

SENATE BILL NO. 466—COMMITTEE ON FINANCE

MARCH 17, 1999

Referred to Committee on Finance

SUMMARY—Revises provisions governing education. (BDR 34-1247)

FISCAL NOTE: Effect on Local Government: Yes.

Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget.

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

AN ACT relating to education; providing in skeleton form for the revision of provisions governing education; revising the composition of the state board of education; making appropriations; and providing other matters properly relating thereto.

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

Section 1. Chapter 385 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. 1. *The Nevada state board of education, consisting of nine members, is hereby created.*

2. *The governor shall appoint five members to the state board as follows:*

(a) *Three representatives of southern Nevada;*

(b) *One representative of northern Nevada; and*

(c) *One representative of rural Nevada.*

3. *The majority leader of the senate and the speaker of the assembly shall each appoint two members to the state board.*

4. *After the initial terms, the members of the state board serve terms of 4 years. A vacancy in the membership of the state board must be filled in the same manner as the original appointment for the remainder of the unexpired term.*

Sec. 3. 1. *There is hereby created the business and education coalition of Nevada consisting of nine members.*

2. *The governor shall appoint four members to the coalition as follows:*

- 1 (a) *Three representatives of private business or industry; and*
- 2 (b) *One superintendent of schools of a school district.*
- 3 3. *The majority leader of the senate shall appoint two members to the*
- 4 *coalition as follows:*
- 5 (a) *One senator; and*
- 6 (b) *One representative of a private business or industry.*
- 7 4. *The speaker of the assembly shall appoint two members to the*
- 8 *coalition as follows:*
- 9 (a) *One assemblyman; and*
- 10 (b) *One representative of a private business or industry.*
- 11 5. *The board of regents of the University of Nevada shall appoint one*
- 12 *member to the coalition who is a representative of higher education.*
- 13 6. *Members of the coalition serve terms of 2 years. A vacancy in the*
- 14 *membership of the coalition must be filled for the remainder of the*
- 15 *unexpired term in the same manner as the original appointment.*
- 16 7. *For each day or portion of a day during which a member of the*
- 17 *coalition who is a legislator attends a meeting of the coalition or is*
- 18 *otherwise engaged in the work of the coalition, except during a regular*
- 19 *or special session of the legislature, he is entitled to receive the:*
- 20 (a) *Compensation provided for a majority of the members of the*
- 21 *legislature during the first 60 days of the preceding session;*
- 22 (b) *Per diem allowance provided for state officers and employees*
- 23 *generally; and*
- 24 (c) *Travel expenses provided pursuant to NRS 218.2207.*
- 25 8. *A member of the coalition who is not a legislator is entitled to*
- 26 *receive the per diem allowance and travel expenses provided for state*
- 27 *officers and employees generally for each day or portion of a day during*
- 28 *which he attends a meeting of the coalition or is otherwise engaged in the*
- 29 *business of the coalition.*
- 30 9. *The coalition shall:*
- 31 (a) *Prepare a plan for improving the public schools in this state;*
- 32 (b) *Submit the plan and any recommendations for carrying out the*
- 33 *plan to the legislative committee on education, the governor and the state*
- 34 *board; and*
- 35 (c) *Provide a forum for the open discussion of methods to improve the*
- 36 *public schools in this state and develop compromises.*
- 37 10. *The legislative counsel bureau shall provide administrative*
- 38 *support to the coalition.*
- 39 **Sec. 4. 1.** *Each school district shall report for each school within*
- 40 *the school district that received a designation as demonstrating*
- 41 *inadequate achievement pursuant to NRS 385.367, if any, the amount of*
- 42 *money expended for the:*

1 ***(a) Professional development of teachers to carry out the remedial***
2 ***programs required pursuant to NRS 385.389; and***

3 ***(b) Plan to improve the achievement of the school.***

4 ***2. The report prepared pursuant to subsection 1 must be submitted to***
5 ***the:***

6 ***(a) Governor;***

7 ***(b) State board;***

8 ***(c) Committee; and***

9 ***(d) Bureau.***

10 **Sec. 5.** NRS 385.007 is hereby amended to read as follows:

11 385.007 As used in this Title, unless the context otherwise requires:

12 1. "Charter school" means a public school that is formed pursuant to
13 the provisions of NRS 386.500 to 386.610, inclusive.

14 2. "Department" means the department of education.

15 3. "Public schools" means all kindergartens and elementary schools,
16 junior high schools and middle schools, high schools, charter schools, and
17 any other schools, classes and educational programs which receive their
18 support through public taxation and, except for charter schools, whose
19 textbooks and courses of study are under the control of the state board.

20 4. "State board" means the ***Nevada*** state board of education.

21 **Sec. 6.** NRS 385.110 is hereby amended to read as follows:

22 385.110 1. Except as otherwise provided in subsections 2 and 3, the
23 state board shall prescribe and cause to be enforced the courses of study for
24 the public schools of this state. ***The courses of study prescribed and***
25 ***enforced by the state board must comply with the standards of content***
26 ***and performance established by the council to establish academic***
27 ***standards for public schools pursuant to section 20 of this act.***

28 2. For those courses of study prescribed by the state board:

29 (a) High schools may have modified courses of study, subject to the
30 approval of the state board; and

31 (b) Any high school offering courses normally accredited as being
32 beyond the level of the 12th grade shall, before offering such courses, have
33 them approved by the state board.

34 3. A charter school is not required to offer the courses of study
35 prescribed by the state board except for those courses of study which are
36 required for promotion to the next grade or graduation from high school.

37 **Sec. 7.** NRS 385.150 is hereby amended to read as follows:

38 385.150 1. The ***state board shall appoint the*** superintendent of
39 public instruction ~~***shall be appointed by the state board of education***~~ for a
40 term of ~~***3 years.***~~ ***1 year.*** The ***state board may remove the superintendent***
41 ***of public instruction from office for inefficiency, neglect of duty,***
42 ***malfeasance in office or for other just cause.***

1 **2. A vacancy must be filled by the** state board ~~{shall fill any vacancy}~~
2 for the **remainder of the** unexpired term.

3 ~~{2-}~~ **3.** The superintendent of public instruction is in the unclassified
4 service of the state.

5 **Sec. 8.** NRS 385.230 is hereby amended to read as follows:

6 385.230 **1.** The superintendent of public instruction shall report to
7 the governor biennially, on or before December 1, in the year immediately
8 preceding a regular session of the legislature ~~{-}~~ **concerning matters**
9 **relating to education in this state.**

10 **2. The superintendent of public instruction shall report to the**
11 **legislature during each regular session of the legislature concerning**
12 **matters relating to education in this state.**

13 **Sec. 9.** NRS 385.3455 is hereby amended to read as follows:

14 385.3455 As used in NRS 385.3455 to 385.391, inclusive, **and section**
15 **4 of this act**, unless the context otherwise requires, the words and terms
16 defined in NRS 385.346 and 385.3465 have the meanings ascribed to them
17 in those sections.

18 **Sec. 10.** NRS 385.363 is hereby amended to read as follows:

19 385.363 ~~{The}~~

20 **1. Except as otherwise provided in subsection 2, the** department shall,
21 on or before December 15 of each year:

22 ~~{1-}~~ **(a)** Evaluate the information submitted by each school district
23 pursuant to paragraphs (b), (g) and (i) of subsection 2 of NRS 385.347; and

24 ~~{2-}~~ **(b)** Based upon its evaluation and in accordance with the criteria set
25 forth in NRS 385.365 and 385.367, designate each public school within
26 each school district as:

27 ~~{(a)}~~ **(1)** Demonstrating high achievement;

28 ~~{(b)}~~ **(2)** Demonstrating adequate achievement; or

29 ~~{(c)}~~ **(3)** Demonstrating inadequate achievement.

30 **2. The department shall adopt regulations that set forth the**
31 **conditions under which the department will not designate a public school**
32 **pursuant to subsection 1 because the school has too few pupils enrolled**
33 **in a grade level that is tested pursuant to NRS 389.015.**

34 **Sec. 11.** NRS 386.550 is hereby amended to read as follows:

35 386.550 A charter school shall:

36 1. Comply with all laws and regulations relating to discrimination and
37 civil rights.

38 2. Remain nonsectarian, including, without limitation, in its
39 educational programs, policies for admission and employment practices.

40 3. Refrain from charging tuition or fees, levying taxes or issuing bonds.

41 4. Comply with any plan for desegregation ordered by a court that is in
42 effect in the school district in which the charter school is located.

43 5. Comply with the provisions of chapter 241 of NRS.

1 6. Schedule and provide annually at least as many days of instruction
2 as are required of other public schools located in the same school district as
3 the charter school is located.

4 7. Cooperate with the board of trustees of the school district in the
5 administration of the achievement and proficiency examinations
6 administered pursuant to NRS 389.015 *and the examinations required*
7 *pursuant to section 24 of this act* to the pupils who are enrolled in the
8 charter school.

9 8. Comply with applicable statutes and regulations governing the
10 achievement and proficiency of pupils in this state.

11 9. Provide *instruction in the core academic subjects set forth in*
12 *subsection 1 of section 22 of this act, as applicable for the grade levels of*
13 *pupils who are enrolled in the charter school, and provide* at least the
14 courses of instruction that are required of pupils by statute or regulation for
15 promotion to the next grade or graduation from a public high school and
16 require the pupils who are enrolled in the charter school to take those
17 courses of study. This subsection does not preclude a charter school from
18 offering, or requiring the pupils who are enrolled in the charter school to
19 take, other courses of study that are required by statute or regulation.

20 10. Provide instruction on acquired immune deficiency syndrome and
21 the human reproductive system, related to communicable diseases and
22 sexual responsibility in accordance with NRS 389.065.

23 11. Adhere to the same transportation policy that is in effect in the
24 school district in which the charter school is located.

25 **Sec. 12.** Chapter 387 of NRS is hereby amended by adding thereto the
26 provisions set forth as sections 13 and 14 of this act.

27 **Sec. 13.** *The department shall:*

28 1. *Conduct an annual financial audit of each school district;*

29 2. *In preparing the request for the state distributive school account*
30 *for inclusion in the biennial budget, consult with the superintendent of*
31 *schools of each school district, or a person designated by the*
32 *superintendent; and*

33 3. *Provide, in consultation with the budget division of the department*
34 *of administration and the fiscal analysis division of the legislative*
35 *counsel bureau, training to the financial officers of school districts in*
36 *matters relating to financial accountability.*

37 **Sec. 14.** *When administering money received from the Federal*
38 *Government, the superintendent of public instruction, the department or*
39 *the state board, as applicable, shall, to the extent practicable, administer*
40 *the money in a manner that is designed to attain the goals of the*
41 *legislature regarding educational reform in this state.*

Sec. 15. NRS 387.303 is hereby amended to read as follows:

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

(a) For each fund within the school district, including, without limitation, the school district's general fund and any special revenue fund which receives state money, the total number and salaries of licensed and nonlicensed persons whose salaries are paid from the fund and who are employed by the school district in full-time positions or in part-time positions added together to represent full-time positions. Information must be provided for the current school year based upon the school district's final budget, including any amendments and augmentations thereto, and for the preceding school year. An employee must be categorized as filling an instructional, administrative, instructional support or other position.

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

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

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

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

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

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

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

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

years.

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

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

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

13 **Sec. 16.** NRS 388.730 is hereby amended to read as follows:

14 388.730 1. There is hereby created as a special revenue fund, the
15 fund for class-size reduction *and pupil achievement* to be administered by
16 the superintendent of public instruction. The superintendent may accept
17 gifts and grants from any source for deposit in the fund. All legislative
18 appropriations, gifts and grants made to the fund become a part of the
19 principal of the fund which may only be reduced pursuant to subsection 3
20 or by specific legislative action.

21 2. The interest and income earned from the money in the fund must be
22 used by the superintendent ~~[(to)]~~ *of public instruction:*

23 (a) *To* carry out the purposes of the plans adopted to reduce the pupil-
24 teacher ratio per class in kindergarten and grades 1, 2 and 3 ~~[(before it is~~
25 ~~used for any other purpose.)]~~ ; or

26 (b) *For programs of remedial study that have proven to be successful*
27 *in improving the academic achievement of pupils.*

28 3. The state board of examiners may, upon making a determination that
29 any portion of the principal of the money in the fund is necessary to meet
30 existing or future obligations of the state, recommend to the interim finance
31 committee, or the senate *standing* committee on finance and the assembly
32 *standing* committee on ways and means when the legislature is in session,
33 that the amount so needed be transferred from the fund to the state general
34 fund. Upon approval of the appropriate committee or committees, the
35 money may be so transferred.

36 **Sec. 17.** Chapter 389 of NRS is hereby amended by adding thereto the
37 provisions set forth as sections 18 to 28, inclusive, of this act.

38 **Sec. 18.** *As used in sections 18 to 28, inclusive, of this act, "council"*
39 *means the council to establish academic standards for public schools.*

40 **Sec. 19. 1.** *The council to establish academic standards for public*
41 *schools, consisting of eight members, is hereby created. The membership*
42 *of the council consists of:*

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

3 (b) Two members appointed by the majority leader of the senate in
4 accordance with subsection 3; and

5 (c) Two members appointed by the speaker of the assembly in
6 accordance with subsection 3.

7 2. The governor shall ensure that:

8 (a) Two of the members whom he appoints to the council are parents
9 or legal guardians of pupils who attend public schools. These members
10 must not otherwise be affiliated with the public school system of this
11 state.

12 (b) Two of the members whom he appoints to the council are licensed
13 educational personnel.

14 (c) Insofar as practicable, the members whom he appoints to the
15 council reflect the ethnic and geographical diversity of this state.

16 3. The majority leader of the senate and the speaker of the assembly
17 shall each ensure that:

18 (a) One of the members whom he appoints to the council is a member
19 of the house of the legislature to which he belongs.

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

23 4. Each member of the council must be a resident of this state.

24 5. After the initial terms, the term of each member of the council is 4
25 years. The person or entity who appoints a member to the council may
26 remove that member if the member neglects his duty or commits
27 malfeasance in office, or for other just cause. A vacancy in the
28 membership of the council must be filled for the remainder of the
29 unexpired term in the same manner as the original appointment.

30 6. The governor shall select a chairman from among the
31 membership of the council in accordance with this subsection. The
32 governor shall not select as chairman a member of the council who is
33 otherwise affiliated with the public school system in this state. This
34 subsection does not preclude the governor from selecting a parent or
35 legal guardian of a pupil as chairman if the parent or legal guardian is
36 not otherwise affiliated with the public school system in this state. The
37 chairman holds the position for 2 years.

38 7. For each day or portion of a day during which a member of the
39 council who is a legislator attends a meeting of the council or is
40 otherwise engaged in the work of the council, except during a regular or
41 special session of the legislature, he is entitled to receive the:

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

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

3 (c) *Travel expenses provided pursuant to NRS 218.2207.*

4 *The compensation, per diem allowances and travel expenses of the*
5 *legislative members of the council must be paid from the legislative fund.*

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

9 **Sec. 20.** *The council shall:*

10 1. *Establish standards of content and performance, including,*
11 *without limitation, a prescription of the resulting level of achievement,*
12 *for each grade level in Kindergarten and grades 1 to 8, inclusive, and by*
13 *subject matter in high school, based upon the content of each course,*
14 *that is expected of pupils for the following courses of study:*

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

16 (b) *Mathematics;*

17 (c) *Science;*

18 (d) *Social studies, which includes only the subjects of history,*
19 *geography, economics and government;*

20 (e) *The arts;*

21 (f) *Computer education and technology;*

22 (g) *Health; and*

23 (h) *Physical education.*

24 2. *Establish a schedule for the periodic review and, if necessary,*
25 *revision of the standards of content and performance.*

26 3. *Prescribe, in consultation with the advisory committee on testing*
27 *created pursuant to section 27 of this act, examinations that measure the*
28 *achievement and proficiency of pupils in grades 3, 5 and 8 on the*
29 *standards of content established by the council pursuant to paragraphs*
30 *(a) to (d), inclusive, of subsection 1, other than the examinations*
31 *administered pursuant to NRS 389.015.*

32 **Sec. 21.** 1. *The department shall provide:*

33 (a) *Administrative support;*

34 (b) *Equipment; and*

35 (c) *Office space,*

36 *as is necessary for the council to carry out its duties.*

37 2. *The council may request assistance from any agency of this state*
38 *if such assistance is necessary for the council to carry out its duties.*

39 **Sec. 22.** 1. *The following subjects are designated as the core*
40 *academic subjects that must be taught, in accordance with the standards*
41 *of content and performance established for grade levels by the council, in*
42 *all public schools, the Caliente youth center and the Nevada youth*
43 *training center:*

- (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, in addition to the core academic subjects, the following subjects must be taught, in accordance with the standards of content and performance established for grade levels by the council and to the extent practicable, in all public schools, the Caliente youth center and the Nevada youth training center:

- (a) The arts;
- (b) Computer education and technology;
- (c) Health; and
- (d) Physical education.

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. 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.

3. The state board shall adopt regulations establishing courses of study, and the grade levels to which the courses of study apply, for:

- (a) The academic subjects set forth in subsections 1 and 2.
- (b) Citizenship and physical training for pupils enrolled in high school.
- (c) Physiology, hygiene and 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.

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

4. The state board shall adopt regulations that require all public schools to set aside appropriate time for patriotic observance.

Sec. 23. 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 section 20 of this act and if revision of the courses of study is necessary to ensure compliance.

1 **Sec. 24. 1.** *The board of trustees of each school district and the*
2 *governing body of each charter school shall administer the examinations*
3 *prescribed by the council pursuant to section 20 of this act. The*
4 *examinations must be:*

5 *(a) Administered to pupils in grades 3, 5 and 8 in each school district*
6 *and each charter school at the same time, as prescribed by the state*
7 *board.*

8 *(b) Administered in each school in accordance with uniform*
9 *procedures adopted by the state board. The department shall monitor the*
10 *school districts and individual schools to ensure compliance with the*
11 *uniform procedures.*

12 **2.** *The state board shall adopt regulations that require the board of*
13 *trustees of each school district and the governing body of each charter*
14 *school to submit to the superintendent of public instruction, the*
15 *department, the council and the legislative bureau of educational*
16 *accountability and program evaluation, in the form and manner*
17 *prescribed by the superintendent, the results of the examinations*
18 *administered pursuant to this section. The state board shall not include*
19 *in the regulations any provision that would violate the confidentiality of*
20 *the test scores of an individual pupil.*

21 **3.** *The results of the examinations administered pursuant to this*
22 *section must be reported for each school, including, without limitation,*
23 *each charter school, school district and this state, as follows:*

24 *(a) The average score of pupils with disabilities for whom different*
25 *standards of achievement are adopted or other modifications or*
26 *accommodations are made, if such reporting does not violate the*
27 *confidentiality of the test scores of any individual pupil;*

28 *(b) The average score of pupils for whom different standards of*
29 *achievement were not adopted or other modifications or accommodations*
30 *were not made; and*

31 *(c) The average score of all pupils who were tested.*

32 **4.** *The superintendent of schools of each school district and the*
33 *governing body of each charter school shall certify that the number of*
34 *pupils who took the examinations is equal to the number of pupils who*
35 *are enrolled in each school in the school district or in the charter school*
36 *who are required to take the examinations except for those pupils who*
37 *are exempt from taking the examinations. A pupil may be exempt from*
38 *taking the examinations if:*

39 *(a) His primary language is not English and his proficiency in the*
40 *English language is below the average proficiency of pupils at the same*
41 *grade level as measured by an assessment of proficiency in the English*
42 *language prescribed by the state board pursuant to subsection 7 of NRS*
43 *389.017; or*

1 **(b) He is enrolled in a program of special education pursuant to NRS**
2 **388.440 to 388.520, inclusive, and his program of special education**
3 **specifies that he is exempt from taking the examinations.**

4 **Sec. 25. The board of trustees of each school district shall review the**
5 **results of pupils enrolled in public schools within the school district on**
6 **the examinations administered pursuant to section 24 of this act. Based**
7 **upon such a review, the board of trustees of each school district shall:**

8 **1. Identify the need, if any, for the acquisition of the knowledge and**
9 **skills required of teachers to teach pupils the subjects relating to the**
10 **standards of content and performance; and**

11 **2. Recommend programs for the acquisition of the knowledge and**
12 **skills identified pursuant to subsection 1.**

13 **Sec. 26. 1. The council shall review the results of pupils on the**
14 **examinations administered pursuant to section 24 of this act, including,**
15 **without limitation, for each school in a school district and each charter**
16 **school that is located within a school district, a review of the results for**
17 **the current school year and a comparison of the progress, if any, made**
18 **by the pupils enrolled in the school from preceding school years.**

19 **2. After the completion of the review pursuant to subsection 1, the**
20 **council shall, in cooperation with the advisory committee on testing**
21 **created pursuant to section 27 of this act, evaluate:**

22 **(a) Whether the standards of content and performance established by**
23 **the council require revision;**

24 **(b) The success of pupils, as measured by the results of the**
25 **examinations, in achieving the standards of performance prescribed by**
26 **the council; and**

27 **(c) Whether pupils who are enrolled in schools that are designated as**
28 **demonstrating high achievement or adequate achievement pursuant to**
29 **NRS 385.365 receive scores on the examinations administered pursuant to**
30 **section 24 of this act that are higher than the scores received by pupils**
31 **who are enrolled in schools that are designated as demonstrating**
32 **inadequate achievement pursuant to NRS 385.367.**

33 **3. The council shall report the results of the evaluation conducted**
34 **pursuant to subsection 2 to the legislative committee on education.**

35 **Sec. 27. 1. There is hereby created an advisory committee on**
36 **testing, consisting of 11 members, to advise the council on issues relating**
37 **to the testing of pupils.**

38 **2. The governor shall appoint five members to the advisory**
39 **committee as follows:**

40 **(a) Four representatives of school districts who are responsible for**
41 **overseeing the administration of the examinations given to pupils**
42 **pursuant to section 24 of this act within their respective school districts,**
43 **including, without limitation, testing directors and testing administrators.**

1 *At least one member appointed by the governor pursuant to this*
2 *paragraph must be employed by the board of trustees of a school district*
3 *in a county whose population is less than 100,000. Not more than two*
4 *members appointed by the governor pursuant to this paragraph may be*
5 *employed by the board of trustees of the same school district.*

6 *(b) One representative of the University and Community College*
7 *System of Nevada who possesses knowledge and experience in the*
8 *assessment of pupils who are enrolled in public schools, nominated for*
9 *appointment by the board of regents.*

10 *3. The majority leader of the senate and the speaker of the assembly*
11 *shall each appoint two members to the advisory committee as follows:*

12 *(a) One parent or legal guardian of a pupil who is enrolled in a public*
13 *school in this state; and*

14 *(b) One representative of a private business or industry.*

15 *4. The superintendent of public instruction shall appoint one*
16 *representative of the department who possesses knowledge and*
17 *experience in the assessment of pupils.*

18 *5. The chief of the budget division of the department of*
19 *administration shall appoint one representative of the budget division.*

20 *6. The advisory committee shall elect a chairman from among its*
21 *members.*

22 *7. The members of the advisory committee serve at the pleasure of*
23 *the appointing authority. A vacancy in the membership of the advisory*
24 *committee must be filled in the same manner as the original*
25 *appointment.*

26 *8. Each member of the advisory committee serves without*
27 *compensation, except that, for each day or portion of a day during which*
28 *a member attends a meeting of the advisory committee or is otherwise*
29 *engaged in the business of the advisory committee, he is entitled to*
30 *receive the per diem allowance and travel expenses provided for state*
31 *officers and employees generally.*

32 *9. The advisory committee shall provide reasonable advance notice*
33 *of all meetings of the advisory committee and a reasonable opportunity to*
34 *attend the meetings to representatives of the legislative bureau of*
35 *educational accountability and program evaluation.*

36 **Sec. 28.** *The advisory committee on testing created pursuant to*
37 *section 27 of this act shall advise the council on issues relating to the*
38 *testing of pupils and assist the council in conducting an evaluation*
39 *pursuant to section 26 of this act.*

40 **Sec. 29.** NRS 389.010 is hereby amended to read as follows:
41 389.010 ~~{Except as otherwise provided in NRS 389.170 and 389.180,}~~
42 *The* boards of trustees of school districts *in this state* shall enforce in
43 schools ~~{the~~ the ~~courses}~~ courses :

1 **1. The standards of content and performance established by the**
2 **council to establish academic standards for public schools; and**

3 **2. Except as otherwise provided in NRS 389.180, the courses** of study
4 prescribed and adopted by the state board.

5 **Sec. 30.** NRS 389.017 is hereby amended to read as follows:

6 389.017 1. The state board shall prescribe regulations requiring that
7 each board of trustees of a school district and each governing body of a
8 charter school submit to the superintendent of public instruction and the
9 department, in the form and manner prescribed by the superintendent, the
10 results of achievement and proficiency examinations given in the 4th, 8th,
11 10th and 11th grades to public school pupils of the district and charter
12 schools. The state board shall not include in the regulations any provision
13 which would violate the confidentiality of the test scores of any individual
14 pupil.

15 2. The results of examinations administered to all pupils must be
16 reported for each school, including, without limitation, each charter school,
17 school district and this state , as follows:

18 (a) The average score of pupils with disabilities for whom different
19 standards of achievement are adopted or other modifications or
20 accommodations are made if such reporting does not violate the
21 confidentiality of the test scores of any individual pupil;

22 (b) The average score of pupils for whom different standards of
23 achievement were not adopted or other modifications or accommodations
24 were not made; and

25 (c) The average score of all pupils who were tested.

26 3. **Not later than 10 days after the department receives the results of**
27 **the achievement and proficiency examinations, the department shall**
28 **transmit a copy of the results of the examinations administered pursuant**
29 **to NRS 389.015 to the legislative bureau of educational accountability**
30 **and program evaluation in a manner that does not violate the**
31 **confidentiality of the test scores of any individual pupil.**

32 4. On or before November 1 of each year, each school district and each
33 charter school shall report to the department the following information for
34 each examination administered in the public schools in the school district
35 or charter school:

36 (a) The examination administered;

37 (b) The grade level or levels of pupils to whom the examination was
38 administered;

39 (c) The costs incurred by the school district or charter school in
40 administering each examination; and

(d) The purpose, if any, for which the results of the examination are used by the school district or charter school.

On or before December 1 of each year, the department shall transmit to the budget division of the department of administration and the fiscal analysis division of the legislative counsel bureau the information submitted to the department pursuant to this subsection.

~~{4,}~~ **5.** The superintendent of schools of each school district and the governing body of each charter school shall certify that the number of pupils who took the examinations required pursuant to NRS 389.015 is equal to the number of pupils who are enrolled in each school in the school district or in the charter school who are required to take the examinations except for those pupils who are exempt from taking the examinations. A pupil may be exempt from taking the examinations if:

(a) His *primary language is not English and his* proficiency in the English language is below the average proficiency of pupils at the same grade level ~~{3,}~~ *as measured by an assessment of proficiency in the English language prescribed by the state board;* or

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

~~{5,}~~ **6.** In addition to the information required by subsection ~~{3,}~~ **4**, the superintendent of public instruction shall:

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

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

7. *The state board shall prescribe an assessment of proficiency in the English language for pupils whose primary language is not English to determine which pupils are exempt from the examinations pursuant to paragraph (a) of subsection 5.*

Sec. 31. NRS 390.005 is hereby amended to read as follows:

390.005 As used in this chapter, unless the context requires otherwise:

1. “Basic textbook” or “textbook” means any medium or manual of instruction *, including, without limitation, software for computers,* containing a presentation of the principles of a subject and used as a basis of instruction.

2. “Supplemental textbook” means any medium or material *, including, without limitation, software for computers,* used to reinforce or extend a basic program of instruction.

1 3. A basic or supplemental textbook becomes “unserviceable” when 4
2 years have elapsed since its removal from the adopted list.

3 **Sec. 32.** NRS 390.140 is hereby amended to read as follows:

4 390.140 1. The state board shall make the final selection of all
5 textbooks to be used in the public schools in this state, except for charter
6 schools. *If a textbook proposed for selection is in a subject area for which*
7 *standards of content have been adopted by the council to establish*
8 *academic standards for public schools pursuant to section 20 of this act,*
9 *the state board shall not select the textbook unless the state board*
10 *determines that the textbook adequately supports the standards for that*
11 *subject area.*

12 2. A textbook must not be selected by the state board pursuant to
13 subsection 1 for use in the public schools in classes in literature, history or
14 social sciences unless it accurately portrays the cultural and racial diversity
15 of our society, including lessons on the contributions made to our society
16 by men and women from various racial and ethnic backgrounds.

17 **Sec. 33.** Chapter 391 of NRS is hereby amended by adding thereto the
18 provisions set forth as sections 34 and 35 of this act.

19 **Sec. 34. 1.** *An applicant for an endorsement to teach science or an*
20 *endorsement to teach mathematics must submit with his application a*
21 *complete set of transcripts of his academic record at colleges or other*
22 *educational institutions.*

23 **2.** *The superintendent of public instruction shall ensure that the*
24 *department:*

25 *(a) Reviews the transcripts submitted by each applicant for an*
26 *endorsement to teach science or mathematics; and*

27 *(b) Determines, in accordance with the regulations adopted by the*
28 *commission pursuant to subsection 4, whether the applicant must satisfy*
29 *additional conditions before he is eligible to renew his license with an*
30 *endorsement to teach science or mathematics, as applicable.*

31 *The review must include, without limitation, an identification of the level*
32 *of knowledge acquired by the teacher in the field of science or*
33 *mathematics, as applicable. If the department determines that the*
34 *applicant must satisfy additional conditions, the endorsement issued to*
35 *the applicant by the superintendent of public instruction must specifically*
36 *set forth in writing all such conditions on the endorsement. If the*
37 *department determines that the applicant is not required to satisfy*
38 *additional conditions before he is eligible to renew his license with an*
39 *endorsement to teach science or mathematics, the endorsement issued to*
40 *the applicant by the superintendent of public instruction must contain a*
41 *written statement to that effect.*

42 **3.** *The superintendent of public instruction shall not renew a license*
43 *with an endorsement to teach science or mathematics if the holder of the*

1 *license has not satisfactorily completed the conditions for renewal set*
2 *forth on his endorsement, if any. This subsection does not prohibit the*
3 *superintendent of public instruction from renewing the license of a*
4 *licensee without an endorsement to teach science or mathematics if the*
5 *licensee otherwise qualifies for renewal of his license.*

6 *4. The commission shall adopt regulations that prescribe:*

7 *(a) The process for review of the transcripts of an applicant for an*
8 *endorsement to teach science and an endorsement to teach mathematics.*

9 *(b) The conditions that may be placed on an endorsement to teach*
10 *science and an endorsement to teach mathematics before the holder of*
11 *the license is eligible to renew his license. Such conditions may include,*
12 *without limitation, additional course work that must be completed by the*
13 *holder of the license.*

14 **Sec. 35. 1.** *The department shall prepare and maintain a list that*
15 *identifies programs for the professional development of teachers and*
16 *administrators that successfully incorporate the standards of content and*
17 *performance established by the council to establish academic standards*
18 *for public schools pursuant to section 20 of this act. The department*
19 *shall provide the list to the school districts for dissemination to teachers*
20 *and administrators.*

21 *2. The board of trustees of each school district shall prepare a report*
22 *each year that includes:*

23 *(a) The courses of study and training, including, without limitation,*
24 *college courses, that the licensed teachers within the district attended in*
25 *the immediately preceding year; and*

26 *(b) The courses of study and training that were offered by the school*
27 *district in the immediately preceding year.*

28 *3. The board of trustees of each school shall submit the annual*
29 *report prepared pursuant to subsection 2 to the:*

30 *(a) State board;*

31 *(b) Commission;*

32 *(c) Legislative committee on education; and*

33 *(d) Legislative bureau of educational accountability and program*
34 *evaluation.*

35 **Sec. 36.** *NRS 391.011 is hereby amended to read as follows:*

36 *391.011 1. The commission on professional standards in education,*
37 *consisting of nine members , ~~[appointed by the governor,]~~ is hereby*
38 *created.*

39 *2. ~~[Four members of the commission must be teachers who teach in the~~*
40 *~~classroom as follows:~~*

41 *~~—(a) One who teaches in a secondary school.~~*

42 *~~—(b) One who teaches in a middle school or junior high school.~~*

43 *~~—(c) One who teaches in an elementary school.~~*

1 ~~—(d) One who teaches special education.~~

2 ~~—3.—The remaining members of the commission must include:} **The**~~
3 ~~**governor shall appoint five members to the commission as follows:**~~

4 (a) ~~**Three teachers;**~~

5 (b) One counselor or ~~[psychologist employed by a school district.~~

6 ~~—(b) Two administrators of schools, at least one of whom must be a~~
7 ~~principal of a school.} **administrator; and**~~

8 (c) The dean of the College of Education at one of the universities in the
9 University and Community College System of Nevada, or a representative
10 of one of the Colleges of Education nominated by such a dean for
11 appointment by the governor.

12 ~~{(d) One member who is a representative of the general public.~~

13 ~~—4.—The appointments of a counselor, the administrators and three of the~~
14 ~~four teachers must be made from a list of names of at least three persons for~~
15 ~~each position that is submitted to the governor:~~

16 ~~—(a) For the counselor and teachers, by an employee organization~~
17 ~~representing the majority of counselors and the majority of teachers in the~~
18 ~~State of Nevada who teach in the educational level from which the~~
19 ~~appointment is being made; or~~

20 ~~—(b) For administrators, by an organization of administrators for schools~~
21 ~~in which the majority of administrators of schools in this state have~~
22 ~~membership.~~

23 ~~—5.} **3. The majority leader of the senate and the speaker of the**~~
24 ~~**assembly shall each appoint two members to the commission as follows:**~~

25 (a) ~~**One teacher; and**~~

26 (b) ~~**One parent or legal guardian who is not employed by or otherwise**~~
27 ~~**affiliated with the public school system or one representative of a private**~~
28 ~~**business or industry who is not employed by or otherwise affiliated with**~~
29 ~~**the public school system.**~~

30 **4.** One member of the commission **appointed by the governor** who is a
31 teacher, administrator ~~[, counselor or psychologist]~~ **or counselor** must be
32 employed by a private school licensed pursuant to chapter 394 of NRS.

33 **Sec. 37.** NRS 391.013 is hereby amended to read as follows:

34 391.013 **1. Except as otherwise provided for an initial term, the**
35 ~~**term of each member of the commission is 3 years.**~~ No member of the
36 commission who is a teacher, counselor ~~[, administrator or representative of~~
37 ~~the general public]~~ **or administrator** may serve more than two terms.

38 **2. A vacancy in the membership of the commission must be filled for**
39 ~~**the remainder of the unexpired term in the same manner as the original**~~
40 ~~**appointment.**~~

41 **Sec. 38.** NRS 391.038 is hereby amended to read as follows:

42 391.038 **1.** The state board, in consultation with educational
43 institutions in this state which offer courses of study and training for the

1 education of teachers , *the board of trustees of each school district in this*
2 *state* and other educational personnel, shall review and evaluate a course of
3 study and training offered by an educational institution which is designed to
4 provide the education required for:

5 (a) The licensure of teachers or other educational personnel;

6 (b) The renewal of licenses of teachers or other educational personnel;

7 or

8 (c) An endorsement in a field of specialization.

9 If the course of study and training meets the requirements established by
10 the state board, it must be approved by the state board. *The state board*
11 *shall not approve a course of study or training unless the course of study*
12 *and training provides instruction, to the extent deemed necessary by the*
13 *state board, in the standards of content and performance prescribed by*
14 *the council to establish academic standards for public schools pursuant*
15 *to section 20 of this act.*

16 2. The state board may review and evaluate such courses of study and
17 training itself or may recognize a course of study and training approved by
18 a national agency for accreditation acceptable to the board.

19 3. The state board shall adopt regulations establishing fees for the
20 review by the board of a course of study and training submitted to the board
21 by an educational institution.

22 4. The state board, in consultation with educational institutions in this
23 state which offer courses of study and training for the education of teachers
24 and other educational personnel, and the Nevada Association of Colleges
25 for Teacher Education and the Nevada Association of Teacher Educators,
26 shall adopt regulations governing the approval by the state board of courses
27 of study and training which are accredited by the National Council ~~for~~ *for*
28 Accreditation of Teacher Education, and those which are not so accredited.

29 5. If the state board denies or withdraws its approval of a course of
30 study or training, the educational institution is entitled to a hearing and
31 judicial review of the decision of the state board.

32 **Sec. 39.** NRS 391.100 is hereby amended to read as follows:

33 391.100 1. The board of trustees of a school district may employ a
34 superintendent of schools, teachers and all other necessary employees.

35 2. *The board of trustees of a school district shall not employ an*
36 *unlicensed teacher to teach in a public school unless the board of*
37 *trustees obtains a waiver from the commission that specifically*
38 *authorizes the board of trustees to employ an unlicensed teacher to teach.*
39 *The commission may grant such a waiver only if the board of trustees of*
40 *the school district submits proof that no qualified licensed teachers are*
41 *available to teach in the subject area or grade level for which a teacher is*
42 *required. If a school district grants a waiver pursuant to this subsection,*
43 *the waiver applies only to allow that specific teacher to teach for that*

1 *specific school district in the subject area or grade level for which the*
2 *waiver is granted. The waiver is not transferable.*

3 **3.** The board of trustees of a school district:

4 (a) May employ teacher aides and other auxiliary, nonprofessional
5 personnel to assist licensed personnel in the instruction or supervision of
6 children, either in the classroom or at any other place in the school or on
7 the grounds thereof; and

8 (b) Shall establish policies governing the duties and performance of
9 teacher aides.

10 ~~{3.}~~ **4.** Each applicant for employment pursuant to this section, except a
11 teacher or ~~{either}~~ a person *who is* licensed by the superintendent of public
12 instruction, must, as a condition to employment, submit to the school
13 district a full set of his fingerprints and written permission authorizing the
14 school district to forward the fingerprints to the Federal Bureau of
15 Investigation and the central repository for Nevada records of criminal
16 history for their reports on the criminal history of the applicant.

17 ~~{4.}~~ **5.** The board of trustees of a school district may employ or appoint
18 persons to serve as school police officers.

19 **Sec. 40.** NRS 391.160 is hereby amended to read as follows:

20 391.160 1. The salaries of teachers and other employees must be
21 determined by the character of the service required. A school district shall
22 not discriminate between male and female employees in the matter of
23 salary.

24 2. *Each year when determining the salary of a teacher who holds*
25 *certification issued by the National Board for Professional Teaching*
26 *Standards, a school district shall add 5 percent to the salary that the*
27 *teacher would otherwise receive in 1 year for his classification on the*
28 *schedule of salaries for the school district if:*

29 (a) *On or before September 15 of the school year, the teacher has*
30 *submitted evidence satisfactory to the school district of his current*
31 *certification; and*

32 (b) *The teacher is assigned by the school district to provide classroom*
33 *instruction during that school year.*

34 *No increase in salary may be given during a particular school year to a*
35 *teacher who submits evidence of certification after September 15 of that*
36 *school year. Once a teacher has submitted evidence of such certification*
37 *to the school district, the school district shall retain the evidence in its*
38 *records, as applicable, for future school years. An increase in salary*
39 *given in accordance with this subsection is in addition to any other*
40 *increase to which the teacher may otherwise be entitled.*

41 **3.** *A school district shall not give additional salary to a teacher as a*
42 *result of academic credit received by the teacher for postgraduate course*
43 *work completed by the teacher unless the course work is related to the*

1 *field or subject area in which the teacher provides instruction or will*
2 *provide instruction for the year in which the additional salary is given.*

3 4. In determining the salary of a teacher who is employed by a school
4 district after having been employed by another school district in this state,
5 the present employer shall, except as otherwise provided in subsection ~~3:~~
6 5:

7 (a) Give the teacher the same credit for previous teaching service as he
8 was receiving from his former employer at the end of his former
9 employment; and

10 (b) Give him credit for his final year of service with his former
11 employer, if credit for that service is not included in credit given pursuant
12 to paragraph (a).

13 ~~3:~~ 5. This section does not:

14 (a) Require a school district to allow a teacher more credit for previous
15 teaching service than the maximum credit for teaching experience provided
16 for in the schedule of salaries established by it for its licensed personnel.

17 (b) Permit a school district to deny a teacher credit for his previous
18 teaching service on the ground that the service differs in kind from the
19 teaching experience for which credit is otherwise given by the school
20 district.

21 ~~4:~~ 6. As used in this section, "previous teaching service" means the
22 total of:

23 (a) Any period of teaching service for which a teacher received credit
24 from his former employer at the beginning of his former employment; and

25 (b) His period of teaching service in his former employment.

26 **Sec. 41.** NRS 391.230 is hereby amended to read as follows:

27 391.230 1. ~~Upon~~ *Except as otherwise provided in this subsection,*
28 *upon* the opening of any public school in this state, every teacher and other
29 licensed employee employed for that school shall file with the
30 superintendent of the county school district a Nevada license entitling the
31 holder to teach or perform other educational functions in the school in
32 which he will be employed, and any other report that the superintendent of
33 public instruction requires. *If a school district has obtained a waiver to*
34 *employ an unlicensed teacher pursuant to subsection 2 of NRS 391.100,*
35 *the teacher is not required to comply with the requirements of this*
36 *subsection.*

37 2. The superintendent of the county school district shall acknowledge
38 the receipt of each license and shall make a proper record thereof in his
39 office. The license must remain on file and be safely kept in the office of
40 the superintendent of the county school district.

41 **Sec. 42.** NRS 391.273 is hereby amended to read as follows:

42 391.273 1. Unless specifically exempted pursuant to subsection 4 ~~H~~
43 *and except as otherwise provided in this subsection,* the unlicensed

1 personnel of a school district must be directly supervised by licensed
2 personnel in all duties which are instructional in nature. To the extent
3 practicable, the direct supervision must be such that the unlicensed
4 personnel are in the immediate location of the licensed personnel and are
5 readily available during such times when supervision is required. *The*
6 *provisions of this section do not apply to a school district that has*
7 *obtained a waiver to employ an unlicensed teacher pursuant to*
8 *subsection 2 of NRS 391.100.*

9 2. Unlicensed personnel who are exempted pursuant to subsection 4
10 must be under administrative supervision when performing duties which are
11 instructional in nature.

12 3. Unlicensed personnel may temporarily perform duties under
13 administrative supervision which are not primarily instructional in nature.

14 4. Upon application by a superintendent of schools, the superintendent
15 of public instruction may grant an exemption from the provisions of
16 subsection 1. The superintendent shall not grant an exemption unless:

17 (a) The duties are within the employee's special expertise or training;

18 (b) The duties relate to the humanities or an elective course of study, or
19 are supplemental to the basic curriculum of a school;

20 (c) The performance of the duties does not result in the replacement of a
21 licensed employee or prevent the employment of a licensed person willing
22 to perform those duties;

23 (d) The secondary or combined school in which the duties will be
24 performed has less than 100 pupils enrolled and is at least 30 miles from a
25 school in which the duties are performed by licensed personnel; and

26 (e) The unlicensed employee submits his fingerprints for an
27 investigation pursuant to NRS 391.033.

28 5. The superintendent of public instruction shall file a record of all
29 exempt personnel with the clerk of the board of trustees of each local
30 school district, and advise the clerk of any changes therein. The record
31 must contain:

32 (a) The name of the exempt employee;

33 (b) The specific instructional duties he may perform;

34 (c) Any terms or conditions of the exemption deemed appropriate by the
35 superintendent of public instruction; and

36 (d) The date the exemption expires or a statement that the exemption is
37 valid as long as the employee remains in the same position at the same
38 school.

39 6. The superintendent of public instruction may adopt regulations
40 prescribing the procedure to apply for an exemption pursuant to this section
41 and the criteria for the granting of such exemptions.

1 7. Except in an emergency, it is unlawful for the board of trustees of a
2 school district to allow a person employed as a teacher's aide to serve as a
3 teacher unless the person is a legally qualified teacher licensed by the
4 superintendent of public instruction. As used in this subsection,
5 "emergency" means an unforeseen circumstance which requires immediate
6 action and includes the fact that a licensed teacher or substitute teacher is
7 not immediately available.

8 8. If the superintendent of public instruction determines that the board
9 of trustees of a school district has violated the provisions of subsection 7,
10 he shall take such actions as are necessary to reduce the amount of money
11 received by the district pursuant to NRS 387.124 by an amount equal to the
12 product when the following numbers are multiplied together:

13 (a) The number of days on which the violation occurred;

14 (b) The number of pupils in the classroom taught by the teacher's aide;
15 and

16 (c) The number of dollars of basic support apportioned to the district per
17 pupil per day pursuant to NRS 387.1233.

18 **Sec. 43.** Section 64 of chapter 473, Statutes of Nevada 1997, at page
19 1788, is hereby amended to read as follows:

20 Sec. 64. 1. This section and section 63 of this act become
21 effective upon passage and approval.

22 2. Section 27 of this act becomes effective upon passage and
23 approval for purposes of appointing members to the commission on
24 educational technology, created pursuant to section 27 of this act,
25 and on July 1, 1997, for all other purposes.

26 3. Section 37 of this act becomes effective upon passage and
27 approval for purposes of appointing members to the legislative
28 committee on education, created pursuant to section 37 of this act,
29 and on July 1, 1997, for all other purposes.

30 4. Section 43 of this act becomes effective upon passage and
31 approval for purposes of appointing members to the council to
32 establish academic standards for public schools, created pursuant to
33 section 43 of this act, and on July 1, 1997, for all other purposes,
34 and expires by limitation on June 30, ~~2001.~~ 1999.

35 5. Sections 20 to 26, inclusive, 28 to 36, inclusive, 38 to 42,
36 inclusive, and 46 to 62, inclusive, of this act become effective on
37 July 1, 1997.

38 6. Sections 44 and 45 of this act become effective on July 1,
39 1997, and expire by limitation on June 30, ~~2003.~~ 1999.

40 7. Sections 1 to 19, inclusive, of this act become effective on
41 January 1, 1998.

1 **Sec. 44.** 1. There is hereby appropriated from the state
2 general fund to the department of education the sum of \$4,000,000
3 to be distributed among certain schools.

4 2. A school that receives a designation as demonstrating inadequate
5 achievement pursuant to NRS 385.367 may submit to the department of
6 education, for transmission to the state board of examiners, an application
7 for an allocation from the appropriation. A school that did not receive a
8 designation because the school had too few pupils enrolled in a grade level
9 that is tested pursuant to NRS 389.015 but the test scores of the pupils
10 indicate that the school would have received a designation of demonstrating
11 inadequate achievement, may submit to the department of education, for
12 transmission to the state board of examiners, an application for an
13 allocation from the appropriation. A school that receives a designation as
14 demonstrating adequate achievement may submit to the department of
15 education, for transmission to the state board of examiners, an application
16 for an allocation from the appropriation if at least 40 percent of the pupils
17 enrolled in the school received an average score at or below the 25th
18 percentile on three of the four subjects tested pursuant to NRS 389.015.
19 The department of education shall, in consultation with the budget division
20 of the department of administration and the legislative bureau of
21 educational accountability and program evaluation, develop a form for such
22 applications.

23 3. Upon receipt of such an application, the department of education
24 shall review the application. The department of education shall transmit the
25 application to the state board of examiners with the recommendation of the
26 department concerning the allocation of money based upon each
27 application and, if it finds that an allocation should be made, recommend
28 the amount of the allocation to the interim finance committee. The interim
29 finance committee shall consider each such recommendation but is not
30 bound to follow the recommendation of the state board of examiners. The
31 interim finance committee shall give preference to schools whose
32 applications:

33 (a) Propose to extend the school day or offer summer school,
34 intersession school or school on Saturdays for pupils to participate in the
35 remedial programs.

36 (b) Demonstrate that the school will integrate other sources of money
37 for remedial programs, including money that may be available from the
38 Federal Government.

39 4. In determining the amount of the allocation, the state board of
40 examiners and the interim finance committee shall consider:

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

1 (b) The need of the particular school.

2 5. A school that receives an allocation of money shall use the money
3 to:

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

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

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

15 6. A school that receives an allocation of money shall not use the
16 money to:

17 (a) Settle or arbitrate disputes or negotiate settlements between an
18 organization that represents licensed employees of the school district and
19 the school district.

20 (b) Adjust the schedules of salaries and benefits of the employees of the
21 school district.

22 7. Any remaining balance of the appropriation made by subsection 1
23 must not be committed for expenditure after June 30, 2001, and reverts to
24 the state general fund as soon as all payments of money committed have
25 been made.

26 **Sec. 45.** 1. There is hereby appropriated from the state general fund
27 to the legislative fund created by NRS 218.085 the sum of \$450,000 for use
28 by the council to establish academic standards for public schools to develop
29 or purchase the tests prescribed by the council pursuant to section 20 of this
30 act.

31 2. To receive an allocation from the appropriation made by subsection
32 1, the council shall submit a request to the legislative committee on
33 education. Upon approval of the legislative committee on education, the
34 appropriation must be made available to the council in an amount
35 determined by the legislative committee on education for the development
36 or purchase of the tests.

37 3. Any remaining balance of the appropriation made by subsection 1
38 must not be committed for expenditure after June 30, 2001, and reverts to
39 the state general fund as soon as all payments of money committed have
40 been made.

Sec. 46. 1. There is hereby appropriated from the state general fund to the:

Clark County school district.....	\$2,489,379
Douglas County school district	1,376,300
Elko County school district	1,275,342
Washoe County school district.....	1,652,703

2. A school district that receives an appropriation pursuant to subsection 1:

(a) Shall use the money to establish and operate a regional training center for the professional development of teachers and administrators, including, without limitation, paying:

(1) The salaries and travel expenses of staff and other personnel necessary to the operation of the center;

(2) Related administrative expenses; and

(3) The costs incurred to acquire equipment and space to operate the center.

(b) Shall use the money to pay for the travel expenses of teachers and administrators who attend the regional training center.

(c) May use the money to provide incentives for teachers to attend the regional training center, including, without limitation, the:

(1) Arrangement for credit toward renewal of a license or an endorsement for a license;

(2) Provision of books, supplies or instructional materials for the classroom; and

(3) Provision of stipends.

3. The regional training center established by the Clark County school district must primarily provide services to teachers and administrators who are employed by school districts in:

(a) Clark County;

(b) Esmeralda County;

(c) Lincoln County; and

(d) Nye County.

4. The regional training center established by the Douglas County school district must primarily provide services to teachers and administrators who are employed by school districts in:

(a) Carson City;

(b) Churchill County;

(c) Douglas County;

(d) Lyon County; and

(e) Mineral

County.

1 5. The regional training center established by the Elko County school
2 district must primarily provide services to teachers and administrators who
3 are employed by school districts in:

- 4 (a) Elko County;
- 5 (b) Eureka County;
- 6 (c) Humboldt County;
- 7 (d) Lander County; and
- 8 (e) White Pine County.

9 6. The regional training center established by the Washoe County
10 school district must primarily provide services to teachers and
11 administrators who are employed by school districts in:

- 12 (a) Pershing County;
- 13 (b) Storey County; and
- 14 (c) Washoe County.

15 7. Notwithstanding the provisions of subsections 3 to 6, inclusive, each
16 regional training center shall, when practicable, make reasonable
17 accommodations for the attendance of teachers and administrators who are
18 employed by school districts outside the primary jurisdiction of the regional
19 training center.

20 8. Each regional training center must have a governing body consisting
21 of:

22 (a) The superintendent of schools, or his designee, for each school
23 district that is included within the primary jurisdiction of the regional
24 training center.

25 (b) Teachers who are considered masters, appointed by the
26 superintendent of schools of each school district that is included within the
27 primary jurisdiction of the regional training center. At least one teacher
28 must be appointed from each such school district.

29 (c) Representatives of the University and Community College System of
30 Nevada, appointed by the board of regents.

31 9. In addition to the representatives required pursuant to subsection 8,
32 the governing body may also include representatives of an institution of
33 higher education, other than those within the University and Community
34 College System of Nevada, nominated for appointment by the governing
35 authority of the institution.

36 10. The governing body of each regional training center shall adopt a
37 program of training for the center, taking into consideration other model
38 programs, including, without limitation, the program used by the
39 Geographic Alliance in Nevada. The governing body shall assess the
40 training needs of teachers who are employed by the school districts within
41 the primary jurisdiction of the regional training center and adopt priorities
42 of training for the center based upon the assessment of needs. The board of
43 trustees of each such school district may submit recommendations for the

1 types of training that should be offered by the center. Based upon the
2 assessment of needs for training within the region and the priorities of
3 training adopted, each regional training center shall provide at least one of
4 the following types of training:

5 (a) Training for teachers in the academic standards adopted by the
6 council to establish academic standards for public schools pursuant to
7 section 20 of this act.

8 (b) Training for teachers and school administrators in the measurement
9 of pupil achievement and the effective methods to analyze the test scores of
10 pupils to improve the achievement and proficiency of pupils.

11 (c) Training for teachers in specific content areas to enable the teachers
12 to provide a higher level of instruction in their respective fields of teaching.
13 Such training must include instruction in effective methods to teach in a
14 content area provided by teachers who are considered masters in that
15 content area.

16 (d) Training for teachers in the methods to teach basic skills to pupils,
17 such as providing instruction in reading with the use of phonics and
18 providing instruction in basic skills of math computation.

19 11. The training required pursuant to subsection 10 must:

20 (a) Include appropriate procedures to ensure follow-up training for
21 teachers and administrators who have received training at the center.

22 (b) Incorporate training that addresses the educational needs of:

23 (1) Pupils with disabilities who participate in programs of special
24 education; and

25 (2) Pupils whose primary language is not English.

26 12. A regional training center may include model classrooms at the
27 center which demonstrate the use of educational technology for teaching
28 and learning.

29 13. Each regional training center shall assist the school districts within
30 the primary jurisdiction of the regional training center to identify the
31 training needs of teachers who are employed by those school districts.

32 14. Each regional training center shall organize network groups of
33 educators who are trained in the curriculum required to carry out the
34 academic standards established by the council to establish academic
35 standards for public schools pursuant to section 20 of this act. The network
36 groups must offer assistance to the school districts within the primary
37 jurisdiction of the regional training center in carrying out the academic
38 standards.

39 15. The governing body of each regional training center shall:

40 (a) Establish a method for the evaluation of the success of the regional
41 training center; and

42 (b) Submit an annual report to the Nevada state board of education, the
43 commission on professional standards in education, the legislative

1 committee on education and the legislative bureau of educational
2 accountability and program evaluation that includes:

3 (1) The priorities of training adopted by the governing body pursuant
4 to subsection 10;

5 (2) The type of training offered at the center;

6 (3) The number of teachers and administrators who received training
7 at the center during the immediately preceding year; and

8 (4) An evaluation of the success of the regional training center in
9 accordance with the method established pursuant to paragraph (a).

10 16. The board of trustees of each school district shall submit an annual
11 report to the Nevada state board of education, the commission on
12 professional standards in education, the legislative committee on education
13 and the legislative bureau of educational accountability and program
14 evaluation that includes:

15 (a) The number of teachers and administrators employed by the school
16 district who received training at a regional training center during the
17 immediately preceding year; and

18 (b) An evaluation of whether that training included:

19 (1) The standards of content and performance adopted by the council
20 to establish academic standards for public schools pursuant to section 20 of
21 this act;

22 (2) The content of the subject matter that is appropriate for the type of
23 training being offered; and

24 (3) Effective methods to teach the subject matter to pupils.

25 17. Any remaining balance of the appropriations made by subsection 1
26 must not be committed for expenditure after June 30, 2001, and reverts to
27 the state general fund as soon as all payments of money committed have
28 been made.

29 **Sec. 47.** 1. There is hereby appropriated from the state general fund
30 to the legislative fund created by NRS 218.085 the sum of \$100,000 for use
31 by the legislative bureau of educational accountability and program
32 evaluation.

33 2. The legislative bureau of educational accountability and program
34 evaluation shall use the money appropriated by subsection 1 to hire a
35 qualified, independent consultant to conduct an evaluation of the success of
36 the four regional training centers established by section 46 of this act. The
37 evaluation must include, without limitation, a review of the annual reports
38 submitted by the governing body of each regional training center pursuant
39 to subsection 15 of section 46 of this act and the annual reports submitted
40 to the board of trustees of each school district pursuant to subsection 16 of
41 section 46 of this act.

42 3. On or before February 1, 2001, the consultant shall submit a written
43 report of the results of his evaluation to the legislative bureau of

1 educational accountability and program evaluation. On or before February
2 19, 2001, the legislative bureau of educational accountability and program
3 evaluation shall submit a copy of the written evaluation, including any
4 recommendations for legislation, to the director of the legislative counsel
5 bureau for transmittal to the 71st session of the Nevada legislature.

6 4. Any remaining balance of the appropriation made by subsection 1
7 must not be committed for expenditure after June 30, 2001, and reverts to
8 the state general fund as soon as all payments of money committed have
9 been made.

10 **Sec. 48.** 1. There is hereby appropriated from the state general fund
11 to the department of education the sum of \$50,000 to pay the travel
12 expenses, per diem allowances and other operating expenses of the council
13 to establish academic standards for public schools created by section 19 of
14 this act and the advisory committee on testing created by section 27 of this
15 act.

16 2. Any remaining balance of the appropriation made by subsection 1
17 must not be committed for expenditure after June 30, 2001, and reverts to
18 the state general fund as soon as all payments of money committed have
19 been made.

20 **Sec. 49.** 1. There is hereby appropriated from the state general fund
21 to the legislative fund created by NRS 218.085 the sum of \$15,000 to pay
22 the travel expenses and per diem allowances of the business and education
23 coalition of Nevada created by section 3 of this act.

24 2. Any remaining balance of the appropriation made by subsection 1
25 must not be committed for expenditure after June 30, 2001, and reverts to
26 the state general fund as soon as all payments of money committed have
27 been made.

28 **Sec. 50.** 1. There is hereby appropriated from the state general fund
29 to the interim finance committee the sum of \$300,000 to carry out a
30 financial analysis model program in each school district that is designed to
31 track educational expenditures to individual schools.

32 2. Any remaining balance of the appropriation made by subsection 1
33 must not be committed for expenditure after June 30, 2001, and reverts to
34 the state general fund as soon as all payments of money committed have
35 been made.

36 **Sec. 51.** NRS 385.017, 385.0175, 385.018, 385.019, 385.021,
37 385.022, 385.0225, 385.023, 385.0235, 385.024, 385.0245, 385.025,
38 385.0255, 385.0257, 385.0259, 385.026, 385.0265, 389.040, 389.050,
39 389.060, 389.063, 389.075, 389.080, 389.083, 389.085, 389.110, 389.120,
40 389.130, 389.140, 389.170 and 389.190 are hereby repealed.

41 **Sec. 52.** 1. The terms of office of all members of the state board of
42 education who are incumbent on June 30, 1999, expire on that date.

1 2. Not later than July 1, 1999, appointments to the Nevada state board
2 of education pursuant to section 2 of this act must be made as follows:

3 (a) Two members appointed by the governor, one member appointed by
4 the majority leader of the senate and one member appointed by the speaker
5 of the assembly must be appointed to terms expiring on June 30, 2001.

6 (b) Three members appointed by the governor, one member appointed
7 by the majority leader of the senate and one member appointed by the
8 speaker of the assembly must be appointed to terms expiring on June 30,
9 2002.

10 These appointments may include former members whose terms expired
11 pursuant to subsection 1.

12 **Sec. 53.** 1. For the five terms of office of the commission on
13 professional standards in education that expire on or before June 30, 1999:

14 (a) The governor shall appoint, on or before July 1, 1999, three
15 members to the commission in accordance with the amendatory provisions
16 of section 36 of this act.

17 (b) The majority leader of the senate and the speaker of the assembly
18 shall each appoint, on or before July 1, 1999, one member to the
19 commission in accordance with the amendatory provisions of section 36 of
20 this act.

21 2. For the two terms of office of the commission on professional
22 standards in education that expire on June 30, 2000, the majority leader of
23 the senate and the speaker of the assembly shall, on or before July 1, 2000,
24 each appoint one member to the commission in accordance with the
25 amendatory provisions of section 36 of this act.

26 3. For the two terms of office of the commission on professional
27 standards in education that expire on June 30, 2001, the governor shall, on
28 or before July 1, 2001, appoint two members to the commission in
29 accordance with the amendatory provisions of section 36 of this act.

30 **Sec. 54.** 1. The term of the president of the state board of education
31 or his designee on the council to establish academic standards for public
32 schools created pursuant to section 43 of chapter 473, Statutes of Nevada
33 1997, at page 1779, who is incumbent on June 30, 1999, expires on that
34 date.

35 2. The terms of all members appointed to the council to establish
36 academic standards for public schools created pursuant to section 43 of
37 chapter 473, Statutes of Nevada 1997, at page 1779, who are incumbent on
38 June 30, 1999, expire on that date.

39 3. Not later than July 1, 1999, appointments to the council to establish
40 academic standards for public schools pursuant to section 19 of this act
41 must be made as follows: (a) Two members appointed by the governor
42 must be appointed to terms expiring on June 30, 2001.

1 (b) One member appointed by the majority leader of the senate and one
2 member appointed by the speaker of the assembly must be appointed to
3 terms expiring on June 30, 2002.

4 (c) One member appointed by the majority leader of the senate, one
5 member appointed by the speaker of the assembly and two members
6 appointed by the governor must be appointed to terms expiring on June 30,
7 2003.

8 These appointments may include former members whose terms expired
9 pursuant to subsection 2.

10 **Sec. 55.** On or before July 1, 1999, appointments must be made to the
11 business and education coalition of Nevada created by section 3 of this act.

12 **Sec. 56.** On or before July 1, 1999, appointments must be made to the
13 advisory committee on testing created by section 27 of this act.

14 **Sec. 57.** 1. On or before January 15, 2000, the council to establish
15 academic standards for public schools created by section 19 of this act shall
16 establish standards of content and performance, including, without
17 limitation, a prescription of the resulting level of achievement, based upon
18 the content of each course, that is expected of pupils for the following
19 courses of study:

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

22 (b) Computer education and technology.

23 (c) Health and physical education.

24 (d) The arts.

25 2. In developing the standards and examinations pursuant to section 20
26 of this act, the council shall:

27 (a) Consult with licensed educational personnel in the various school
28 districts and with other persons who have knowledge and experience
29 concerning standards of content and performance or examinations of
30 achievement and proficiency in education.

31 (b) Review and consider any standards of content and performance and
32 any examinations of achievement and proficiency:

33 (1) Adopted by this state;

34 (2) Adopted by the Commonwealth of Virginia or any other states;

35 (3) Adopted by the Federal Government; or

36 (4) Advocated in publications of entities, including, but not limited to,
37 the “Standards Primer: A Resource for Accelerating the Pace of Reform,”
38 published in 1996 by the Education Leaders Council.

39 3. The standards established by the council for:

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

41 (b) Mathematics; and

42 (c) Science,

1 must take effect in the public schools of this state commencing with the
2 2000-2001 school year.

3 4. The standards established by the council for:

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

6 (b) Computer education and technology;

7 (c) Health and physical education; and

8 (d) The arts,

9 must take effect in the public schools in this state commencing with the
10 2001-2002 school year.

11 5. The council shall, as soon as practicable, but not later than March 1,
12 2001:

13 (a) Submit to the governor, the senate standing committee on finance
14 and the assembly standing committee on ways and means, written reports
15 regarding the standards established by the council.

16 (b) Submit to the director of the legislative counsel bureau for
17 transmission to the 71st session of the Nevada Legislature any
18 recommendations for legislation that the council deems are necessary to
19 incorporate into the public schools the standards that it established.

20 6. The council shall, on or before June 30, 2001, report to the
21 legislative committee on education, regarding the standards and
22 examinations established by the council.

23 **Sec. 58.** 1. On or before December 1, 2000, the council to establish
24 academic standards for public schools shall develop or purchase the
25 examinations required to be administered to pupils pursuant to section 24
26 of this act.

27 2. The examinations must be administered to all pupils who are
28 required to take the examinations pursuant to section 24 of this act
29 commencing in the spring semester of 2001. In the first year that the
30 examinations are administered, the results of the examinations must be used
31 only for the purpose of gathering information and data concerning the
32 examinations.

33 **Sec. 59.** A school district that has employed an unlicensed teacher
34 before July 1, 1999, is not required to obtain a waiver to employ that
35 teacher in accordance with the amendatory provisions of section 39 of this
36 act as long as the teacher teaches for that school district in the same subject
37 area or grade level for which he was employed.

38 **Sec. 60.** 1. This section and sections 43 to 50, inclusive, and 52 to
39 56, inclusive, of this act become effective upon passage and approval.

40 2. Sections 2, 19, 27 and 36 of this act become effective upon passage
41 and approval for the purpose of the appointment of members and on July 1,
42 1999, for all other purposes.

385.017 Definitions.
385.0175 Maps of subdistricts: Duties of director of legislative counsel bureau.
385.018 Maps of subdistricts: Duties of secretary of state.
385.019 Omitted area: Attachment to appropriate subdistrict.
385.021 Composition; election of members; vacancies; limit on number of terms of members.
385.022 Election districts.
385.0225 District 1: Subdistrict A.
385.023 District 1: Subdistrict B.
385.0235 District 2: Subdistrict A.
385.024 District 2: Subdistrict B.
385.0245 District 2: Subdistrict C.
385.025 District 2: Subdistrict D.
385.0255 District 2: Subdistrict E.
385.0257 District 2: Subdistrict F.
385.0259 District 2: Subdistrict G.
385.026 District 3: Subdistrict A.
385.0265 District 3: Subdistrict B.
389.040 Patriotic exercises.
389.050 Instruction in high school in citizenship and physical training; employment of teachers of physical training.
389.060 Instruction in physiology, hygiene and cardiopulmonary resuscitation.
389.063 Instruction on prevention of suicide.
389.075 Instruction relating to child abuse.
389.080 Instruction in economics of American system of free enterprise.
389.083 American Sign Language: Approval of course work; credit as foreign language.

389.085 Automobile driver education program: Establishment; appropriations; apportionments to school districts and charter schools; restrictions on expenditures.

389.110 Environmental education: Instruction in environmental preservation and protection, principles of ecology and conservation of resources.

389.120 Environmental education: Counseling programs.

389.130 Environmental education: Programs for outdoor education and camping.

389.140 Environmental education: Duties of superintendent of public instruction.

389.170 Course of study: Technology.

389.190 Course of study: Adult roles and responsibilities.

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