjects to be taught.

1. The following subjects are designated as the core academic subjects that must be taught, as applicable for grade levels, in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

(a) English, including reading, composition and writing;

(b) Mathematics;

(c) Science; and

(d) Social studies, which includes only the subjects of history, geography, economics and government.

2. Except as otherwise provided in this subsection, a pupil enrolled in a public high school must enroll in a minimum of:

(a) Four units of credit in English;

(b) Four units of credit in mathematics, including, without limitation, Algebra I and geometry, or an equivalent course of study that integrates Algebra I and geometry;

(c) Three units of credit in science, including two laboratory courses; and

(d) Three units of credit in social studies, including, without limitation:

(1) American government;

(2) American history; and

(3) World history or geography.

Ê A pupil is not required to enroll in the courses of study and credits required by this subsection if the pupil, the parent or legal guardian of the pupil and an administrator or a counselor at the school in which the pupil is enrolled mutually agree to a modified course of study for the pupil and that modified course of study satisfies at least the requirements for a standard high school diploma or an adjusted diploma, as applicable.

3. Except as otherwise provided in this subsection, in addition to the core academic subjects, the following subjects must be taught as applicable for grade levels and to the extent practicable in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

(a) The arts;

(b) Computer education and technology;

(c) Health; and

(d) Physical education.

Ê If the State Board requires the completion of course work in a subject area set forth in this subsection for graduation from high school or promotion to the next grade, a public school shall offer the required course work. Except as otherwise provided for a course of study in health prescribed by subsection 1 of NRS 389.0185, unless a subject is required for graduation from high school or promotion to the next grade, a charter school is not required to comply with this subsection.

(Added to NRS by 1999, 3257; A 2003, 1143; 2007, 1962; 2013, 2261)

NRS 389.0185 Establishment of courses of study; provisions governing cardiopulmonary resuscitation and automated external defibrillator for health course in middle school, junior high school and high school.

1. The State Board shall adopt regulations establishing courses of study and the grade levels for which the courses of study apply for:

(a) The academic subjects set forth in NRS 389.018. A course of study in health prescribed pursuant to paragraph (c) of subsection 3 of NRS 389.018 must, to the extent money is available for this purpose, for pupils enrolled in middle school, junior high school or high school, including, without limitation, pupils enrolled in those grade levels at a charter school, include instruction in:

(1) The administration of hands-only or compression-only cardiopulmonary resuscitation, including a psychomotor skill-based component, according to the guidelines of the American Red Cross or American Heart Association; and

(2) The use of an automated external defibrillator.

(b) Citizenship and physical training for pupils enrolled in high school.

(c) Physiology, hygiene and, except as otherwise prescribed by paragraph (a), cardiopulmonary resuscitation.

(d) The prevention of suicide.

(e) Instruction relating to child abuse.

(f) The economics of the American system of free enterprise.

(g) American Sign Language.

(h) Environmental education.

(i) Adult roles and responsibilities.

Ê A course of study established for paragraph (a) may include one or more of the subjects listed in paragraphs (b) to (i), inclusive.

2. If a course of study in health in middle school, junior high school or high school includes instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator:

(a) A teacher who provides the instruction is not required to hold certification in the administration of cardiopulmonary resuscitation unless required by the board of trustees of the school district pursuant to NRS 391.092 or by the governing body of the charter school.

(b) The board of trustees of the school district or the governing body of the charter school may collaborate with entities to assist in the provision of the instruction and the provision of equipment necessary for the instruction, including, without limitation, fire departments, hospitals, colleges and universities and public health agencies.

(c) A pupil who is enrolled in a course of study in health through a program of distance education or a pupil with a disability who cannot perform the tasks included in the instruction is not required to complete the instruction to pass the course of study in health.

(Added to NRS by 1999, 3258; A 2013, 2262)

NRS 389.0187 Development of model curriculum for English language arts and mathematics; distribution; authorized use by teachers and regional training programs for professional development.

1. The State Board shall develop a model curriculum for the subject areas of English language arts and mathematics for each grade level in kindergarten and grades 1 to 12, inclusive.

2. The Department shall provide each model curriculum developed pursuant to subsection 1 to:

(a) The board of trustees of each school district; and

(b) The governing body of each regional training program for the professional development of teachers and administrators.

3. The Department shall provide to the governing body of each charter school the model curriculum developed pursuant to subsection 1 for the grade levels taught at the charter school.

4. The board of trustees of each school district shall make available to each public school within the school district the model curriculum for the grade levels taught at the public school.

5. The model curriculum may be used as a guide by teachers and administrators in developing class lesson plans to ensure compliance with the academic standards adopted for English language arts and mathematics.

6. The governing body of each regional training program for the professional development of teachers and administrators may use the model curriculum in the provision of training to teachers and administrators to ensure compliance with the academic standards adopted for English language arts and mathematics.

(Added to NRS by 2011, 477)

NRS 389.019 Enforcement of standards and courses of study by trustees. Except as otherwise provided in NRS 389.180, boards of trustees of school districts in this State shall enforce in schools:

1. The standards of content and performance established by the Council to Establish Academic Standards for Public Schools and the courses of study related to those standards; and

2. The courses of study prescribed and adopted by the State Board.

[291:32:1956]—(NRS A 1979, 1598; 1991, 2088; 1999, 3258, 3388; 2001, 236)

NRS 389.0195 Uniform grading scale for high schools.

1. The State Board shall adopt regulations that prescribe a uniform grading scale for all public high schools, including, without limitation, a uniform grading scale for advanced placement courses and honors courses.

2. The board of trustees of each school district and the governing body of each charter school that operates as a high school shall comply with the uniform grading scale.

(Added to NRS by 2007, 2179)

NRS 389.020 Instruction in American government required; exception.

1. In all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS, instruction must be given in American government, including, without limitation, instruction on:

(a) The essentials of:

(1) The Constitution of the United States, including, without limitation, the Bill of Rights;

(2) The Constitution of the State of Nevada; and

(3) The Declaration of Independence;

(b) The origin and history of the Constitutions;

(c) The study of and devotion to American institutions and ideals; and

(d) Civics.

2. Except as otherwise provided in NRS 392A.100, 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.

[292:32:1956]—(NRS A 1961, 383, 628; 1973, 1547; 1979, 1598; 1989, 1960; 2001, 1491; 2003, 1144; 2005, 2429; 2013, 287)

NRS 389.030 Instruction in American history required; exception. Except as otherwise provided in NRS 392A.100, American history, including, without limitation, the history of the:

1. Constitution of the United States, including, without limitation, the Bill of Rights;

2. State of Nevada, including, without limitation, the Constitution of the State of Nevada; and

3. Declaration of Independence,

Ê must be taught in all of the public schools in the State of Nevada for a period of at least 1 year.

[293:32:1956]—(NRS A 1973, 1547; 1979, 1598; 2001, 1491; 2005, 2429)

NRS 389.035 Satisfactory completion of courses in American government and American history required for graduation; exception for certain pupils.

1. Except as otherwise provided in subsections 2 and 3, no pupil in any public high school, the Caliente Youth Center, the Nevada Youth Training Center or any other state facility for the detention of children that is operated pursuant to title 5 of NRS may receive a certificate or diploma of graduation without having passed a course in American government and American history as required by NRS 389.020 and 389.030.

2. A pupil who is enrolled in a university school for profoundly gifted pupils who meets the requirements of NRS 392A.100 is exempt from the provisions of subsection 1.

3. A pupil who transfers during grade 12 to a school in this State from a school outside this State because of the military transfer of the parent or legal guardian of the pupil may receive a waiver from the requirements of subsection 1 if, in accordance with the provisions of NRS 392C.010, the pupil:

(a) Successfully completed a comparable course in the school in which the pupil was previously enrolled; or

(b) Successfully completes an alternative means prescribed by the school district for acquiring the required course work.

(Added to NRS by 1973, 1547; A 1979, 1598; 1989, 1960; 2003, 1144; 2005, 2429; 2009, 2619)

NRS 389.040 Patriotic observance. Each public school shall set aside appropriate time at the beginning of each school day for pupils to pledge their allegiance to the flag of the United States. In addition, each public school may set aside appropriate time during the school day for additional patriotic observance.

[294:32:1956]—(NRS A 1999, 125)

NRS 389.045 Course of study designed to assist pupils with passing high school proficiency examination; board of trustees authorized to offer course as elective. Repealed. (See chapter 506, Statutes of Nevada 2013, at page 3295.)

NRS 389.065 Instruction on acquired immune deficiency syndrome, human reproductive system, related communicable diseases and sexual responsibility.

1. The board of trustees of a school district shall establish a course or unit of a course of:

(a) Factual instruction concerning acquired immune deficiency syndrome; and

(b) Instruction on the human reproductive system, related communicable diseases and sexual responsibility.

2. Each board of trustees shall appoint an advisory committee consisting of:

(a) Five parents of children who attend schools in the district; and

(b) Four representatives, one from each of four of the following professions or occupations:

(1) Medicine or nursing;

(2) Counseling;

(3) Religion;

(4) Pupils who attend schools in the district; or

(5) Teaching.

Ê This committee shall advise the district concerning the content of and materials to be used in a course of instruction established pursuant to this section, and the recommended ages of the pupils to whom the course is offered. The final decision on these matters must be that of the board of trustees.

3. The subjects of the courses may be taught only by a teacher or school nurse whose qualifications have been previously approved by the board of trustees.

4. The parent or guardian of each pupil to whom a course is offered must first be furnished written notice that the course will be offered. The notice must be given in the usual manner used by the local district to transmit written material to parents, and must contain a form for the signature of the parent or guardian of the pupil consenting to the pupil's attendance. Upon receipt of the written consent of the parent or guardian, the pupil may attend the course. If the written consent of the parent or guardian is not received, the pupil must be excused from such attendance without any penalty as to credits or academic standing. Any course offered pursuant to this section is not a requirement for graduation.

5. All instructional materials to be used in a course must be available for inspection by parents or guardians of pupils at reasonable times and locations before the course is taught, and appropriate written notice of the availability of the material must be furnished to all parents and guardians.

(Added to NRS by 1979, 836; A 1987, 1734)

NRS 389.074 Instruction on financial literacy.

1. The board of trustees of each school district and the governing body of each charter school that operates as a high school shall ensure that instruction on financial literacy is provided to pupils enrolled in each public high school within the school district or in the charter school, as applicable. The instruction must include, without limitation:

(a) The skills necessary to develop financial responsibility, including, without limitation:

(1) Making reasonable financial decisions by analyzing the alternatives and consequences of those financial decisions;

(2) Locating and evaluating financial information from various sources;

(3) Developing communication strategies to discuss financial issues;

(4) Controlling personal information; and

(5) Reviewing and summarizing federal and state consumer protection laws.

(b) The skills necessary to manage finances, including, without limitation:

(1) Developing a plan for spending and saving;

(2) Developing a system for keeping and using financial records; and

(3) Developing a personal financial plan.

(c) The skills necessary to understand the use of credit and the incurrence of debt, including, without limitation:

(1) Identifying the costs and benefits of various types of credit;

(2) Explaining the purpose of a credit report, including, without limitation, the manner in which a credit report is used by lenders;

(3) Describing the rights of a borrower regarding his or her credit report;

(4) Identifying methods to avoid and resolve debt problems; and

(5) Reviewing and summarizing federal and state consumer credit protection laws.

(d) The skills necessary to understand the basic principles of saving and investing, including, without limitation:

(1) Understanding how saving and investing contribute to financial well-being;

(2) Understanding the methods of investing and alternatives to investing;

(3) Understanding how to buy and sell investments; and

(4) Understanding how the regulation of financial institutions protects investors.

2. The instruction required by subsection 1 may be included within a course or program of instruction that pupils enrolled in high school are otherwise required to complete for graduation.

(Added to NRS by 2009, 1120)

NRS 389.090 Automobile drivers' education: Regulations by State Board; purposes; liability insurance required; content of courses; restrictions on age of pupils.

1. The State Board shall adopt regulations governing the establishment, conduct and scope of automobile drivers' education in the public schools of this State. The regulations must set forth, without limitation:

(a) The number of hours of training that must be completed by a pupil who enrolls in a course in automobile drivers' education;

(b) That a course in automobile drivers' education:

(1) Must include a component of training conducted in a classroom; and

(2) May, in addition to the component of training conducted in a classroom, include a component of training conducted in a motor vehicle; and

(c) That if a course in automobile drivers' education includes components of training conducted both in a classroom and in a motor vehicle:

(1) One hour of training in a motor vehicle is equivalent to 3 hours of training in a classroom; and

(2) Not more than one-half of the required number of hours of training described in paragraph (a) may be training in a motor vehicle.

2. The aims and purposes of automobile drivers' education are to develop the knowledge, attitudes, habits and skills necessary for the safe operation of motor vehicles.

3. The board of trustees of a school district may establish and maintain courses in automobile drivers' education during regular semesters and summer sessions and during the regular school day and at times other than during the regular school day for:

(a) Pupils enrolled in the regular full-time day high schools in the school district.

(b) Pupils enrolled in summer classes conducted in high schools in the school district.

Ê A board of trustees maintaining courses in automobile drivers' education shall insure against any liability arising out of the use of motor vehicles in connection with those courses. The cost of the insurance must be paid from available money of the school district.

4. A governing body of a charter school may establish and maintain courses in automobile drivers' education if the governing body insures against any liability arising out of the use of motor vehicles in connection with those courses.

5. Automobile drivers' education must be provided by boards of trustees of school districts and governing bodies of charter schools in accordance with the regulations of the State Board and may not be duplicated by any other agency, department, commission or officer of the State of Nevada.

6. Each course in automobile drivers' education provided by a board of trustees of a school district or a governing body of a charter school must include, without limitation, instruction in:

(a) Motor vehicle insurance.

(b) The effect of drugs and alcohol on an operator of a motor vehicle.

7. Each course in automobile drivers' education provided by a board of trustees of a school district or a governing body of a charter school must be restricted to pupils who are at least 15 years of age.

[299:32:1956]—(NRS A 1965, 761; 1979, 1598; 1995, 1747; 1997, 1524, 1870; 1999, 458; 2001, 1503; 2001 Special Session, 269; 2003, 320; 2005, 2310)

NRS 389.100 Automobile drivers' education: Legislative findings; authorization for school districts and charter schools to charge fee.

1. The Legislature finds as facts:

(a) That the successful completion of an approved automobile drivers' education course by a pupil offers a direct financial benefit to the pupil's parents or other responsible adult through the reduction of insurance premiums.

(b) That the imposition of a laboratory fee as a prerequisite to an elective course in driver education does not violate the requirements of Article 11 of the Constitution of the State of Nevada.

2. The board of trustees of any school district and the governing body of any charter school may establish a laboratory fee to be charged each pupil enrolling for an automobile drivers' education course which must not exceed the actual cost per pupil of providing the laboratory portion of the course.

(Added to NRS by 1965, 762; A 1969, 282; 1973, 266; 1979, 1599; 1981, 1542; 1997, 1870)

NRS 389.150 Programs and curricula for American Indians. The Superintendent of Public Instruction, working with the American Indian tribes, shall establish programs and curricula designed to meet the special educational needs of American Indians in this state.

(Added to NRS by 1979, 192)

NRS 389.155 Program of independent study for certain pupils; regulations; requirements.

1. The State Board shall, by regulation, establish a program pursuant to which a pupil:

(a) Enrolled full-time in public school;

(b) Enrolled in an alternative program pursuant to NRS 388.537;

(c) Enrolled in a program designed to meet the requirements for an adult standard diploma; or

(d) Except as otherwise provided in subsection 4, who has been suspended or expelled from a public school,

Ê may complete any required or elective course by independent study outside of the normal classroom setting. A program of independent study provided pursuant to this section may be offered through a program of distance education pursuant to NRS 388.820 to 388.874, inclusive.

2. The regulations must:

(a) Require that:

(1) The teacher of the course assign to the pupil the work assignments necessary to complete the course; and

(2) For each course in which the pupil is enrolled, the pupil and the teacher of the course meet or otherwise communicate with each other at least once each week for the duration of the course to discuss the pupil's progress; or

(b) Require that the program of independent study satisfies the requirements of a plan to operate an alternative program of education submitted by the school district and approved pursuant to NRS 388.537.

3. The board of trustees of a school district may, in accordance with the regulations adopted pursuant to subsections 1 and 2, provide for independent study by the pupils described in subsection 1.

4. A program of independent study offered pursuant to this section must not allow a pupil who has been suspended or expelled from a public school to attend that public school during the period of his or her suspension or expulsion.

(Added to NRS by 1997, 1839; A 2001, 3159; 2005, 1539; 2007, 1996)

NRS 389.160 Credit toward graduation from high school for courses taken at community college or university.

1. A pupil enrolled in high school, including, without limitation, a pupil enrolled in grade 9, 10, 11 or 12 in a charter school or a pupil enrolled in a program designed to meet the requirements of an adult standard diploma, who successfully completes a course of education offered by a community college or university in this State which has been approved pursuant to subsection 2, must be allowed to apply the credit received for the course so completed to the total number of credits required for graduation from the high school or the charter school in which the pupil is enrolled or the credits required for receipt of an adult standard diploma, as applicable.

2. With the approval of the State Board, the board of trustees of each county school district and the governing body of each charter school shall prescribe the courses for which credits may be received

pursuant to subsection 1, including occupational courses for academic credit, and the amount of credit allowed for the completion of those courses.

(Added to NRS by 1989, 1089; A 1991, 1700; 1993, 103; 1999, 3313; 2007, 1997)

NRS 389.165 Credit toward graduation from high school for certain community service projects.

1. A pupil enrolled in high school who successfully completes a community service project which has been approved pursuant to this section must be allowed to apply not more than one credit received for the completion of the project toward the total number of credits required for graduation from high school. The credit must be applied toward the pupil's elective course credits and not toward a course that is required for graduation from high school. A pupil may not receive credit for the completion of a community service project if the project duplicates a course of study in which the pupil has received instruction.

2. With the approval of the State Board, the board of trustees of each school district shall prescribe for the district the:

(a) Community service projects for which credit will be granted;

(b) Amount of credit which will be granted upon completion of each project;

(c) Rules regarding how a pupil may apply for such credit upon completion of a community service project; and

(d) Procedures for obtaining the consent of a parent or legal guardian of a pupil before the pupil may participate in a community service project for which credit will be granted.

(Added to NRS by 1995, 1015)

NRS 389.167 Credit toward graduation from high school for completion of public or private internship; duties of school district or charter school.

1. A pupil enrolled in grade 11 or 12 at a public school who is at least 16 years of age must be allowed to apply not more than one credit toward the total number of credits required for graduation from high school if the pupil successfully completes a public or private internship which has been approved pursuant to subsection 2 and which is of a duration of not less than 60 hours in a school year. The credit must be applied toward the pupil's elective course credits and not toward a course that is required for graduation from high school.

2. If the board of trustees of a school district or the governing body of a charter school obtains the approval of the State Board, the board of trustees or the governing body may authorize pupils enrolled in the school district or charter school who satisfy the qualifications prescribed pursuant to subparagraph (2) of paragraph (a) to participate in a public or private internship for the purpose of obtaining credit pursuant to subsection 1. If a board of trustees or governing body of a charter school authorizes the participation in a public or private internship, the board of trustees or governing body shall:

(a) Prescribe:

(1) The fields, trades or occupations in which a pupil may complete a public or private internship, including, without limitation, agriculture, medical and health sciences, manufacturing and construction;

(2) The qualifications of a pupil for participation in a public or private internship;

(3) The manner in which a qualified pupil must apply for participation in a public or private internship; and

(4) The manner for verifying that a pupil has completed the requisite number of hours to qualify for credit; and

(b) Establish and maintain a nonexclusive list of participating businesses, agencies and organizations which offer the employment and supervision of pupils for the purposes of obtaining academic credit in a public or private internship pursuant to this section.

(Added to NRS by 2013, 1006)

NRS 389.171 Credit granted for performance on examination in lieu of course attendance.

1. A pupil may be granted credit for a specific course of study without having attended the regularly scheduled classes in the course if the pupil demonstrates his or her proficiency to meet the:

(a) Objectives of the course through the pupil's performance on an examination prescribed by the State Board;

(b) Objectives of a particular area or areas of the course in which the pupil is deficient through the pupil's performance on an examination developed by the principal and the pupil's teacher who provides instruction in the course that is designed to measure the proficiency of the pupil in that particular area or areas; or

(c) Objectives of the course through the pupil's performance on an examination that the principal determines is as rigorous or more rigorous than the examination prescribed by the State Board pursuant to paragraph (a), including, without limitation, an advanced placement examination in the subject area of the course.

2. The State Board shall adopt regulations that prescribe the:

(a) Form on which a pupil may apply to the board of trustees of a school district in which the pupil attends school to be granted credit pursuant to subsection 1;

(b) Courses of study for which pupils may be granted credit pursuant to subsection 1; and

(c) Minimum score on the examination prescribed pursuant to paragraph (a) of subsection 1 that is required to demonstrate proficiency in a course.

(Added to NRS by 2007, 1077; A 2011, 594)

NRS 389.180 Occupational guidance and counseling.

1. The State Board shall, by regulation, establish a course of study in occupational guidance and counseling.

2. The board of trustees of each school district shall establish the curriculum for the course of study in that district. The curriculum must be organized and, with the assistance of teachers, administrators, pupils, parents and the business community, coordinated by licensed school counselors who shall provide instruction and activities designed to:

(a) Promote normal growth and development.

(b) Promote positive mental and physical health.

(c) Provide each pupil with knowledge and skills which permit the pupil to control his or her own destiny.

(d) Assist each pupil to plan, monitor and manage the pupil's personal, educational and occupational development.

(e) Meet the immediate needs and concerns of each pupil, whether the pupil's needs or concerns require counseling, consultation, referral or information.

(f) Provide counselors, teachers and support staff with the knowledge and skills required to maintain and improve the course.

(g) Provide such other related assistance and instruction as is deemed necessary.

3. The instruction required by this section must be made available for each pupil in grades 7 to 12, inclusive.

4. The board of trustees in each school district shall organize and offer the curriculum within the limits of money made available to the district by the Legislature for that purpose.

(Added to NRS by 1991, 2087)

ACADEMIC STANDARDS; CRITERION-REFERENCED EXAMINATIONS

NRS 389.500 "Council" defined. As used in NRS 389.500 to 389.570, inclusive, "Council" means the Council to Establish Academic Standards for Public Schools.

(Added to NRS by 1999, 3384; A 2011, 2309)

NRS 389.505 Superintendent of Public Instruction required to ensure Council carries out duties successfully. The Superintendent of Public Instruction is responsible for ensuring that the duties and responsibilities of the Council set forth in NRS 389.500 to 389.570, inclusive, are carried out by the Council successfully.

(Added to NRS by 2011, 2309)

NRS 389.510 Council to Establish Academic Standards: Creation; membership; terms; compensation.

1. The Council to Establish Academic Standards for Public Schools, consisting of eight members, is hereby created. The membership of the Council consists of:

(a) Four members appointed by the Governor in accordance with subsection 2;

(b) Two members appointed by the Majority Leader of the Senate in accordance with subsection 3; and

(c) Two members appointed by the Speaker of the Assembly in accordance with subsection 3.

2. The Governor shall ensure that:

(a) Two of the members appointed by the Governor to the Council are parents or legal guardians of pupils who attend public schools. These members must not otherwise be affiliated with the public school system of this State.

(b) Two of the members appointed by the Governor to the Council are licensed educational personnel.

(c) Insofar as practicable, the members appointed by the Governor to the Council reflect the ethnic and geographical diversity of this State.

3. The Majority Leader of the Senate and the Speaker of the Assembly shall each ensure that:

(a) One of the members whom he or she appoints to the Council is a member of the House of the Legislature to which he or she belongs.

(b) The other member whom he or she appoints to the Council is a representative of a private business or industry that may be affected by actions taken by the Council.

4. Each member of the Council must be a resident of this State.

5. After the initial terms, the term of each member of the Council is 4 years. The person who appoints a member to the Council may remove that member if the member neglects his or her duty or commits malfeasance in office, or for other just cause. A vacancy in the membership of the Council must be filled for the remainder of the unexpired term in the same manner as the original appointment. A member shall continue to serve on the Council until his or her successor is appointed.

6. The Governor shall select a Chair from among the membership of the Council in accordance with this subsection. The Governor shall not select as Chair a member of the Council who is affiliated with the public school system in this State, except that this subsection does not preclude the Governor from selecting a parent or legal guardian of a pupil as Chair if the parent or legal guardian is not otherwise affiliated with the public school system in this State. Once selected by the Governor, the Chair holds that office for 2 years.

7. For each day or portion of a day during which a member of the Council who is a Legislator attends a meeting of the Council or is otherwise engaged in the work of the Council, except during a regular or special session of the Legislature, the Legislator is entitled to receive the:

(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding session;

(b) Per diem allowance provided for state officers and employees generally; and

(c) Travel expenses provided pursuant to NRS 218A.655.

Ê The compensation, per diem allowances and travel expenses of the legislative members of the Council must be paid from the Legislative Fund.

8. Members of the Council who are not Legislators serve without salary, but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

(Added to NRS by 1999, 3384; A 2003, 815)

NRS 389.520 Council to Establish Academic Standards: Establishment of standards; periodic review of standards; adoption of standards by State Board; establishment of policy for ethical, safe and secure use of computers.

1. The Council shall:

(a) Establish standards of content and performance, including, without limitation, a prescription of the resulting level of achievement, for the grade levels set forth in subsection 3, based upon the content of each course, that is expected of pupils for the following courses of study:

(1) English, including reading, composition and writing;

(2) Mathematics;

(3) Science;

(4) Social studies, which includes only the subjects of history, geography, economics and government;

(5) The arts;

(6) Computer education and technology;

(7) Health; and

(8) Physical education.

(b) Establish a schedule for the periodic review and, if necessary, revision of the standards of content and performance. The review must include, without limitation, the review required pursuant to NRS 389.570 of the results of pupils on the examinations administered pursuant to NRS 389.550.

(c) Assign priorities to the standards of content and performance relative to importance and degree of emphasis and revise the standards, if necessary, based upon the priorities.

2. The standards for computer education and technology must include a policy for the ethical, safe and secure use of computers and other electronic devices. The policy must include, without limitation:

(a) The ethical use of computers and other electronic devices, including, without limitation:

(1) Rules of conduct for the acceptable use of the Internet and other electronic devices; and

(2) Methods to ensure the prevention of:

(I) Cyber-bullying;

(II) Plagiarism; and

(III) The theft of information or data in an electronic form;

(b) The safe use of computers and other electronic devices, including, without limitation, methods to:

(1) Avoid cyber-bullying and other unwanted electronic communication, including, without limitation, communication with on-line predators;

(2) Recognize when an on-line electronic communication is dangerous or potentially dangerous; and

(3) Report a dangerous or potentially dangerous on-line electronic communication to the appropriate school personnel;

(c) The secure use of computers and other electronic devices, including, without limitation:

(1) Methods to maintain the security of personal identifying information and financial information, including, without limitation, identifying unsolicited electronic communication which is sent for the purpose of obtaining such personal and financial information for an unlawful purpose;

(2) The necessity for secure passwords or other unique identifiers;

(3) The effects of a computer contaminant;

(4) Methods to identify unsolicited commercial material; and

(5) The dangers associated with social networking Internet sites; and

(d) A designation of the level of detail of instruction as appropriate for the grade level of pupils who receive the instruction.

3. The Council shall establish standards of content and performance for each grade level in kindergarten and grades 1 to 8, inclusive, for English and mathematics. The Council shall establish standards of content and performance for the grade levels selected by the Council for the other courses of study prescribed in subsection 1.

4. The Council shall forward to the State Board the standards of content and performance established by the Council for each course of study. The State Board shall:

(a) Adopt the standards for each course of study, as submitted by the Council; or

(b) If the State Board objects to the standards for a course of study or a particular grade level for a course of study, return those standards to the Council with a written explanation setting forth the reason for the objection.

5. If the State Board returns to the Council the standards of content and performance for a course of study or a grade level, the Council shall:

(a) Consider the objection provided by the State Board and determine whether to revise the standards based upon the objection; and

(b) Return the standards or the revised standards, as applicable, to the State Board.

Ê The State Board shall adopt the standards of content and performance or the revised standards, as applicable.

6. The Council shall work in cooperation with the State Board to prescribe the examinations required by NRS 389.550.

7. As used in this section:

(a) "Computer contaminant" has the meaning ascribed to it in NRS 205.4737.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Electronic communication" has the meaning ascribed to it in NRS 388.124.

(Added to NRS by 1999, 3385; A 2007, 1963; 2009, 689; 2013, 1659)

NRS 389.530 Council to Establish Academic Standards: Duty of Department to provide support; assistance from other state agencies.

1. The Department shall provide:

(a) Administrative support;

(b) Equipment; and

(c) Office space,

Ê as is necessary for the Council to carry out its duties.

2. The Council may request assistance from any agency of this state if the assistance is necessary for the Council to carry out its duties.

(Added to NRS by 1999, 3386)

NRS 389.540 Review of courses of study to determine compliance with standards. The board of trustees of each school district shall conduct a periodic review of the courses of study offered in the public schools of the school district to determine whether the courses of study comply with the

standards of content and performance established by the Council pursuant to NRS 389.520 and if revision of the courses of study is necessary to ensure compliance.

(Added to NRS by 1999, 3386)

NRS 389.550 Administration of criterion-referenced examinations.

1. The State Board shall, in consultation with the Council, prescribe examinations that comply with 20 U.S.C. § 6311(b)(3) 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 and mathematics.

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

Ê 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, prescribe a writing examination for grades 5 and 8.

3. 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 during the spring semester, 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 NRS 389.616 by the Department and with the plan adopted pursuant to NRS 389.620 by the board of trustees of the school district in which the examinations are 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.

(Added to NRS by 1999, 3386; A 2001, 1208; 2003, 19th Special Session, 63, 64; 2005, 1178; 2013, 3272)

NRS 389.560 Reporting of results of examinations; reconciliation of number of pupils taking examinations. Repealed. (See chapter 379, Statutes of Nevada 2013, at page 2042.)

NRS 389.570 Council required to review and evaluate results of examinations; report of evaluation.

1. The Council shall review the results of pupils on the examinations administered pursuant to NRS 389.550, including, without limitation, for each school in a school district and each charter school that is located within a school district, a review of the results for the current school year and a comparison of the progress, if any, made by the pupils enrolled in the school from preceding school years.

2. After the completion of the review pursuant to subsection 1, the Council shall evaluate:

(a) Whether the standards of content and performance established by the Council require revision; and

(b) The success of pupils, as measured by the results of the examinations, in achieving the standards of performance established by the Council.

3. The Council shall report the results of the evaluation conducted pursuant to subsection 2 to the State Board and the Legislative Committee on Education.

(Added to NRS by 1999, 3388)

ADMINISTRATION AND SECURITY OF EXAMINATIONS

NRS 389.600 Definitions. As used in NRS 389.600 to 389.648, inclusive, unless the context otherwise requires, the words and terms defined in NRS 389.604, 389.608 and 389.612 have the meanings ascribed to them in those sections.

(Added to NRS by 2001, 1197)

NRS 389.604 "Irregularity in testing administration" defined. "Irregularity in testing administration" means the failure to administer an examination to pupils pursuant to NRS 389.550 or 389.805 or the college and career readiness assessment pursuant to NRS 389.807 in the manner intended by the person or entity that created the examination or assessment.

(Added to NRS by 2001, 1197; A 2013, 3273)

NRS 389.608 "Irregularity in testing security" defined. "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 389.550 or 389.805 or the college and career readiness assessment administered pursuant to NRS 389.807, including, without limitation:

1. The failure to comply with security procedures adopted pursuant to NRS 389.616 or 389.620;
2. The disclosure of questions or answers to questions on an examination or assessment 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 or assessment.

(Added to NRS by 2001, 1197; A 2013, 3273)

NRS 389.612 "School official" defined. "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.

(Added to NRS by 2001, 1197)

NRS 389.616 Adoption and enforcement of plan for test security by Department; contents of plan; annual submission of plan to State Board and Legislative Committee on Education.

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 389.550 and 389.805 and the college and career readiness assessment administered pursuant to NRS 389.807.
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.

(c) Procedures that specifically set forth the action that must be taken in response to a report of an irregularity in testing administration or testing security and the actions that must be taken during an investigation of such an irregularity. For each action that is required, the procedures must identify:

(1) By category, the employees of the school district, charter school or Department, or any combination thereof, who are responsible for taking the action; and

(2) Whether the school district, charter school or Department, or any combination thereof, is responsible for ensuring that the action is carried out successfully.

(d) Objective criteria that set forth the conditions under which a school, including, without limitation, a charter school or a school district, or both, is required to file a plan for corrective action in response to an irregularity in testing administration or testing security for the purposes of NRS 389.636.

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 218E.605.

(Added to NRS by 2001, 1197; A 2013, 3273)

NRS 389.620 Adoption and enforcement of plan for test security by board of trustees; contents of plan; annual submission of plan to State Board and Legislative Committee on Education; written notice concerning plan to educational personnel, pupils and parents; definitions.

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 and assessments.

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.

(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 or assessment.

(d) Procedures that specifically set forth the action that must be taken in response to a report of an irregularity in testing administration or testing security and the action that must be taken during an investigation of such an irregularity. For each action that is required, the procedures must identify, by category, the employees of the school district or charter school who are responsible for taking the action and for ensuring that the action is carried out successfully.

Ê The procedures adopted pursuant to this subsection must be consistent, to the extent applicable, with the procedures adopted by the Department pursuant to NRS 389.616.

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 218E.605.

4. On or before September 30 of each school year, the board of trustees of each school district and the governing body of each charter school shall provide a written notice regarding the examinations and assessments to all teachers and educational personnel employed by the school district or governing body, all personnel employed by the school district or governing body who are involved in the administration of the examinations and assessments, all pupils who are required to take the examinations or assessments and all parents and legal guardians of such pupils. The written notice must be prepared in a format that is easily understood and must include, without limitation, a description of the:

(a) Plan adopted pursuant to this section; and

(b) Action that may be taken against personnel and pupils for violations of the plan or for other irregularities in testing administration or testing security.

5. As used in this section:

(a) "Assessment" means the college and career readiness assessment administered to pupils enrolled in grade 11 pursuant to NRS 389.807.

(b) "Examination" means:

(1) The examinations that are administered to pupils pursuant to NRS 389.550 or 389.805; and

(2) Any other examinations which measure the achievement and proficiency of pupils and which are administered to pupils on a district-wide basis.

(c) "Irregularity in testing administration" means the failure to administer an examination or assessment in the manner intended by the person or entity that created the examination or assessment.

(d) "Irregularity in testing security" means an act or omission that tends to corrupt or impair the security of an examination or assessment, including, without limitation:

(1) The failure to comply with security procedures adopted pursuant to this section or NRS 389.616;

(2) The disclosure of questions or answers to questions on an examination or assessment 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 or assessment.

(Added to NRS by 2001, 1199; A 2013, 3274)

NRS 389.624 Violation of state or district plan: Duty of Department to investigate; authority of Department to issue subpoenas; enforcement of subpoena by court.

1. If the Department:

(a) Has reason to believe that a violation of the plan adopted pursuant to NRS 389.616 may have occurred;

(b) Has reason to believe that a violation of the plan adopted pursuant to NRS 389.620 may have occurred with respect to an examination that is administered pursuant to NRS 389.550 or 389.805 or the college and career readiness assessment administered pursuant to NRS 389.807; or

(c) Receives a request pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 389.628 to investigate a potential violation of the plan adopted pursuant to NRS 389.620 with respect to an examination that is administered pursuant to NRS 389.550 or 389.805 or the college and career readiness assessment administered pursuant to NRS 389.807,

Ê 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, without limitation, 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 or her,

Ê 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 the witness 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.

(Added to NRS by 2001, 1198; A 2013, 3275)

NRS 389.628 Violation of district plan: Duty of board of trustees to investigate or refer to Department; authority of board of trustees to issue subpoenas; enforcement of subpoena by court.

1. If a school official has reason to believe that a violation of the plan adopted pursuant to NRS 389.620 may have occurred, the school official shall immediately report the incident to the board of trustees of the school district. If the board of trustees of a school district has reason to believe that a violation of the plan adopted pursuant to NRS 389.620 may have occurred, the board of trustees shall:

(a) If the violation is with respect to an examination administered pursuant to NRS 389.550 or 389.805 or the college and career readiness assessment administered pursuant to NRS 389.807, 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) With respect to an examination that is administered pursuant to NRS 389.550 or 389.805 or the college and career readiness assessment administered pursuant to NRS 389.807, requesting that the Department investigate the incident pursuant to NRS 389.624.

Ê 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, without limitation, 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 NRS 389.620.

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 or her,

Ê 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 the witness 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.

(Added to NRS by 2001, 1200; A 2013, 3276)

NRS 389.632 Certain schools required to provide for additional administration of examinations if consecutive irregularities in testing administration occur; school district or charter school required to pay costs of additional administration; determination and notice by Department.

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 389.550;

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

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

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

(Added to NRS by 2001, 1201; A 2003, 19th Special Session, 66; 2005, 1179, 2418; 2011, 3138)

NRS 389.636 Plan for corrective action required of school or school district in response to irregularity in testing administration or security; notice by Department; establishment by Department of procedures to document corrective action; amendment of plan.

1. The Department shall notify the principal of a school, including, without limitation, a charter school, or the board of trustees of a school district, as applicable, if the school or the school district is

required to file a plan for corrective action based upon the objective criteria adopted by the Department pursuant to paragraph (d) of subsection 2 of NRS 389.616. Upon receipt of such notice, the school or the school district, as applicable, shall file a plan for corrective action with the Department within the time prescribed by the Department. Such a plan must specify the time within which the corrective action will be taken. The school or the school district, as applicable, shall commence corrective action pursuant to the plan immediately after the date on which the plan is filed.

2. The Department shall establish procedures to document and monitor whether appropriate corrective action is being taken and whether that action is achieving the desired result. Such documentation must be maintained and reported in accordance with NRS 389.648.

3. The Department may require a school or a school district to amend its plan for corrective action if the Department determines that such amendment is necessary to ensure the security of test materials and the consistency of testing administration in the school or school district, as applicable.

(Added to NRS by 2001, 1203)

NRS 389.644 Establishment of program of education and training regarding administration and security of examinations and assessments; expanded program authorized; school districts and charter schools required to ensure educational personnel receive program of education and training.

1. The Department shall establish a program of education and training regarding the administration and security of the examinations administered pursuant to NRS 389.550 or 389.805 and the college and career readiness assessment administered pursuant to NRS 389.807. Upon approval of the Department, the board of trustees of a school district or the governing body of a charter school may establish an expanded program of education and training that includes additional education and training if the expanded program complies with the program established by the Department.

2. The board of trustees of each school district and the governing body of each charter school shall ensure that:

(a) All the teachers and other educational personnel who provide instruction to pupils enrolled in a grade level that is required to be tested pursuant to NRS 389.550, 389.805 or 389.807, and all other personnel who are involved with the administration of the examinations that are administered pursuant to NRS 389.550 or 389.805 or the college and career readiness assessment administered pursuant to NRS 389.807, receive, on an annual basis, the program of education and training established by the Department or the expanded program, if applicable; and

(b) The training and education is otherwise available for all personnel who are not required to receive the training and education pursuant to paragraph (a).

(Added to NRS by 2001, 1204; A 2013, 3277)

NRS 389.648 Establishment of procedures for uniform documentation and maintenance of irregularities in testing administration and security; maintenance by Department of written summary for each irregularity; annual report by Department required.

1. The Department shall establish procedures for the uniform documentation and maintenance by the Department of irregularities in testing administration and testing security reported to the Department pursuant to NRS 389.628 and investigations of such irregularities conducted by the Department pursuant to NRS 389.624. The procedures must include, without limitation:

(a) A method for assigning a unique identification number to each incident of irregularity; and

(b) A method to ensure that the status of an irregularity is readily accessible by the Department.

2. In accordance with the procedures established pursuant to subsection 1, the Department shall prepare and maintain for each irregularity in testing administration and each irregularity in testing security, a written summary accompanying the report of the irregularity. The written summary must include, without limitation:

(a) An evaluation of whether the procedures prescribed by the Department pursuant to paragraph (c) of subsection 2 of NRS 389.616 were followed in response to the irregularity;

(b) The corrective action, if any, taken in response to the irregularity pursuant to NRS 389.636;

(c) An evaluation of whether the corrective action achieved the desired result; and

(d) The current status and the outcome, if any, of an investigation related to the irregularity.

3. The Department shall prepare a written report that includes for each school year:

(a) A summary of each irregularity in testing administration and testing security reported to the Department pursuant to NRS 389.628 and each investigation conducted pursuant to NRS 389.624.

(b) A summary for each school that was required to provide additional administration of examinations pursuant to NRS 389.632. The summary must include, without limitation:

(1) The identity of the school;

(2) The type of additional examinations that were administered pursuant to NRS 389.632;

(3) The date on which those examinations were administered;

(4) A comparison of the results of pupils on the:

(I) Examinations in which an additional irregularity occurred in the second school year described in NRS 389.632; and

(II) Additional examinations administered pursuant to NRS 389.632.

(c) Each written summary prepared by the Department pursuant to subsection 2.

(d) The current status of each irregularity that was reported for a preceding school year which had not been resolved at the time that the preceding report was filed.

(e) The current status and the outcome, if any, of an investigation conducted by the Department pursuant to NRS 389.624.

(f) An analysis of the irregularities and recommendations, if any, to improve the security of the examinations and the consistency of testing administration.

4. On or before September 1 of each year, the Department shall submit the report prepared pursuant to subsection 3 for the immediately preceding school year to the Legislative Committee on Education created pursuant to NRS 218E.605 and the State Board.

(Added to NRS by 2001, 1204)

GRADUATION AND DIPLOMAS

NRS 389.805 State Board required to prescribe criteria for standard high school diploma; end-of-course examinations and college and career readiness assessment; exception for certain pupils with disabilities; prohibition to issue certificate of attendance.

1. A pupil with a disability who does not satisfy the requirements for receipt of a standard high school diploma may receive a diploma designated as an adjusted diploma if the pupil satisfies the requirements set forth in his or her individualized education program. As used in this subsection, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

2. The State Board shall adopt regulations that prescribe the:

(a) Criteria for a pupil to receive a standard high school diploma, which must include, without limitation, the requirement that:

(1) Commencing with the 2014-2015 school year and each school year thereafter, a pupil enrolled in grade 11 take the college and career readiness assessment administered pursuant to NRS 389.807;

(2) Commencing with the 2014-2015 school year and each school year thereafter, a pupil enroll in the courses of study designed to prepare the pupil for graduation from high school and for readiness for college and career; and

(3) Commencing with the 2014-2015 school year and each school year thereafter, a pupil pass at least four end-of-course examinations prescribed pursuant to paragraph (b).

(b) Courses of study in which pupils must pass the end-of-course examinations required by subparagraph (3) of paragraph (a), which must include, without limitation, the subject areas for which the State Board has adopted the common core standards and which may include any other courses of study prescribed by the State Board.

(c) The maximum number of times, if any, that a pupil is allowed to take the end-of-course examinations if the pupil fails to pass the examinations after the first administration.

3. The criteria prescribed by the State Board pursuant to subsection 2 for a pupil to receive a standard high school diploma must not include the results of the pupil on the college and career readiness assessment administered to the pupil in grade 11 pursuant to NRS 389.807.

4. If a pupil does not satisfy the requirements prescribed by the State Board to receive a standard high school diploma, the pupil must not be issued a certificate of attendance or any other document indicating that the pupil attended high school but did not satisfy the requirements for such a diploma. The provisions of this subsection do not apply to a pupil who receives an adjusted diploma pursuant to subsection 1.

(Added to NRS by 2007, 1076; A 2009, 351, 2619; 2013, 3278)

NRS 389.807 State Board required to select college and career readiness assessment for grade 11; requirement of pupil to take assessment; results not used for receipt of diploma; use of results to provide data and information for pupil.

1. The State Board shall select a college and career readiness assessment for administration, commencing with the 2014-2015 school year and each school year thereafter, to pupils who are enrolled in grade 11 in public high schools.

2. Except as otherwise provided in this subsection, a pupil must take the college and career readiness assessment to receive a standard high school diploma. The results of a pupil on the assessment must not be used in the determination of whether the pupil satisfies the requirements for receipt of a standard high school diploma. A pupil with a disability may, in accordance with his or her individualized education program, be exempt from the requirement to take the college and career readiness assessment.

3. The assessment selected pursuant to subsection 1 must be:

(a) Administered at the same time during the school year by the board of trustees of each school district to pupils enrolled in grade 11 in all public high schools of the school district and by the governing body of each charter school that enrolls pupils in grade 11, as prescribed by the State Board, and in accordance with uniform procedures adopted by the State Board. The Department shall monitor the compliance of the school districts and individual schools with the uniform procedures and report to the State Board any instance of noncompliance.

(b) Administered in accordance with the plan adopted by the Department pursuant to NRS 389.616 and with the plan adopted by the board of trustees of the school district in which the assessment is administered pursuant to NRS 389.620. The Department shall monitor the compliance of the 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,

Ê and shall report to the State Board any instance of noncompliance.

4. The assessment selected pursuant to subsection 1 must:

(a) Be used to provide data and information to each pupil who takes the assessment in a manner that allows the pupil to review the areas of his or her academic strengths and weaknesses, including, without limitation, areas where additional work in the subject areas tested on the assessment is necessary to prepare for college and career success without the need for remediation; and

(b) Allow teachers and other educational personnel to use the results of a pupil on the assessment to provide appropriate interventions for the pupil to prepare for college and career success.

5. The State Board may work in consultation with the boards of trustees of school districts and, if a charter school enrolls pupils at a high school grade level, the governing body of the charter school to develop and implement appropriate plans of remediation for pupils based upon the results of the pupils on the assessment.

(Added to NRS by 2013, 3268)

NRS 389.809 Department required to develop informational pamphlet concerning end-of-course examinations and college and career readiness assessment; duties of school districts and charter schools to post pamphlet and distribute to pupils and parents.

1. The Department shall develop an informational pamphlet concerning the end-of-course examinations required pursuant to NRS 389.805 and the college and career readiness assessment administered pursuant to NRS 389.807 for pupils who are enrolled in junior high, middle school and high school, and their parents and legal guardians. The pamphlet must include a written explanation of the:

(a) Importance of passing the end-of-course examinations and the importance of taking the college and career readiness assessment;

(b) Courses of study for which the end-of-course examinations are administered and the subject areas tested on the college and career readiness assessment;

(c) Format for the end-of-course examinations and the college and career readiness assessment, including, without limitation, the range of items that are contained on the examinations and the assessment; and

(d) Maximum number of times, if any, that a pupil is allowed to take the end-of-course examinations if the pupil fails to pass the examinations after the first administration.

2. The Department shall review the pamphlet on an annual basis and make such revisions to the pamphlet as it considers necessary to ensure that pupils and their parents or legal guardians fully understand the end-of-course examinations and the college and career readiness assessment.

3. On or before September 1, the Department shall provide a copy of the pamphlet or revised pamphlet to the board of trustees of each school district and the governing body of each charter school that includes pupils enrolled in a junior high, middle school or high school grade level.

4. The board of trustees of each school district shall provide a copy of the pamphlet to each junior high, middle school or high school within the school district for posting. The governing body of each charter school shall ensure that a copy of the pamphlet is posted at the charter school. Each principal of a junior high, middle school, high school or charter school shall ensure that the teachers, counselors and administrators employed at the school fully understand the contents of the pamphlet.

5. On or before October 1, the:

(a) Board of trustees of each school district shall provide a copy of the pamphlet to each pupil who is enrolled in a junior high, middle school or high school of the school district and to the parents or legal guardians of such a pupil.

(b) Governing body of each charter school shall provide a copy of the pamphlet to each pupil who is enrolled in the charter school at a junior high, middle school or high school grade level and to the parents or legal guardians of such a pupil.

(Added to NRS by 2001, 1089; A 2003, 889; 2007, 1079; 2013, 3271)—(Substituted in revision for NRS 389.0173)

NRS 389.810 Issuance of standard high school diploma to certain veterans who left high school to serve in Armed Forces.

1. Notwithstanding any provision of this title to the contrary, a person who:

(a) Left high school before graduating to serve in the Armed Forces of the United States during:

(1) World War II and so served at any time between September 16, 1940, and December 31, 1946;

(2) The Korean War and so served at any time between June 25, 1950, and January 31, 1955; or

(3) The Vietnam Era and so served at any time between January 1, 1961, and May 7, 1975;

(b) Was discharged from the Armed Forces of the United States under honorable conditions; and

(c) As a result of his or her service in the Armed Forces of the United States, did not receive a high school diploma,

Ê shall be deemed to have earned sufficient credits to receive a standard high school diploma.

2. A school district may, upon request, issue a standard high school diploma to any person who meets the requirements set forth in subsection 1. A school district may issue a standard high school diploma to such a person even if the person:

(a) Holds a general educational development credential or an equivalent document; or

(b) Is deceased, if the family of the veteran requests the issuance of the diploma.

3. The State Board and the Department of Veterans Services shall work cooperatively to establish guidelines for identifying and issuing standard high school diplomas to persons pursuant to this section.

4. A person to whom a standard high school diploma is issued pursuant to this section shall not be deemed to be a pupil for the purposes of this title.

(Added to NRS by 2003, 444; A 2013, 2517, 3279)

MISCELLANEOUS PROVISIONS

NRS 389.900 Enforcement of contractual penalties or sanctions for failure to deliver results of examinations on timely basis. 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 389.550 or 389.805 or the college and career readiness assessment administered pursuant to NRS 389.807, 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.

(Added to NRS by 2001, 1205; A 2013, 3280)