

ASSEMBLY BILL NO. 264—ASSEMBLYMEN GIUNCHIGLIANI,  
WILLIAMS, ANDERSON, ATKINSON, ARBERRY, BUCKLEY,  
CHOWNING, CLABORN, COLLINS, CONKLIN, GOLDWATER,  
HORNE, KOIVISTO, LESLIE, MANENDO, MCCLAIN,  
MORTENSON, OCEGUERA, PARKS, PERKINS AND PIERCE

MARCH 10, 2003

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Referred to Concurrent Committees on Education  
and Ways and Means

SUMMARY—Makes various changes governing education.  
(BDR 34-62)

FISCAL NOTE: Effect on Local Government: Yes.  
Effect on the State: Contains Appropriation not included  
in Executive Budget.

CONTAINS UNFUNDED MANDATE (§§ 18, 19, 23, 33, 34, 41, 70)  
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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

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AN ACT relating to education; providing in skeleton form for the abolishment of certain county school districts; providing in skeleton form that the public schools within the abolished county school districts are under the direction and control of certain other school districts; authorizing boards of trustees of school districts to establish programs for the care of children on school property and programs to provide health care for certain persons; revising provisions governing the calculation of basic support for pupils who are enrolled in kindergarten for a full school day; requiring boards of trustees of school districts to establish magnet schools; increasing the number of days of school during a school year; requiring public schools to administer a reading comprehension examination to pupils who are enrolled at or above the 4th grade; requiring school districts to establish programs to administer achievement and proficiency examinations on the weekends in certain schools; revising provisions



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governing textbooks; requiring licensed teachers to work a certain number of hours per school day; authorizing the employment of a person as a school principal who does not hold a license as an administrator under certain circumstances; authorizing the parents and guardians of certain pupils to choose which public schools the pupils will attend; requiring boards of trustees of school districts to purchase retirement credit for certain teachers; prescribing the minimum number of credits required for promotion to high school; providing that certain children who are at-risk must be admitted to kindergarten for a full school day; requiring homeschooled children to take certain achievement and proficiency examinations; revising provisions governing the plan required of each public school for the progressive discipline and on-site review of disciplinary decisions regarding pupils; specifying the terms of certain members on a committee to review the temporary alternative placement of pupils; authorizing the Board of Regents of the University of Nevada to administer a program of loans for students who are enrolled in teaching programs; making appropriations; requiring boards of trustees of school districts to pay a minimum starting salary for teachers and prohibiting the payment of signing bonuses; and providing other matters properly relating thereto.

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

- 1     **Section 1.** Chapter 386 of NRS is hereby amended by adding  
2     thereto the provisions set forth as sections 2 and 3 of this act.
- 3     **Sec. 2. 1. *The board of trustees of a school district may***  
4     *authorize a local government located within the school district or*  
5     *the private sector, or both, to establish a program for the care of*  
6     *children on the property of a school within the school district.*
- 7     **2. A board of trustees that authorizes such a program shall:**  
8     **(a) *Adopt written rules providing for the administration of the***  
9     ***program; and***
- 10    **(b) *Make the rules available, upon request, for public***  
11    ***inspection.***
- 12    **3. *The provisions of NRS 393.071 to 393.0719, inclusive, do***  
13    ***not apply to the use of school property by a board of trustees for***  
14    ***the operation of a program for the care of children pursuant to***  
15    ***this section.***



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1     **Sec. 3. 1.** *The board of trustees of a school district may, in*  
2 *consultation with the local governments located within the school*  
3 *district or representatives from the private sector, or both:*

4         *(a) Establish a program to provide, at various schools in the*  
5 *district, health care and other social services for pupils, family*  
6 *members of pupils and other persons who reside in the district.*

7         *(b) To facilitate the establishment of such a program, enter*  
8 *into an interlocal agreement with the board of county*  
9 *commissioners of the county in which the school district is located*  
10 *concerning the provision of health care and other social services.*

11     **2.** *The board of trustees of a school district that establishes a*  
12 *program to provide health care and other social services shall:*

13         *(a) Hold at least three public meetings concerning the*  
14 *administration of the program;*

15         *(b) Adopt written rules providing for the administration of the*  
16 *program; and*

17         *(c) Make the rules available, upon request, for public*  
18 *inspection.*

19     **3.** *A program to provide health care and other social services*  
20 *pursuant to this section must:*

21         *(a) Provide for the imposition of reasonable fees for the*  
22 *provision of services and a schedule of alternative fees for those*  
23 *persons who demonstrate that they require financial assistance;*  
24 *and*

25         *(b) Include at least one mobile unit that provides health*  
26 *services to persons who reside in rural areas.*

27     **4.** *The provisions of NRS 393.071 to 393.0719, inclusive, do*  
28 *not apply to the use of school property by a board of trustees for*  
29 *the operation of a program to provide health care and other social*  
30 *services pursuant to this section.*

31     **5.** *As used in this section, "social services" includes, without*  
32 *limitation:*

33         *(a) Public assistance as that term is defined in NRS 422.050;*

34         *(b) Medicaid; and*

35         *(c) Services to aging persons as described in chapter 427A of*  
36 *NRS.*

37     **Sec. 4.** NRS 386.010 is hereby amended to read as follows:

38     386.010 1. ~~{County}~~ *Except as otherwise provided in*  
39 *subsection 2, county* school districts, the boundaries of which are  
40 conterminous with the boundaries of the counties of the State, are  
41 hereby created. The Carson City School District shall be considered  
42 as a county school district.

43     **2.** *The public schools within:*

44         *(a) Lincoln County are under the direction and control of the*  
45 *Clark County School District;*



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1       ***(b) Esmeralda County are under the direction and control of***  
2       ***the Nye County School District; and***

3       ***(c) Storey County are under the direction and control of the***  
4       ***Washoe County School District.***

5       **3.** Each county school district created by this chapter is hereby  
6 declared to be a political subdivision of the State of Nevada whose  
7 purpose is to administer the state system of public education.

8       ~~3.1~~ **4.** Each school district shall have the power to sue and  
9 may be sued.

10       **Sec. 5.** NRS 386.030 is hereby amended to read as follows:

11       386.030 **1.** Every county school district shall be designated  
12 by the name and style of "..... School District" ~~14~~, ***except as***  
13 ***otherwise provided in subsection 2,*** using the name of the county or  
14 city the boundaries of which are conterminous with the boundaries  
15 of the county school district. ~~14~~

16       **2.** ***The school district that includes the public schools within***  
17 ***both:***

18       ***(a) Clark County and Lincoln County shall be deemed the***  
19 ***Clark County School District.***

20       ***(b) Nye County and Esmeralda County shall be deemed the***  
21 ***Nye County School District.***

22       ***(c) Washoe County and Storey County shall be deemed the***  
23 ***Washoe County School District.***

24       **Sec. 6.** NRS 386.110 is hereby amended to read as follows:

25       386.110 **1.** The trustees of a school district shall constitute a  
26 board, which is hereby created a body corporate.

27       **2.** The board of trustees of a county school district shall be  
28 designated by the name and style of "The Board of Trustees of the  
29 ..... School District" ~~14~~, ***except as otherwise provided in***  
30 ***subsection 3,*** using the name of the county or city the boundaries of  
31 which are conterminous with the boundaries of the county school  
32 district. ~~14~~

33       **3.** ***The board of trustees of the school district that includes the***  
34 ***public schools within both:***

35       ***(a) Clark County and Lincoln County shall be deemed the***  
36 ***Board of Trustees of the Clark County School District.***

37       ***(b) Nye County and Esmeralda County shall be deemed the***  
38 ***Board of Trustees of the Nye County School District.***

39       ***(c) Washoe County and Storey County shall be deemed the***  
40 ***Board of Trustees of the Washoe County School District.***

41       **Sec. 7.** NRS 386.120 is hereby amended to read as follows:

42       386.120 **1.** The board of trustees of a county school district  
43 consists of five or seven members as follows:

44       (a) ~~14~~ ***Except as otherwise provided in subsection 2, if*** 1,000  
45 or more pupils were enrolled during the school year next preceding



1 any general election, the board of trustees consists of seven  
2 members. Except in school districts in which more than 25,000  
3 pupils are enrolled, the members of the board must be elected at  
4 large until such time as an alternate manner of election is adopted  
5 pursuant to NRS 386.200 or NRS 386.205, 386.215 and 386.225.

6 (b) If fewer than 1,000 pupils were enrolled during the school  
7 year next preceding any general election, the board of trustees  
8 consists of five members. The members of the board must be elected  
9 as provided in NRS 386.160 until such time as an alternate manner  
10 of election is adopted pursuant to NRS 386.200 or NRS 386.205,  
11 386.215 and 386.225.

12 (c) If 1,000 or more, but fewer than 1,500 pupils were enrolled  
13 during the school year next preceding any general election, the  
14 board of trustees consists of seven members unless the board, on or  
15 before December 1 in any year before a general election will be  
16 held, adopts a resolution specifying that the board will consist of  
17 five members. If the board consists of seven members, the election  
18 of members is governed by paragraph (a). If the board consists of  
19 five members, the election of members is governed by  
20 paragraph (b).

21 2. *The board of trustees of the:*

22 (a) *Clark County School District consists of one additional*  
23 *member as set forth in subsection 2 of NRS 386.165.*

24 (b) *Washoe County School District consists of one additional*  
25 *member as set forth in subsection 4 of NRS 386.165.*

26 (c) *Nye County School District consists of one additional*  
27 *member as set forth in NRS 386.200 or 386.205, as applicable.*

28 3. Before the adoption of a resolution pursuant to paragraph (c)  
29 of subsection 1, the board of trustees shall post conspicuously, in  
30 three different places in the school district, a notice containing in  
31 full the text of the resolution with the date upon which the board of  
32 trustees of the school district is to meet to act upon the resolution.  
33 Posting of the notice must be made not less than 10 days before the  
34 date fixed in the resolution for action thereon.

35 ~~3.4~~ 4. If a board of trustees adopts a resolution pursuant to  
36 paragraph (c) of subsection 1, it must transmit a copy of the  
37 resolution to the Superintendent of Public Instruction on or before  
38 December 15 of the year before the general election will be held.

39 **Sec. 8.** NRS 386.165 is hereby amended to read as follows:

40 386.165 1. In each county school district in which more than  
41 75,000 pupils are enrolled, the board of trustees shall establish seven  
42 election districts for school trustees. The districts must be:

43 (a) As nearly equal in population as practicable; and

44 (b) Composed of contiguous territory.



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1       2. *In addition to the election districts created pursuant to*  
2 *subsection 1, the voters of Lincoln County shall constitute a single*  
3 *election district for the election of one additional trustee to serve*  
4 *on the Board of Trustees of the Clark County School District.*

5       3. In each county school district in which more than 25,000  
6 pupils but not more than 75,000 pupils are enrolled, the board of  
7 trustees shall establish seven election districts for school trustees, as  
8 follows:

9       (a) Five districts which are as nearly equal in population as  
10 practicable, each of which includes approximately one-fifth of the  
11 population of the county; and

12       (b) Two districts which are as nearly equal in population as  
13 practicable, each of which includes approximately one-half of the  
14 population of the county.

15 The districts must be composed of contiguous territory.

16 ~~[3.]~~ 4. *In addition to the election districts created pursuant to*  
17 *subsection 3, the voters of Storey County shall constitute a single*  
18 *election district for the election of one additional trustee to serve*  
19 *on the Board of Trustees of the Washoe County School District.*

20       5. Each trustee of a school district to which this section applies  
21 must reside in the election district which he represents and be  
22 elected by the voters of that election district.

23 ~~[4.]~~ 6. In each school district in which more than 25,000 pupils  
24 are enrolled, the term of a school trustee is 4 years. Three trustees  
25 must be elected at the general election of 1982 , and four trustees  
26 must be elected at the general election of 1984.

27       **Sec. 9.** NRS 386.200 is hereby amended to read as follows:

28       386.200 1. In addition to the manner of election provided in  
29 NRS 386.205, 386.215 and 386.225, the trustees of a county school  
30 district may be elected from school trustee election areas in the  
31 alternate manner provided in this section.

32       2. Within 30 days before May 1 of any year in which a general  
33 election is to be held in the State, 10 percent or more of the  
34 registered voters of a county school district in which 25,000 or  
35 fewer pupils are enrolled may file a written petition with the board  
36 of county commissioners of the county praying for the creation of  
37 school trustee election areas within the county school district in the  
38 manner provided in this section. The petition must specify with  
39 particularity the school trustee election areas proposed to be created,  
40 the number of trustees to be elected from each area, and the manner  
41 of their nomination and election. *If the petition provides for the*  
42 *election of trustees of the Nye County School District, the petition*  
43 *must include an election area comprised solely of the voters of*  
44 *Esmeralda County for the election of one additional trustee to the*  
45 *Board of Trustees of the Nye County School District.* The number



1 of school trustee election areas proposed must not exceed the  
2 number of trustees authorized by law for the particular county  
3 school district. The description of the proposed school trustee  
4 election areas need not be given by metes and bounds or by legal  
5 subdivisions, but must be sufficient to enable a person to ascertain  
6 what territory is proposed to be included within a particular school  
7 trustee election area. The signatures to the petition need not all be  
8 appended to one paper, but each signer must add to his name his  
9 place of residence, giving the street and number whenever  
10 practicable. One of the signers of each paper shall swear or affirm,  
11 before a person competent to administer oaths, that each signature to  
12 the paper appended is the genuine signature of the person whose  
13 name it purports to be.

14 3. Immediately after the receipt of the petition, the board of  
15 county commissioners shall fix a date for a public hearing to be held  
16 during the month of May, and shall give notice thereof by  
17 publication at least once in a newspaper published in the county, or  
18 if no such newspaper is published therein then in a newspaper  
19 published in the State of Nevada and having a general circulation in  
20 the county. The costs of publication of the notice is a proper charge  
21 against the county school district fund.

22 4. If, as a result of the public hearing, the board of county  
23 commissioners finds that the creation of school trustee election areas  
24 within the county school district is desirable, the board of county  
25 commissioners shall, by resolution regularly adopted before June 1,  
26 divide the county school district into the number of school trustee  
27 election areas specified in the petition, designate them by number  
28 and define their boundaries. The territory comprising each school  
29 trustee election area must be contiguous. The resolution must further  
30 set forth the number of trustees to be elected from each school  
31 trustee election area and the manner of their nomination and  
32 election. *If the petition is for the Nye County School District, the  
33 resolution must include an election area comprised solely of the  
34 voters of Esmeralda County for the election of one additional  
35 trustee to the Board of Trustees of the Nye County School District.*

36 5. Before June 1 and immediately following the adoption of the  
37 resolution creating school trustee election areas within a county  
38 school district, the clerk of the board of county commissioners shall  
39 transmit a certified copy of the resolution to the Superintendent of  
40 Public Instruction.

41 6. Upon the creation of school trustee election areas within a  
42 county school district, the terms of office of all trustees then in  
43 office expire on the 1st Monday of January thereafter next following  
44 a general election. At the general election held following the  
45 creation of school trustee election areas within a county school



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1 district, school trustees to represent the odd-numbered school trustee  
2 election areas must be elected for terms of 4 years and school  
3 trustees to represent the even-numbered school trustee election areas  
4 must be elected for terms of 2 years. Thereafter, at each general  
5 election, the offices of school trustees must be filled for terms of 4  
6 years in the order in which the terms of office expire.

7 7. A candidate for the office of trustee of a county school  
8 district in which school trustee election areas have been created  
9 must be a qualified elector and a resident of the school trustee  
10 election area which he seeks to represent.

11 8. ~~[The]~~ *Except as otherwise provided in this subsection, the*  
12 board of county commissioners may by resolution change the  
13 boundaries of school trustee election areas or the manner of  
14 nomination or election of school trustees after:

15 (a) Holding a public hearing of which notice must be given as  
16 provided in subsection 3; and

17 (b) Receiving, at the hearing or by resolution, the consent of the  
18 board of trustees of the school district.

19 *In no event may the election area comprised of Esmeralda County*  
20 *be changed pursuant to this subsection.*

21 9. If the Superintendent of Public Instruction certifies to the  
22 county clerk that the enrollment of pupils during the preceding  
23 school year in a county school district was less than 1,000, or was  
24 1,000 or more but less than 1,500 in a district in which the board of  
25 trustees has adopted a resolution in accordance with NRS 386.120  
26 specifying that the board will consist of five members, and the board  
27 of trustees of the county school district is composed of seven elected  
28 members based upon a previous enrollment of 1,000 or more, the  
29 board of county commissioners shall alter the school trustee election  
30 areas or change the number of trustees to be elected from the areas,  
31 or the manner of their nomination and election, as may be necessary  
32 to provide for reduction of the membership of the board of trustees  
33 of the county school board from seven to five members, and only  
34 five school trustees may thereafter be nominated and elected at the  
35 forthcoming elections.

36 10. If the Superintendent of Public Instruction certifies to the  
37 county clerk that the enrollment of pupils during the preceding  
38 school year in a county school district was 1,000 or more, and the  
39 board of trustees of the county school district is composed of five  
40 elected members, the board of county commissioners shall alter the  
41 school trustee election areas or change the number of trustees to be  
42 elected from the areas, or the manner of their nomination and  
43 election, as may be necessary to provide for increasing the  
44 membership of the board of trustees of the county school district



1 from five to seven members, and two additional school trustees must  
2 thereafter be nominated and elected at the forthcoming elections.

3 11. The provisions of subsection 10 do not apply in a school  
4 district in which the pupil enrollment during the preceding school  
5 year was 1,000 or more but less than 1,500, and in which the board  
6 of trustees of the school district has adopted a resolution specifying  
7 that the board will consist of five members.

8 **Sec. 10.** NRS 386.205 is hereby amended to read as follows:

9 386.205 1. In any county school district in which not more  
10 than 25,000 pupils are enrolled, the board of trustees may adopt a  
11 resolution dividing the geographical area of the school district into a  
12 number of election districts identical to the number of trustees.

13 *2. If the resolution is adopted for the Nye County School*  
14 *District, the resolution must include an election district comprised*  
15 *solely of the voters of Esmeralda County for the election of one*  
16 *additional trustee to the Board of Trustees of the Nye County*  
17 *School District.*

18 ~~2.~~ 3. The election districts must:

19 (a) Be single-member districts.

20 (b) Be formed with reference to assembly districts as far as is  
21 practicable.

22 (c) Have nearly equal populations as far as is practicable.

23 ~~3.~~ 4. This section does not authorize any change in the  
24 number of members of the board of trustees.

25 ~~4.~~ 5. If a board of trustees adopts a resolution pursuant to this  
26 section, the members of the board continue to hold office until the  
27 next following general election.

28 ~~5.~~ 6. As used in this section, unless the context otherwise  
29 requires, "assembly district" means any district created pursuant to  
30 the provisions of chapter 218 of NRS for the election of  
31 Assemblymen.

32 **Sec. 11.** NRS 386.225 is hereby amended to read as follows:

33 386.225 1. Election districts created pursuant to NRS  
34 386.205 may be constructed so that the:

35 (a) Voters in each election district elect a trustee to represent  
36 them; or

37 (b) ~~{Trustees}~~ *Except as otherwise provided in subsection 2 of*  
38 *NRS 386.205, trustees* are elected by all of the voters in the county  
39 school district.

40 In either case, each trustee must be a resident of the election district  
41 which he represents throughout his term of office.

42 2. The board of trustees shall adopt a resolution, after a public  
43 hearing on the matter, determining whether each trustee will be  
44 elected solely by the voters in his election district or , *except as*



1 *otherwise provided in subsection 2 of NRS 386.205*, all of the  
2 voters in the county school district.

3 **Sec. 12.** NRS 386.550 is hereby amended to read as follows:  
4 386.550 1. A charter school shall:

5 (a) Comply with all laws and regulations relating to  
6 discrimination and civil rights.

7 (b) Remain nonsectarian, including, without limitation, in its  
8 educational programs, policies for admission and employment  
9 practices.

10 (c) Refrain from charging tuition or fees, levying taxes or  
11 issuing bonds.

12 (d) Comply with any plan for desegregation ordered by a court  
13 that is in effect in the school district in which the charter school is  
14 located.

15 (e) Comply with the provisions of chapter 241 of NRS.

16 (f) Except as otherwise provided in this paragraph, schedule and  
17 provide annually at least as many days of instruction as are required  
18 of other public schools located in the same school district as the  
19 charter school is located. The governing body of a charter school  
20 may submit a written request to the Superintendent of Public  
21 Instruction for a waiver from providing the days of instruction  
22 required by this paragraph. The Superintendent of Public Instruction  
23 may grant such a request if the governing body demonstrates to the  
24 satisfaction of the Superintendent that:

25 (1) Extenuating circumstances exist to justify the waiver; and

26 (2) The charter school will provide at least as many hours or  
27 minutes of instruction as would be provided under a program  
28 consisting of ~~180~~ 185 days.

29 (g) Cooperate with the board of trustees of the school district in  
30 the administration of the achievement and proficiency examinations  
31 administered pursuant to NRS 389.015 and the examinations  
32 required pursuant to NRS 389.550 to the pupils who are enrolled in  
33 the charter school.

34 (h) Comply with applicable statutes and regulations governing  
35 the achievement and proficiency of pupils in this state.

36 (i) Provide instruction in the core academic subjects set forth in  
37 subsection 1 of NRS 389.018, as applicable for the grade levels of  
38 pupils who are enrolled in the charter school, and provide at least  
39 the courses of study that are required of pupils by statute or  
40 regulation for promotion to the next grade or graduation from a  
41 public high school and require the pupils who are enrolled in the  
42 charter school to take those courses of study. This paragraph does  
43 not preclude a charter school from offering, or requiring the pupils  
44 who are enrolled in the charter school to take, other courses of study  
45 that are required by statute or regulation.



1 (j) If the parent or legal guardian of a child submits an  
2 application to enroll in kindergarten, first grade or second grade at  
3 the charter school, comply with NRS 392.040 regarding the ages for  
4 enrollment in those grades.

5 (k) Refrain from using public money to purchase real property  
6 or buildings without the approval of the sponsor.

7 (l) Hold harmless, indemnify and defend the sponsor of the  
8 charter school against any claim or liability arising from an act or  
9 omission by the governing body of the charter school or an  
10 employee or officer of the charter school. An action at law may not  
11 be maintained against the sponsor of a charter school for any cause  
12 of action for which the charter school has obtained liability  
13 insurance.

14 (m) Provide written notice to the parents or legal guardians of  
15 pupils in grades 9 to 12, inclusive, who are enrolled in the charter  
16 school of whether the charter school is accredited by the  
17 Commission on Schools of the Northwest Association of Schools  
18 and Colleges.

19 (n) Adopt a final budget in accordance with the regulations  
20 adopted by the Department. A charter school is not required to adopt  
21 a final budget pursuant to NRS 354.598 or otherwise comply with  
22 the provisions of chapter 354 of NRS.

23 (o) If the charter school provides a program of distance  
24 education pursuant to NRS 388.820 to 388.874, inclusive, comply  
25 with all statutes and regulations that are applicable to a program of  
26 distance education for purposes of the operation of the program.

27 2. A charter school shall not provide instruction through a  
28 program of distance education to children who are exempt from  
29 compulsory attendance authorized by the State Board pursuant to  
30 subsection 1 of NRS 392.070. As used in this subsection, "distance  
31 education" has the meaning ascribed to it in NRS 388.826.

32 **Sec. 13.** NRS 386.550 is hereby amended to read as follows:

33 386.550 1. A charter school shall:

34 (a) Comply with all laws and regulations relating to  
35 discrimination and civil rights.

36 (b) Remain nonsectarian, including, without limitation, in its  
37 educational programs, policies for admission and employment  
38 practices.

39 (c) Refrain from charging tuition or fees, levying taxes or  
40 issuing bonds.

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

44 (e) Comply with the provisions of chapter 241 of NRS.



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1 (f) Except as otherwise provided in this paragraph, schedule and  
2 provide annually at least as many days of instruction as are required  
3 of other public schools located in the same school district as the  
4 charter school is located. The governing body of a charter school  
5 may submit a written request to the Superintendent of Public  
6 Instruction for a waiver from providing the days of instruction  
7 required by this paragraph. The Superintendent of Public Instruction  
8 may grant such a request if the governing body demonstrates to the  
9 satisfaction of the Superintendent that:

10 (1) Extenuating circumstances exist to justify the waiver; and

11 (2) The charter school will provide at least as many hours or  
12 minutes of instruction as would be provided under a program  
13 consisting of ~~185~~ 190 days.

14 (g) Cooperate with the board of trustees of the school district in  
15 the administration of the achievement and proficiency examinations  
16 administered pursuant to NRS 389.015 and the examinations  
17 required pursuant to NRS 389.550 to the pupils who are enrolled in  
18 the charter school.

19 (h) Comply with applicable statutes and regulations governing  
20 the achievement and proficiency of pupils in this state.

21 (i) Provide instruction in the core academic subjects set forth in  
22 subsection 1 of NRS 389.018, as applicable for the grade levels of  
23 pupils who are enrolled in the charter school, and provide at least  
24 the courses of study that are required of pupils by statute or  
25 regulation for promotion to the next grade or graduation from a  
26 public high school and require the pupils who are enrolled in the  
27 charter school to take those courses of study. This paragraph does  
28 not preclude a charter school from offering, or requiring the pupils  
29 who are enrolled in the charter school to take, other courses of study  
30 that are required by statute or regulation.

31 (j) If the parent or legal guardian of a child submits an  
32 application to enroll in kindergarten, first grade or second grade at  
33 the charter school, comply with NRS 392.040 regarding the ages for  
34 enrollment in those grades.

35 (k) Refrain from using public money to purchase real property  
36 or buildings without the approval of the sponsor.

37 (l) Hold harmless, indemnify and defend the sponsor of the  
38 charter school against any claim or liability arising from an act or  
39 omission by the governing body of the charter school or an  
40 employee or officer of the charter school. An action at law may not  
41 be maintained against the sponsor of a charter school for any cause  
42 of action for which the charter school has obtained liability  
43 insurance.

44 (m) Provide written notice to the parents or legal guardians of  
45 pupils in grades 9 to 12, inclusive, who are enrolled in the charter



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1 school of whether the charter school is accredited by the  
2 Commission on Schools of the Northwest Association of Schools  
3 and Colleges.

4 (n) Adopt a final budget in accordance with the regulations  
5 adopted by the Department. A charter school is not required to adopt  
6 a final budget pursuant to NRS 354.598 or otherwise comply with  
7 the provisions of chapter 354 of NRS.

8 (o) If the charter school provides a program of distance  
9 education pursuant to NRS 388.820 to 388.874, inclusive, comply  
10 with all statutes and regulations that are applicable to a program of  
11 distance education for purposes of the operation of the program.

12 2. A charter school shall not provide instruction through a  
13 program of distance education to children who are exempt from  
14 compulsory attendance authorized by the State Board pursuant to  
15 subsection 1 of NRS 392.070. As used in this subsection, "distance  
16 education" has the meaning ascribed to it in NRS 388.826.

17 **Sec. 14.** NRS 387.1233 is hereby amended to read as follows:

18 387.1233 1. Except as otherwise provided in subsection 2,  
19 basic support of each school district must be computed by:

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

22 (1) ~~{Six tenths}~~ *Except for those pupils enrolled in*  
23 *kindergarten who are counted pursuant to subparagraph (2), six-*  
24 *tenths* the count of pupils enrolled in the kindergarten department  
25 on the last day of the first school month of the school district for the  
26 school year, including, without limitation, the count of pupils who  
27 reside in the county and are enrolled in any charter school on the last  
28 day of the first school month of the school district for the school  
29 year.

30 (2) The count of pupils enrolled in *kindergarten for a full*  
31 *school day and the count of pupils enrolled in* grades 1 to 12,  
32 inclusive, on the last day of the first school month of the school  
33 district for the school year, including, without limitation, the count  
34 of pupils who reside in the county and are enrolled in any charter  
35 school on the last day of the first school month of the school district  
36 for the school year.

37 (3) The count of pupils not included under subparagraph (1)  
38 or (2) who are enrolled full-time in a program of distance education  
39 provided by that school district or a charter school located within  
40 that school district on the last day of the first school month of the  
41 school district for the school year.

42 (4) The count of pupils who reside in the county and are  
43 enrolled:

44 (I) In a public school of the school district and are  
45 concurrently enrolled part-time in a program of distance education



1 provided by another school district or a charter school on the last  
2 day of the first school month of the school district for the school  
3 year, expressed as a percentage of the total time services are  
4 provided to those pupils per school day in proportion to the total  
5 time services are provided during a school day to pupils who are  
6 counted pursuant to subparagraph (2).

7 (II) In a charter school and are concurrently enrolled part-  
8 time in a program of distance education provided by a school district  
9 or another charter school on the last day of the first school month of  
10 the school district for the school year, expressed as a percentage of  
11 the total time services are provided to those pupils per school day in  
12 proportion to the total time services are provided during a school  
13 day to pupils who are counted pursuant to subparagraph (2).

14 (5) The count of pupils not included under subparagraph (1),  
15 (2), (3) or (4), who are receiving special education pursuant to the  
16 provisions of NRS 388.440 to 388.520, inclusive, on the last day of  
17 the first school month of the school district for the school year,  
18 excluding the count of pupils who have not attained the age of 5  
19 years and who are receiving special education pursuant to  
20 subsection 1 of NRS 388.490 on that day.

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

25 (7) The count of children detained in detention homes,  
26 alternative programs and juvenile forestry camps receiving  
27 instruction pursuant to the provisions of NRS 388.550, 388.560 and  
28 388.570 on the last day of the first school month of the school  
29 district for the school year.

30 (8) The count of pupils who are enrolled in classes for at  
31 least one semester pursuant to subsection 4 of NRS 386.560,  
32 subsection 4 of NRS 386.580 or subsection 3 of NRS 392.070,  
33 expressed as a percentage of the total time services are provided to  
34 those pupils per school day in proportion to the total time services  
35 are provided during a school day to pupils who are counted pursuant  
36 to subparagraph (2).

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

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

41 2. If the enrollment of pupils in a school district or a charter  
42 school that is located within the school district on the last day of the  
43 first school month of the school district for the school year is less  
44 than the enrollment of pupils in the same school district or charter  
45 school on the last day of the first school month of the school district



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1 for either or both of the immediately preceding 2 school years, the  
2 largest number must be used from among the 3 years for purposes of  
3 apportioning money from the State Distributive School Account to  
4 that school district or charter school pursuant to NRS 387.124.

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

8 4. Pupils who are incarcerated in a facility or institution  
9 operated by the Department of Corrections must not be counted for  
10 the purpose of computing basic support pursuant to this section. The  
11 average daily attendance for such pupils must be reported to the  
12 Department.

13 5. Pupils who are enrolled in courses which are approved by  
14 the Department as meeting the requirements for an adult to earn a  
15 high school diploma must not be counted for the purpose of  
16 computing basic support pursuant to this section.

17 **Sec. 15.** Chapter 388 of NRS is hereby amended by adding  
18 thereto a new section to read as follows:

19 *1. The board of trustees of each school district shall establish*  
20 *at least one magnet school at the:*

- 21 *(a) Elementary school level;*  
22 *(b) Junior high or middle school level; and*  
23 *(c) High school level.*

24 *2. The board of trustees of each school district shall ensure*  
25 *that a parent or guardian of a pupil who is enrolled in the school*  
26 *district is allowed to submit an application to attend a magnet*  
27 *school pursuant to section 45 of this act, regardless of the zone of*  
28 *attendance of the pupil.*

29 *3. As used in this section, "magnet school" means a school*  
30 *that offers courses of study and programs which are designed to*  
31 *serve the special talents and academic abilities of pupils or*  
32 *emphasize a particular area, field or topic of instruction, or both.*

33 **Sec. 16.** NRS 388.040 is hereby amended to read as follows:

34 388.040 1. Except as otherwise provided in subsection 2, the  
35 board of trustees of a school district that includes more than one  
36 school which offers instruction in the same grade or grades may  
37 zone the school district and determine which pupils shall attend each  
38 school.

39 2. The establishment of zones pursuant to subsection 1 does  
40 not preclude a pupil from attending ~~[a charter school.]~~ :

- 41 *(a) A charter school; or*  
42 *(b) A public school outside the zone of attendance that the*  
43 *pupil is otherwise required to attend if the board of trustees of a*  
44 *school district approves an application for the pupil to attend*  
45 *another public school pursuant to section 45 of this act.*



1     **Sec. 17.** NRS 388.060 is hereby amended to read as follows:

2     388.060 1. Except as otherwise provided in this subsection,  
3 the board of trustees of each school district shall establish, equip and  
4 maintain a kindergarten in each elementary school or each school  
5 attendance area in the district. If, on or before June 1 immediately  
6 preceding the school year, admittance to kindergarten has been  
7 requested for fewer than 15 children, the mandatory provisions of  
8 this subsection do not apply to that school, and the board may  
9 decide whether to establish a kindergarten for those children. If the  
10 board decides not to establish such a kindergarten, it may provide:

11     (a) Transportation for each child to enable him to attend  
12 kindergarten at another school; or

13     (b) Upon agreement with a child's parent or guardian, an  
14 authorized program of instruction for kindergarten to be offered in  
15 the child's home, which includes, without limitation, assigning  
16 licensed educational personnel to assist and consult with the parent  
17 or guardian as necessary.

18     2. The board of trustees of a school district in which a  
19 kindergarten is to be established under the provisions of this title of  
20 NRS shall budget for this purpose by including the costs in the next  
21 regular budget for the school district ~~[-]~~ , *including, without*  
22 *limitation, the provision of kindergarten for a full school day to*  
23 *children who are at risk.*

24     **Sec. 18.** NRS 388.090 is hereby amended to read as follows:

25     388.090 1. Except as otherwise permitted pursuant to this  
26 section, boards of trustees of school districts shall schedule and  
27 provide a minimum of ~~[-80]~~ *185* days of free school in the districts  
28 under their charge.

29     2. The Superintendent of Public Instruction may, upon  
30 application by a board of trustees, authorize a reduction of not more  
31 than 15 school days in a particular district to establish or maintain a  
32 12-month school program or a program involving alternative  
33 scheduling, if the board of trustees demonstrates that the proposed  
34 schedule for the program provides for a greater number of minutes  
35 of instruction than would be provided under a program consisting of  
36 ~~[-80]~~ *185* school days. Before authorizing a reduction in the number  
37 of required school days pursuant to this subsection, the  
38 Superintendent of Public Instruction must find that the proposed  
39 schedule will be used to alleviate problems associated with a growth  
40 in enrollment or overcrowding, or to establish and maintain a  
41 program of alternative schooling, including, without limitation, a  
42 program of distance education provided by the board of trustees  
43 pursuant to NRS 388.820 to 388.874, inclusive.

44     3. The Superintendent of Public Instruction may, upon  
45 application by a board of trustees, authorize the addition of minutes



1 of instruction to any scheduled day of free school if days of free  
2 school are lost because of any interscholastic activity. Not more than  
3 5 days of free school so lost may be rescheduled in this manner.

4 4. Each school district shall schedule at least 3 contingent days  
5 of school in addition to the number of days required by this section  
6 ~~[ ]~~ which must be used if a natural disaster, inclement weather or an  
7 accident necessitates the closing of a majority of the facilities within  
8 the district.

9 5. If more than 3 days of free school are lost because a natural  
10 disaster, inclement weather or an accident necessitates the closing of  
11 a majority of the facilities within a school district, the  
12 Superintendent of Public Instruction, upon application by the school  
13 district, may permit the additional days lost to be counted as school  
14 days in session. The application must be submitted in the manner  
15 prescribed by the Superintendent of Public Instruction.

16 6. The State Board shall adopt regulations providing  
17 procedures for changing schedules of instruction to be used if a  
18 natural disaster, inclement weather or an accident necessitates the  
19 closing of a particular school within a school district.

20 **Sec. 19.** NRS 388.090 is hereby amended to read as follows:

21 388.090 1. Except as otherwise permitted pursuant to this  
22 section, boards of trustees of school districts shall schedule and  
23 provide a minimum of ~~[85]~~ 190 days of free school in the districts  
24 under their charge.

25 2. The Superintendent of Public Instruction may, upon  
26 application by a board of trustees, authorize a reduction of not more  
27 than 15 school days in a particular district to establish or maintain a  
28 12-month school program or a program involving alternative  
29 scheduling, if the board of trustees demonstrates that the proposed  
30 schedule for the program provides for a greater number of minutes  
31 of instruction than would be provided under a program consisting of  
32 ~~[85]~~ 190 school days. Before authorizing a reduction in the number  
33 of required school days pursuant to this subsection, the  
34 Superintendent of Public Instruction must find that the proposed  
35 schedule will be used to alleviate problems associated with a growth  
36 in enrollment or overcrowding, or to establish and maintain a  
37 program of alternative schooling, including, without limitation, a  
38 program of distance education provided by the board of trustees  
39 pursuant to NRS 388.820 to 388.874, inclusive.

40 3. The Superintendent of Public Instruction may, upon  
41 application by a board of trustees, authorize the addition of minutes  
42 of instruction to any scheduled day of free school if days of free  
43 school are lost because of any interscholastic activity. Not more than  
44 5 days of free school so lost may be rescheduled in this manner.



1     4. Each school district shall schedule at least 3 contingent days  
2 of school in addition to the number of days required by this section  
3 ~~[ ]~~ which must be used if a natural disaster, inclement weather or an  
4 accident necessitates the closing of a majority of the facilities within  
5 the district.

6     5. If more than 3 days of free school are lost because a natural  
7 disaster, inclement weather or an accident necessitates the closing of  
8 a majority of the facilities within a school district, the  
9 Superintendent of Public Instruction, upon application by the school  
10 district, may permit the additional days lost to be counted as school  
11 days in session. The application must be submitted in the manner  
12 prescribed by the Superintendent of Public Instruction.

13     6. The State Board shall adopt regulations providing  
14 procedures for changing schedules of instruction to be used if a  
15 natural disaster, inclement weather or an accident necessitates the  
16 closing of a particular school within a school district.

17     **Sec. 20.** NRS 388.829 is hereby amended to read as follows:

18     388.829 "Program of distance education" means a program  
19 comprised of one or more courses of distance education that is  
20 designed for pupils who:

21     1. Are participating in a program for pupils who are at risk of  
22 dropping out of high school pursuant to NRS 388.537.

23     2. Are participating in a program of independent study  
24 pursuant to NRS 389.155.

25     3. Are enrolled in a public school that does not offer  
26 ~~[advanced]~~ :

27         (a) *Advanced* or specialized courses ~~[ ]~~ ; or

28         (b) *Elective courses of study that may be applied toward the*  
29 *credit required for graduation.*

30     4. Have a physical or mental condition that would otherwise  
31 require an excuse from compulsory attendance pursuant to  
32 NRS 392.050.

33     5. Would otherwise be excused from compulsory attendance  
34 pursuant to NRS 392.080.

35     6. Are otherwise prohibited from attending public school  
36 pursuant to NRS 392.264, 392.4642 to 392.4648, inclusive,  
37 392.466, 392.467 or 392.4675.

38     7. Are otherwise permitted to enroll in a program of distance  
39 education provided by the board of trustees of a school district if the  
40 board of trustees determines that special circumstances warrant  
41 enrollment for the pupil.

42     8. Are otherwise permitted to enroll in a program of distance  
43 education provided by the governing body of a charter school if the  
44 governing body of the charter school determines that special  
45 circumstances warrant enrollment for the pupil.



1     **Sec. 21.** NRS 388.850 is hereby amended to read as follows:  
2     388.850 1. A pupil may enroll in a program of distance  
3     education only if the pupil satisfies the requirements of any other  
4     applicable statute and the pupil:  
5         (a) Is participating in a program for pupils at risk of dropping  
6         out of high school pursuant to NRS 388.537;  
7         (b) Is participating in a program of independent study pursuant  
8         to NRS 389.155;  
9         (c) Is enrolled in a public school that does not offer ~~certain~~ :  
10        (1) *Certain* advanced or specialized courses that the pupil  
11        desires to attend; *or*  
12        (2) *An elective course of study that the pupil desires to*  
13        *apply toward the credit required for graduation;*  
14        (d) Has a physical or mental condition that would otherwise  
15        require an excuse from compulsory attendance pursuant to  
16        NRS 392.050;  
17        (e) Would otherwise be excused from compulsory attendance  
18        pursuant to NRS 392.080;  
19        (f) Is otherwise prohibited from attending public school pursuant  
20        to NRS 392.264, 392.4642 to 392.4648, inclusive, 392.466, 392.467  
21        or 392.4675;  
22        (g) Is otherwise permitted to enroll in a program of distance  
23        education provided by the board of trustees of a school district if the  
24        board of trustees determines that the circumstances warrant  
25        enrollment for the pupil; or  
26        (h) Is otherwise permitted to enroll in a program of distance  
27        education provided by the governing body of a charter school if the  
28        governing body of the charter school determines that the  
29        circumstances warrant enrollment for the pupil.  
30     2. In addition to the eligibility for enrollment set forth in  
31     subsection 1, a pupil must satisfy the qualifications and conditions  
32     for enrollment in a program of distance education adopted by the  
33     State Board pursuant to NRS 388.874.  
34     3. A child who is exempt from compulsory attendance and  
35     receiving equivalent instruction authorized by the State Board  
36     pursuant to subsection 1 of NRS 392.070 is not eligible to enroll in  
37     or otherwise attend a program of distance education, regardless of  
38     whether he is otherwise eligible for enrollment pursuant to  
39     subsection 1.  
40     4. If a pupil who is prohibited from attending public school  
41     pursuant to NRS 392.264 enrolls in a program of distance education,  
42     the enrollment and attendance of that pupil must comply with all  
43     requirements of NRS 62.405 to 62.485, inclusive, and 392.251 to  
44     392.271, inclusive.



1       5. If a pupil is eligible for enrollment in a program of distance  
2 education pursuant to paragraph (c) of subsection 1, he may enroll  
3 in the program of distance education only to take those advanced or  
4 specialized courses *or elective courses of study* that are not offered  
5 at the public school he otherwise attends.

6       **Sec. 22.** Chapter 389 of NRS is hereby amended by adding  
7 thereto the provisions set forth as sections 23 and 24 of this act.

8       **Sec. 23.** *1. In addition to the examinations that are  
9 required by this chapter, the board of trustees of each school  
10 district shall ensure that each public school within the district  
11 administers to all pupils who are enrolled in the district in a grade  
12 level at or above the 4th grade, a reading comprehension  
13 examination to determine the reading level of those pupils. The  
14 examination must be administered as a preexamination at the  
15 beginning of each school year and as postexamination at the end  
16 of each school year. The governing body of each charter school  
17 shall administer the preexamination and postexamination to all  
18 pupils enrolled in the charter school in a grade level at or above  
19 the 4th grade. The examination that is administered pursuant to  
20 this subsection must be selected from the list of approved  
21 examinations prepared by the Department pursuant to  
22 subsection 2.*

23       *2. On or before August 1 of each year, the Department shall  
24 prepare and publish a list of not more than three examinations of  
25 reading comprehension. The examinations selected by the  
26 Department must be examinations that have proven to be  
27 successful in evaluating reading comprehension and determining  
28 reading level. The list must contain the name of each examination  
29 that is approved for each grade level, the vendor, if any, of the  
30 examination and the entity from which the examination may be  
31 obtained. On or before August 15 of each year, the Department  
32 shall transmit a copy of the list to the board of trustees of each  
33 school district for transmission to each public school within the  
34 school district, including, without limitation, each charter school  
35 in the school district.*

36       *3. If 50 percent or more of the pupils enrolled in a school  
37 receive scores on the reading comprehension examination that  
38 place them below the 4th grade level in reading, the school shall, if  
39 it receives money from this state made available by legislative  
40 appropriation for the purposes of NRS 385.389:*

41       *(a) Expend not less than 25 percent of that money to provide  
42 training and education to all educational personnel employed at  
43 the school on effective methods to teach reading to pupils; and*

44       *(b) Identify which pupils are reading below the 4th grade level  
45 and ensure that those pupils receive appropriate remediation.*



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1     **Sec. 24. 1.** *The board of trustees of each school district*  
2 *shall establish a program for the administration of the*  
3 *achievement and proficiency examinations required by NRS*  
4 *389.015 and 389.550 on the weekends rather than during the*  
5 *regular school week at the time prescribed by the State Board*  
6 *pursuant to NRS 389.015 or 389.550, as applicable, for pupils who*  
7 *are enrolled in junior high, middle school or high school. The*  
8 *program must:*

9     (a) *Provide for the staffing of the program in accordance with*  
10 *subsection 2; and*

11     (b) *Include a description of the manner by which the school*  
12 *district will ensure the security and confidentiality of the*  
13 *examinations.*

14     2. *The board of trustees of each school district shall, in*  
15 *consultation with each organization or association that represents*  
16 *licensed educational personnel in the school district, arrange the*  
17 *schedules of the teachers and other licensed educational personnel*  
18 *in the district to ensure that an appropriate number of personnel*  
19 *are present to administer the examinations on the weekends. The*  
20 *scheduling must include provisions for rotational staffing to*  
21 *ensure that the educational personnel assigned to administer the*  
22 *examinations are not required to work each weekend that the*  
23 *examinations are administered during a school year.*

24     **Sec. 25.** NRS 389.015 is hereby amended to read as follows:

25     389.015 1. The board of trustees of each school district shall  
26 administer examinations in all public schools of the school district.  
27 The governing body of a charter school shall administer the same  
28 examinations in the charter school. The examinations administered  
29 by the board of trustees and governing body must determine the  
30 achievement and proficiency of pupils in:

- 31     (a) Reading;  
32     (b) Writing;  
33     (c) Mathematics; and  
34     (d) Science.

35     2. The examinations required by subsection 1 must be:

36     (a) Administered before the completion of grades 4, 8, 10  
37 and 11.

38     (b) Administered in each school district and each charter school  
39 at the same time ~~for~~ *for the grade level tested*. The time for the  
40 administration of the examinations must be prescribed by the State  
41 Board ~~and must provide for administration on the weekends~~  
42 *pursuant to section 24 of this act.*

43     (c) Administered in each school in accordance with uniform  
44 procedures adopted by the State Board. The Department shall



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1 monitor the compliance of school districts and individual schools  
2 with the uniform procedures.

3 (d) Administered in each school in accordance with the plan  
4 adopted pursuant to NRS 389.616 by the Department and with the  
5 plan adopted pursuant to NRS 389.620 by the board of trustees of  
6 the school district in which the examinations are administered. The  
7 Department shall monitor the compliance of school districts and  
8 individual schools with:

9 (1) The plan adopted by the Department; and

10 (2) The plan adopted by the board of trustees of the  
11 applicable school district, to the extent that the plan adopted by the  
12 board of trustees of the school district is consistent with the plan  
13 adopted by the Department.

14 (e) Scored by the Department or a single private entity that has  
15 contracted with the State Board to score the examinations. If a  
16 private entity scores the examinations, it shall report the results of  
17 the examinations in the form and by the date required by the  
18 Department.

19 3. Not more than 14 working days after the results of the  
20 examinations are reported to the Department by a private entity that  
21 scored the examinations or the Department completes the scoring of  
22 the examinations, the Superintendent of Public Instruction shall  
23 certify that the results of the examinations have been transmitted to  
24 each school district and each charter school. Not more than 10  
25 working days after a school district receives the results of the  
26 examinations, the superintendent of schools of each school district  
27 shall certify that the results of the examinations have been  
28 transmitted to each school within the school district. Except as  
29 otherwise provided in this subsection, not more than 15 working  
30 days after each school receives the results of the examinations, the  
31 principal of each school and the governing body of each charter  
32 school shall certify that the results for each pupil have been  
33 provided to the parent or legal guardian of the pupil:

34 (a) During a conference between the teacher of the pupil or  
35 administrator of the school and the parent or legal guardian of the  
36 pupil; or

37 (b) By mailing the results of the examinations to the last known  
38 address of the parent or legal guardian of the pupil.

39 If a pupil fails the high school proficiency examination, the school  
40 shall notify the pupil and the parents or legal guardian of the pupil  
41 as soon as practicable but not later than 15 working days after the  
42 school receives the results of the examination.

43 4. Different standards of proficiency may be adopted for pupils  
44 with diagnosed learning disabilities. If a pupil with a disability is  
45 unable to take an examination created by a private entity under



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1 regular testing conditions or with modifications and  
2 accommodations that are approved by the private entity, the pupil  
3 may take the examination with modifications and accommodations  
4 that are approved by the State Board pursuant to subsection 8. If a  
5 pupil with a disability is unable to take an examination created by  
6 the Department under regular testing conditions or with  
7 modifications and accommodations that are approved by the  
8 Department, the pupil may take the examination with modifications  
9 and accommodations that are approved by the State Board pursuant  
10 to subsection 8. The results of an examination that is taken under  
11 conditions that are not approved by a private entity or the  
12 Department, as applicable, must not be reported pursuant to  
13 subsection 2 of NRS 389.017. If different standards of proficiency  
14 are adopted or other modifications or accommodations are made in  
15 the administration of the examinations for a pupil who is enrolled in  
16 a program of special education pursuant to NRS 388.440 to  
17 388.520, inclusive, other than a gifted and talented pupil, the  
18 different standards adopted or other modifications or  
19 accommodations must be set forth in the pupil's program of special  
20 education developed in accordance with the Individuals with  
21 Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the  
22 standards prescribed by the State Board. During the administration  
23 of the high school proficiency examination, a pupil with a disability  
24 may be given additional time to complete the examination if the  
25 additional time is a modification or accommodation that is approved  
26 in the pupil's program of special education developed in accordance  
27 with the Individuals with Disabilities Education Act, 20 U.S.C. §§  
28 1400 et seq.

29 5. If a pupil fails to demonstrate at least adequate achievement  
30 on the examination administered before the completion of grade 4, 8  
31 or 10, he may be promoted to the next higher grade, but the results  
32 of his examination must be evaluated to determine what remedial  
33 study is appropriate. If such a pupil is enrolled at a school that has  
34 been designated as demonstrating need for improvement pursuant to  
35 subsection 1 of NRS 385.367, the pupil must, in accordance with the  
36 requirements set forth in this subsection, complete remedial study  
37 that is determined to be appropriate for the pupil.

38 6. If a pupil fails to pass the proficiency examination  
39 administered before the completion of grade 11, he must not be  
40 graduated until he is able, through remedial study, to pass the  
41 proficiency examination, but he may be given a certificate of  
42 attendance, in place of a diploma, if he has reached the age of 17  
43 years.

44 7. The State Board shall prescribe standard examinations of  
45 achievement and proficiency to be administered pursuant to



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1 subsection 1. The high school proficiency examination must be  
2 developed, printed and scored by a nationally recognized testing  
3 company in accordance with the process established by the testing  
4 company. The examinations on reading, mathematics and science  
5 prescribed for grades 4, 8 and 10 must be selected from  
6 examinations created by private entities and administered to a  
7 national reference group, and must allow for a comparison of the  
8 achievement and proficiency of pupils in grades 4, 8 and 10 in this  
9 state to that of a national reference group of pupils in grades 4, 8 and  
10 10. The questions contained in the examinations and the approved  
11 answers used for grading them are confidential, and disclosure is  
12 unlawful except:

13 (a) To the extent necessary for administering and evaluating the  
14 examinations.

15 (b) That a disclosure may be made to a:

16 (1) State officer who is a member of the Executive or  
17 Legislative Branch to the extent that it is necessary for the  
18 performance of his duties;

19 (2) Superintendent of schools of a school district to the  
20 extent that it is necessary for the performance of his duties;

21 (3) Director of curriculum of a school district to the extent  
22 that it is necessary for the performance of his duties; and

23 (4) Director of testing of a school district to the extent that it  
24 is necessary for the performance of his duties.

25 (c) That specific questions and answers may be disclosed if the  
26 Superintendent of Public Instruction determines that the content of  
27 the questions and answers is not being used in a current examination  
28 and making the content available to the public poses no threat to the  
29 security of the current examination process.

30 8. The State Board shall prescribe, in accordance with the  
31 Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et  
32 seq., the modifications and accommodations that may be used in the  
33 administration of an examination to a pupil with a disability who is  
34 unable to take the examination under regular testing conditions or  
35 with modifications and accommodations that are approved by the  
36 private entity that created the examination or, if the Department  
37 created the examination, by the Department. These regulations may  
38 include, without limitation, authorizing a pupil to complete an  
39 examination with additional time.

40 **Sec. 26.** NRS 389.017 is hereby amended to read as follows:

41 389.017 1. The State Board shall adopt regulations requiring  
42 that each board of trustees of a school district and each governing  
43 body of a charter school submit to the Superintendent of Public  
44 Instruction and the Department, in the form and manner prescribed  
45 by the Superintendent, the results of achievement and proficiency



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1 examinations given in the 4th, 8th, 10th and 11th grades to public  
2 school pupils of the district and charter schools. The State Board  
3 shall not include in the regulations any provision which would  
4 violate the confidentiality of the test scores of any individual pupil.

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

8 (a) The average score, as defined by the Department, of pupils  
9 who took the examinations under regular testing conditions; and

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

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

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

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

22 (c) Are enrolled in an alternative program for the education of  
23 pupils at risk of dropping out of high school, including, without  
24 limitation, a program of distance education that is provided to pupils  
25 who are at risk of dropping out of high school pursuant to NRS  
26 388.820 to 388.874, inclusive; or

27 (d) Are detained in a:

28 (1) Youth training center;

29 (2) Youth center;

30 (3) Juvenile forestry camp;

31 (4) Detention home;

32 (5) Youth camp;

33 (6) Juvenile correctional institution; or

34 (7) Correctional institution.

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

37 4. Not later than 10 days after the Department receives the  
38 results of the achievement and proficiency examinations, the  
39 Department shall transmit a copy of the results of the examinations  
40 administered pursuant to NRS 389.015 to the Legislative Bureau of  
41 Educational Accountability and Program Evaluation in a manner  
42 that does not violate the confidentiality of the test scores of any  
43 individual pupil.

44 5. On or before November 15 of each year, each school district  
45 and each charter school shall report to the Department the following



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1 information for each examination administered in the public schools  
2 in the school district or charter school:

3 (a) The examination administered;

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

6 (c) The costs incurred by the school district or charter school in  
7 administering each examination; ~~and~~

8 (d) The purpose, if any, for which the results of the examination  
9 are used by the school district or charter school ~~and~~; and

10 (e) *The average number of school days, including the average*  
11 *number of hours per school day, used to administer the*  
12 *examinations and to prepare for the examinations.*

13 On or before December 15 of each year, the Department shall  
14 transmit to the Budget Division of the Department of  
15 Administration and the Fiscal Analysis Division of the Legislative  
16 Counsel Bureau the information submitted to the Department  
17 pursuant to this subsection.

18 6. The superintendent of schools of each school district and the  
19 governing body of each charter school shall certify that the number  
20 of pupils who took the examinations required pursuant to NRS  
21 389.015 is equal to the number of pupils who are enrolled in each  
22 school in the school district or in the charter school who are required  
23 to take the examinations except for those pupils who are exempt  
24 from taking the examinations. A pupil may be exempt from taking  
25 the examinations if:

26 (a) His primary language is not English and his proficiency in  
27 the English language is below the level that the State Board  
28 determines is proficient, as measured by an assessment of  
29 proficiency in the English language prescribed by the State Board  
30 pursuant to subsection 8; or

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

34 7. In addition to the information required by subsection 5, the  
35 Superintendent of Public Instruction shall:

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

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

43 8. The State Board shall prescribe an assessment of proficiency  
44 in the English language for pupils whose primary language is not



1 English to determine which pupils are exempt from the  
2 examinations pursuant to paragraph (a) of subsection 6.

3 **Sec. 27.** NRS 389.165 is hereby amended to read as follows:

4 389.165 1. A pupil enrolled in high school who successfully  
5 completes a community service project which has been approved  
6 pursuant to this section must be allowed to apply not ~~more~~ *less*  
7 than one credit received for the completion of the project toward the  
8 total number of credits required for graduation from high school.  
9 ~~[The]~~ *All* credit *received* must be applied toward the pupil's elective  
10 course credits and not toward a course that is required for graduation  
11 from high school. A pupil may not receive credit for the completion  
12 of a community service project if the project duplicates a course of  
13 study in which the pupil has received instruction.

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

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

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

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

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

24 **Sec. 28.** NRS 389.550 is hereby amended to read as follows:

25 389.550 1. The State Board shall, in consultation with the  
26 Council, prescribe examinations that measure the achievement and  
27 proficiency of pupils in selected grades in the standards of content  
28 established by the Council that are in addition to the examinations  
29 administered pursuant to NRS 389.015. The State Board shall, based  
30 upon the recommendations of the Council, select the grade levels of  
31 pupils that are required to take the examinations and the standards  
32 that the examinations must measure.

33 2. The board of trustees of each school district and the  
34 governing body of each charter school shall administer the  
35 examinations prescribed by the State Board. The examinations must  
36 be:

37 (a) Administered to pupils in each school district and each  
38 charter school at the same time ~~and~~ *for the grade level tested*, as  
39 prescribed by the State Board. *The time for the administration of*  
40 *the examinations prescribed by the State Board must provide for*  
41 *administration on the weekends pursuant to section 24 of this act.*

42 (b) Administered in each school in accordance with uniform  
43 procedures adopted by the State Board. The Department shall  
44 monitor the school districts and individual schools to ensure  
45 compliance with the uniform procedures.



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1 (c) Administered in each school in accordance with the plan  
2 adopted pursuant to NRS 389.616 by the Department and with the  
3 plan adopted pursuant to NRS 389.620 by the board of trustees of  
4 the school district in which the examinations are administered. The  
5 Department shall monitor the compliance of school districts and  
6 individual schools with:

- 7 (1) The plan adopted by the Department; and  
8 (2) The plan adopted by the board of trustees of the  
9 applicable school district, to the extent that the plan adopted by the  
10 board of trustees of the school district is consistent with the plan  
11 adopted by the Department.

12 **Sec. 29.** NRS 389.560 is hereby amended to read as follows:

13 389.560 1. The State Board shall adopt regulations that  
14 require the board of trustees of each school district and  
15 the governing body of each charter school to submit to the  
16 Superintendent of Public Instruction, the Department and the  
17 Council, in the form and manner prescribed by the Superintendent,  
18 the results of the examinations administered pursuant to NRS  
19 389.550. The State Board shall not include in the regulations any  
20 provision that would violate the confidentiality of the test scores of  
21 an individual pupil.

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

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

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

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

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

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

40 (c) Are enrolled in an alternative program for the education of  
41 pupils at risk of dropping out of high school, including, without  
42 limitation, a program of distance education that is provided to pupils  
43 who are at risk of dropping out of high school pursuant to NRS  
44 388.820 to 388.874, inclusive; or

45 (d) Are detained in a:



- 1 (1) Youth training center;
- 2 (2) Youth center;
- 3 (3) Juvenile forestry camp;
- 4 (4) Detention home;
- 5 (5) Youth camp;
- 6 (6) Juvenile correctional institution; or
- 7 (7) Correctional institution.

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

10 4. Not later than 10 days after the Department receives the  
11 results of the examinations, the Department shall transmit a copy of  
12 the results to the Legislative Bureau of Educational Accountability  
13 and Program Evaluation in a manner that does not violate the  
14 confidentiality of the test scores of any individual pupil.

15 5. On or before November 15 of each year, each school district  
16 and each charter school shall report to the Department the following  
17 information for each examination administered in the public schools  
18 in the school district or charter school:

- 19 (a) The examination administered;
- 20 (b) The grade level or levels of pupils to whom the examination  
21 was administered;
- 22 (c) The costs incurred by the school district or charter school in  
23 administering each examination; ~~and~~
- 24 (d) The purpose, if any, for which the results of the examination  
25 are used by the school district or charter school ~~and~~; *and*
- 26 *(e) The average number of school days, including the average*  
27 *number of hours per school day, used to administer the*  
28 *examinations and to prepare for the examinations.*

29 On or before December 15 of each year, the Department shall  
30 transmit to the Budget Division of the Department of  
31 Administration and the Fiscal Analysis Division of the Legislative  
32 Counsel Bureau the information submitted to the Department  
33 pursuant to this subsection.

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

- 41 (a) His primary language is not English and his proficiency in  
42 the English language is below the level that the State Board  
43 determines is proficient, as measured by an assessment of  
44 proficiency in the English language prescribed by the State Board  
45 pursuant to subsection 8; or



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

4 7. In addition to the information required by subsection 5, the  
5 Superintendent of Public Instruction shall:

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

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

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

17 **Sec. 30.** NRS 390.140 is hereby amended to read as follows:

18 390.140 1. The State Board shall make the final selection of  
19 all textbooks to be used in the public schools in this state, except for  
20 charter schools. *The State Board shall:*

21 (a) *Prepare a list identifying each textbook that is selected.*

22 (b) *Review each textbook that is selected to assess the level of*  
23 *reading comprehension required to understand the textbook.*

24 (c) *Based upon the review pursuant to paragraph (b), for each*  
25 *textbook on the list, indicate the level of reading comprehension*  
26 *required to understand the textbook.*

27 2. If a textbook proposed for selection is in a subject area for  
28 which standards of content have been established by the Council to  
29 Establish Academic Standards for Public Schools pursuant to NRS  
30 389.520, the State Board shall not select the textbook unless the  
31 State Board determines that the textbook adequately supports the  
32 standards for that subject area.

33 ~~2.1~~ 3. A textbook must not be selected by the State Board  
34 pursuant to subsection 1 for use in the public schools in classes in  
35 literature, history or social sciences unless it accurately portrays the  
36 cultural and racial diversity of our society, including lessons on the  
37 contributions made to our society by men and women from various  
38 racial and ethnic backgrounds.

39 **Sec. 31.** NRS 390.230 is hereby amended to read as follows:

40 390.230 1. Except as otherwise provided in subsection 2, the  
41 textbooks adopted by the State Board must be used in the public  
42 schools in this state, and no other books may be used as basic  
43 textbooks. *A public school within a school district must be allowed*  
44 *to select for use at the school textbooks from the list prepared by*  
45 *the State Board pursuant to NRS 390.140. Upon selection, a*



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1 *public school shall notify the board of trustees of the school*  
2 *district in which the school is located of the books that have been*  
3 *selected and the number of each book that must be purchased for*  
4 *use at the school. A public school shall select textbooks that are*  
5 *appropriate for the level of reading comprehension of the pupils*  
6 *enrolled in the school based upon the results of the examinations*  
7 *administered pursuant to section 23 of this act. If a public school*  
8 *elects not to select the textbooks for use at the school, the board of*  
9 *trustees of the school district shall select the textbooks for the*  
10 *school that are appropriate for the level of reading comprehension*  
11 *of the pupils enrolled in the school based upon the results of the*  
12 *examinations administered pursuant to section 23 of this act.*

13 2. This section does not prohibit:

14 (a) The continued use of such textbooks previously approved  
15 until they become unserviceable.

16 (b) The use of supplemental textbooks purchased by a school  
17 district with the approval of the Superintendent of Public  
18 Instruction.

19 (c) After approval by the State Board, the temporary use of  
20 textbooks for tryout purposes.

21 (d) A charter school from using textbooks other than those  
22 adopted for use by the State Board.

23 3. Any school officer or teacher who violates the provisions of  
24 this chapter ~~§~~ or *who* knowingly fails to follow the regulations of  
25 the State Board relating to use of textbooks shall be punished by a  
26 fine of not more than \$250.

27 4. All superintendents, principals, teachers and school officers  
28 are charged with the execution of this section.

29 **Sec. 32.** Chapter 391 of NRS is hereby amended by adding  
30 thereto the provisions set forth as sections 33 to 37, inclusive, of this  
31 act.

32 **Sec. 33. 1.** *Each written contract or notice of reemployment*  
33 *of a teacher must include a provision that requires all licensed*  
34 *teachers to work additional hours with pay each school day so that*  
35 *each teacher, except for a teacher who is employed less than full*  
36 *time, is required to work 8 hours per school day during the school*  
37 *year. If a school district has entered into a collective bargaining*  
38 *agreement pursuant to chapter 288 of NRS that governs the*  
39 *employment of the licensed teachers of the school district, the*  
40 *times and manner in which a teacher must work the additional*  
41 *hours required by this subsection must be prescribed by the*  
42 *collective bargaining agreement.*

43 2. A teacher shall use the additional hours of time he is  
44 required to work pursuant to subsection 1 to:



1     (a) *Develop educational plans and programs for use in the*  
2 *classroom; and*

3     (b) *Confer with other teachers and licensed educational*  
4 *personnel concerning educational plans and programs.*

5     **Sec. 34. 1.** *The board of trustees of each school district*  
6 *shall, in consultation with each organization or association that*  
7 *represents licensed educational personnel in the school district,*  
8 *authorize licensed educational personnel to be absent from*  
9 *employment with pay for 1 day of each school year. The day of*  
10 *excused absence must be used to:*

11     (a) *Visit the home of a parent or legal guardian of a pupil to*  
12 *discuss the academic progress of the pupil or other circumstances*  
13 *concerning the pupil;*

14     (b) *Visit the place of employment of a parent or legal guardian*  
15 *of a pupil, with the approval of the employer, to discuss the*  
16 *academic progress of the pupil or other circumstances concerning*  
17 *the pupil;*

18     (c) *Meet with persons who represent private industry to*  
19 *develop any programs offered within the school district regarding*  
20 *occupational education or vocational education; or*

21     (d) *Engage in some combination of the activities listed in*  
22 *paragraphs (a), (b) and (c).*

23     **2.** *Each teacher who is absent from employment for 1 day for*  
24 *the purposes set forth in subsection 1 shall submit to the board of*  
25 *trustees of the school district written documentation that the*  
26 *teacher used the time to carry out the requirements of*  
27 *subsection 1.*

28     **Sec. 35. 1.** *The board of trustees of each school district*  
29 *shall prepare a list that includes the name of each teacher*  
30 *employed by the school district who is assigned by the school*  
31 *district to:*

32     (a) *Teach in an area outside of his licensure or endorsement;*  
33 *or*

34     (b) *Carry out a special assignment or program other than what*  
35 *the teacher was hired to perform.*

36     *The list must indicate, for each name of a teacher included, the*  
37 *type of license and endorsement, if applicable, held by that*  
38 *teacher.*

39     **2.** *The board of trustees of each school district shall submit*  
40 *the list prepared pursuant to subsection 1 to the State Board and*  
41 *the Department on or before January 1, April 1, July 1 and*  
42 *October 1.*

43     **Sec. 36. 1.** *The board of trustees of a school district may*  
44 *employ a person who is not licensed pursuant to this chapter to*  
45 *serve as a principal or vice principal of a school if the person:*



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1       (a) *Holds a master's degree in business administration or a*  
2 *master's degree in public administration from an accredited*  
3 *college or university;*

4       (b) *Submits a full set of his fingerprints and written permission*  
5 *authorizing the school district to forward his fingerprints to the*  
6 *Federal Bureau of Investigation and the Central Repository for*  
7 *Nevada Records of Criminal History for their reports on the*  
8 *criminal history of the person; and*

9       (c) *Except as otherwise provided in subsection 3, submits a*  
10 *written statement indicating his willingness and intention to*  
11 *complete, during his first year of employment, courses or*  
12 *seminars, or both, prescribed by the board of trustees to ensure*  
13 *that the employee fully understands the academic programs of the*  
14 *school and other instructional programs of the school.*

15       2. *If a person is hired as a principal or vice principal of a*  
16 *school pursuant to this section, he must, upon completion of his*  
17 *first year of employment and within the time prescribed by the*  
18 *board of trustees, submit written verification to the board of*  
19 *trustees of the school district indicating that he has successfully*  
20 *completed the courses or seminars, or both, prescribed by the*  
21 *board of trustees pursuant to paragraph (c) of subsection 1.*  
22 *Notwithstanding the provisions of NRS 391.3197 to the contrary,*  
23 *if the employee does not submit the written verification upon*  
24 *completion of his first year of employment and within the time*  
25 *prescribed by the board of trustees, he is no longer eligible for*  
26 *employment pursuant to this section with any board of trustees of*  
27 *a school district.*

28       3. *If the employee submits the written verification required by*  
29 *subsection 2 to the board of trustees of the school district upon*  
30 *completion of his first year of employment and within the time*  
31 *prescribed by the board of trustees, he:*

32       (a) *May be reemployed by the board of trustees that initially*  
33 *hired him.*

34       (b) *May be employed with any board of trustees of a school*  
35 *district in this state without being required to again take the*  
36 *courses and seminars required by subsection 1.*

37       4. *Except as otherwise provided in this section, if a person is*  
38 *employed as a principal or vice principal of a school pursuant to*  
39 *this section, the person:*

40       (a) *Shall be deemed a licensed employee and a licensed*  
41 *administrator of the school district.*

42       (b) *Is entitled to all benefits, rights and privileges conferred by*  
43 *statutes and regulations on the licensed employees of a school*  
44 *district.*

45       (c) *Shall comply with all applicable statutes and regulations.*



1     **5. In no event may a person who is employed pursuant to this**  
2 **section provide instruction in a classroom.**

3     **Sec. 37. A person who is employed by the board of trustees of**  
4 **a school district to teach or perform other educational services at a**  
5 **school as a licensed employee may submit a request to the board of**  
6 **trustees of the school district for a transfer or reassignment to**  
7 **another school, regardless of the number of consecutive years, if**  
8 **any, that the person has been employed at the school.**

9     **Sec. 38.** NRS 391.095 is hereby amended to read as follows:

10     391.095 1. A school district may enter into an agreement  
11 with a branch of the University and Community College System of  
12 Nevada or an accredited postsecondary educational institution which  
13 is licensed by the Commission on Postsecondary Education and  
14 which offers courses of study and training for the education of  
15 teachers which are approved or recognized by the State Board  
16 pursuant to NRS 391.038, for the assignment of students for training  
17 purposes as student teachers, counselors or trainees in a library, or  
18 for experience in a teaching laboratory. Students so assigned within  
19 the school district for training purposes may, under the direction and  
20 supervision of a licensed teacher **who has at least 5 years of**  
21 **teaching experience**, instruct and supervise pupils in the school, on  
22 the school grounds or on authorized field trips. **At no time may a**  
23 **student so assigned be allowed to conduct a classroom in the**  
24 **absence of the teacher who is assigned to that classroom unless**  
25 **the student is otherwise supervised by a licensed teacher who has**  
26 **at least 5 years of teaching experience.** The students so assigned  
27 are employees of the school district for **the** purposes of NRS 41.038  
28 and 41.039 **while** performing such authorized duties, whether or  
29 not the duties are performed entirely in the presence of the licensed  
30 teacher.

31     2. **A student who is assigned to a particular school may**  
32 **request a transfer from that school to another school within the**  
33 **school district. Before a student makes such a request, the student**  
34 **must inform the professor or instructor who supervises the**  
35 **student's assignment at the University or postsecondary**  
36 **educational institution of the reasons for his request. A school**  
37 **district shall not reprimand or otherwise take adverse action**  
38 **against a student who makes such a request.**

39     3. As used in this section:

40     (a) "Accredited" has the meaning ascribed to it in NRS 394.006.

41     (b) "Postsecondary educational institution" has the meaning  
42 ascribed to it in NRS 394.099.

43     **Sec. 39.** NRS 391.125 is hereby amended to read as follows:

44     391.125 1. If the board of trustees of a school district  
45 determines that a shortage of teachers exists within the school



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1 district in a particular subject area, the board of trustees may submit  
2 a written request to the Superintendent of Public Instruction to  
3 employ persons who are licensed teachers but who do not hold an  
4 endorsement to teach in the subject area for which there is a  
5 shortage of teachers. The Superintendent of Public Instruction may  
6 grant such a request if the Superintendent determines that a shortage  
7 of teachers exists in the subject area. If the Superintendent of Public  
8 Instruction grants a request pursuant to this subsection, a person  
9 who holds a license to teach but not an endorsement in the subject  
10 area for which the request was granted may be employed by the  
11 school district for not more than ~~{2 school years}~~ *1 school year* to  
12 teach in that subject area ~~{ }~~ *if the school district first obtains a*  
13 *written agreement from the licensed teacher to teach in that*  
14 *subject area.*

15 2. If the Superintendent of Public Instruction grants a request  
16 pursuant to subsection 1, the Superintendent shall submit a written  
17 report to the Commission that includes the name of the school  
18 district for which the request was granted and the subject area for  
19 which the request was granted. Upon receipt of such a report,  
20 the Commission shall consider whether to adopt revisions to the  
21 requirements for an endorsement in that subject area to address the  
22 shortage of teachers.

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

24 391.160 1. The salaries of teachers and other employees must  
25 be determined by the character of the service required. A school  
26 district shall not discriminate between male and female employees  
27 in the matter of salary.

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

33 (a) On or before January 31 of the school year, the teacher has  
34 submitted evidence satisfactory to the school district of his current  
35 certification; and

36 (b) The teacher is assigned by the school district to provide  
37 classroom instruction during that school year.

38 No increase in salary may be given during a particular school year  
39 to a teacher who submits evidence of certification after January 31  
40 of that school year. For the first school year that a teacher submits  
41 evidence of his current certification, the board of trustees of the  
42 school district to whom the evidence was submitted shall pay the  
43 increase in salary required by this subsection retroactively to the  
44 beginning of that school year. Once a teacher has submitted  
45 evidence of such certification to the school district, the school



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1 district shall retain the evidence in its records, as applicable, for  
2 future school years. An increase in salary given in accordance with  
3 this subsection is in addition to any other increase to which the  
4 teacher may otherwise be entitled.

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

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

12 (b) Give the teacher credit for his final year of service with his  
13 former employer, if credit for that service is not included in credit  
14 given pursuant to paragraph (a); and

15 (c) Place the teacher on the schedule of salaries of the school  
16 district in a classification that is commensurate with the level of  
17 education acquired by the teacher, as set forth in the applicable  
18 negotiated agreement with the present employer.

19 4. A school district ~~may~~ *shall* give the credit required by  
20 subsection 3 for previous teaching service earned in another state if  
21 the Commission has approved the standards for licensing teachers of  
22 that state. The Commission shall adopt regulations that establish the  
23 criteria by which the Commission will consider the standards for  
24 licensing teachers of other states for the purposes of this subsection.  
25 The criteria may include, without limitation, whether the  
26 Commission has authorized reciprocal licensure of educational  
27 personnel from the state under consideration.

28 5. In determining the salary of a licensed administrator,  
29 *including, without limitation, a principal or vice principal*  
30 *employed pursuant to section 36 of this act*, other than the  
31 superintendent of schools, who is employed by a school district after  
32 the administrator has been employed by another school district in  
33 this state, the present employer shall, except as otherwise provided  
34 in subsection 6:

35 (a) Give the administrator the same credit for previous  
36 administrative service as he was receiving from his former employer  
37 ~~at~~ at the end of his former employment;

38 (b) Give the administrator credit for his final year of service  
39 with his former employer, if credit for that service is not otherwise  
40 included in the credit given pursuant to paragraph (a); and

41 (c) Place the administrator on the schedule of salaries of the  
42 school district in a classification that is comparable to the  
43 classification the administrator had attained on the schedule of  
44 salaries of his former employer.

45 6. This section does not:



1 (a) Require a school district to allow a teacher or administrator  
2 more credit for previous teaching or administrative service than the  
3 maximum credit for teaching or administrative experience provided  
4 for in the schedule of salaries established by it for its licensed  
5 personnel.

6 (b) Permit a school district to deny a teacher or administrator  
7 credit for his previous teaching or administrative service on the  
8 ground that the service differs in kind from the teaching or  
9 administrative experience for which credit is otherwise given by the  
10 school district.

11 7. As used in this section:

12 (a) "Previous administrative service" means the total of:

13 (1) Any period of administrative service for which an  
14 administrator received credit from his former employer at the  
15 beginning of his former employment ~~[-]~~ , *including, without*  
16 *limitation, service as an employee pursuant to section 36 of this*  
17 *act;* and

18 (2) His period of administrative service in his former  
19 employment.

20 (b) "Previous teaching service" means the total of:

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

24 (2) His period of teaching service in his former employment.

25 **Sec. 41.** NRS 391.165 is hereby amended to read as follows:

26 391.165 1. Except as otherwise provided in ~~[subsection 3 of]~~  
27 this section and except as otherwise required as a result of NRS  
28 286.537, the board of trustees of a school district shall pay the cost  
29 for a licensed teacher to purchase ~~[one-fifth]~~ *one-fourth* of a year of  
30 service pursuant to subsection 2 of NRS 286.300 if:

31 (a) The teacher is a member of the Public Employees'  
32 Retirement System and has at least 5 years of service;

33 (b) The teacher has been employed as a licensed teacher in this  
34 state for at least 5 consecutive school years, regardless of whether  
35 the employment was with one or more school districts in this state;

36 (c) Each evaluation of the teacher conducted pursuant to NRS  
37 391.3125 is at least satisfactory for the years of employment  
38 required by paragraph (b); and

39 (d) In addition to the years of employment required by  
40 paragraph (b), the teacher has been employed as a licensed teacher  
41 for 1 school year at a school within the school district which, for  
42 that school year, carries the designation of demonstrating need for  
43 improvement pursuant to NRS 385.367.

44 2. Except as otherwise provided in ~~[subsection 3.]~~ *this section,*  
45 the board of trustees of a school district shall pay the cost for a



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1 licensed teacher to purchase ~~one-fifth~~ *one-half* of a year of service  
2 *pursuant to subsection 2 of NRS 286.300 if:*

3 *(a) The teacher is a member of the Public Employees’*  
4 *Retirement System and has at least 5 years of service;*

5 *(b) The teacher has been employed as a licensed teacher in*  
6 *this state for at least 5 consecutive school years, regardless of*  
7 *whether the employment was with one or more school districts in*  
8 *this state;*

9 *(c) Each evaluation of the teacher conducted pursuant to NRS*  
10 *391.3125 is at least satisfactory for the years of employment*  
11 *required by paragraph (b); and*

12 *(d) In addition to the years of employment required by*  
13 *paragraph (b), the teacher has been employed as a licensed*  
14 *teacher for 1 school year at a school within the school district*  
15 *where, for that school year, at least 65 percent of the pupils who*  
16 *are enrolled in the school are children who are at-risk.*

17 3. *Except as otherwise provided in subsection 4, the board of*  
18 *trustees of a school district shall pay the cost for a licensed teacher*  
19 *to purchase:*

20 *(a) One-fourth of a year of service* for each year that a teacher  
21 is employed as a teacher at a school within the school district that is  
22 described in paragraph (d) of subsection 1 ~~1~~

23 ~~—3—~~ ; or

24 *(b) One-half of a year of service for each year that a teacher is*  
25 *employed as a teacher at a school within the school district that is*  
26 *described in paragraph (d) of subsection 2.*

27 *If, in 1 school year, a teacher satisfies the criteria set forth in both*  
28 *subsections 1 and 2, the school district in which the teacher is*  
29 *employed shall, for that school year, pay the cost for the teacher to*  
30 *purchase one-half of a year of service pursuant to subsection 2 of*  
31 *NRS 286.300.*

32 4. In no event may the years of service purchased by a licensed  
33 teacher as a result of subsection 2 of NRS 286.300 exceed 5 years.

34 ~~4.~~ 5. The board of trustees of a school district shall not:

35 (a) Assign or reassign a licensed teacher to circumvent the  
36 requirements of this section.

37 (b) Include ~~1~~ as part of a teacher’s salary ~~1~~ the costs of paying  
38 the teacher to purchase service pursuant to this section.

39 ~~5.~~ 6. As used in this section ~~1~~ ~~“service”~~ :

40 *(a) A child is “at-risk” if he is eligible for free and reduced-*  
41 *price lunches pursuant to 42 U.S.C. §§ 1751 et seq.*

42 *(b) “Service” has the meaning ascribed to it in NRS 286.078.*

43 **Sec. 42.** NRS 391.311 is hereby amended to read as follows:

44 391.311 As used in NRS 391.311 to 391.3197, inclusive,  
45 unless the context otherwise requires:



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- 1 1. "Administrator" means ~~any~~ :
  - 2 (a) Any employee who holds a license as an administrator and
  - 3 who is employed in that capacity by a school district.
  - 4 (b) *A principal or vice principal of a school who is employed*
  - 5 *pursuant to section 36 of this act.*
- 6 2. "Board" means the board of trustees of the school district in
- 7 which a licensed employee affected by NRS 391.311 to 391.3197,
- 8 inclusive, is employed.
- 9 3. "Demotion" means demotion of an administrator to a
- 10 position of lesser rank, responsibility or pay and does not include
- 11 transfer or reassignment for purposes of an administrative
- 12 reorganization.
- 13 4. "Immorality" means an act forbidden by NRS 200.366,
- 14 200.368, 200.400, 200.508, 201.180, 201.190, 201.210, 201.220,
- 15 201.230, 201.265 or 207.260.
- 16 5. "Postprobationary employee" means an administrator or a
- 17 teacher who has completed the probationary period as provided in
- 18 NRS 391.3197 and has been given notice of reemployment.
- 19 6. "Probationary employee" means an administrator or a
- 20 teacher who is employed for the period set forth in NRS 391.3197.
- 21 7. "Superintendent" means the superintendent of a school
- 22 district or a person designated by the board or superintendent to act
- 23 as superintendent during the absence of the superintendent.
- 24 8. "Teacher" means a licensed employee the majority of whose
- 25 working time is devoted to the rendering of direct educational
- 26 service to pupils of a school district.
- 27 **Sec. 43.** NRS 391.3125 is hereby amended to read as follows:
  - 28 391.3125 1. It is the intent of the Legislature that a uniform
  - 29 system be developed for objective evaluation of teachers and other
  - 30 licensed personnel in each school district.
  - 31 2. Each board, following consultation with and involvement of
  - 32 elected representatives of the teachers or their designees, shall
  - 33 develop a policy for objective evaluations in narrative form. The
  - 34 policy must set forth a means according to which an employee's
  - 35 overall performance may be determined to be satisfactory or
  - 36 unsatisfactory. ~~The~~ *Except as otherwise provided in this*
  - 37 *subsection, the* policy may include an evaluation by the teacher,
  - 38 pupils, administrators or other teachers, or any combination thereof.
  - 39 *In no event may a principal or vice principal employed pursuant to*
  - 40 *section 36 of this act be charged with the evaluation of a licensed*
  - 41 *employee.* In a similar manner, counselors, librarians and other
  - 42 licensed personnel must be evaluated on forms developed
  - 43 specifically for their respective specialties. A copy of the policy
  - 44 adopted by the board must be filed with the Department. The
  - 45 primary purpose of an evaluation is to provide a format for



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1 constructive assistance. Evaluations, while not the sole criterion,  
2 must be used in the dismissal process.

3 3. A conference and a written evaluation for a probationary  
4 employee must be concluded no later than:

5 (a) December 1;

6 (b) February 1; and

7 (c) April 1,

8 of each school year of the probationary period, except that a  
9 probationary employee assigned to a school that operates all year  
10 must be evaluated at least three times during each 12 months of  
11 employment on a schedule determined by the board.

12 4. Whenever an administrator charged with the evaluation of a  
13 probationary employee believes the employee will not be  
14 reemployed for the second year of the probationary period or the  
15 school year following the probationary period, he shall bring the  
16 matter to the employee's attention in a written document which is  
17 separate from the evaluation no later than February 15 of the current  
18 school year. The notice must include the reasons for the potential  
19 decision not to reemploy or refer to the evaluation in which the  
20 reasons are stated. Such a notice is not required if the probationary  
21 employee has received a letter of admonition during the current  
22 school year.

23 5. Each postprobationary teacher must be evaluated at least  
24 once each year.

25 6. The evaluation of a probationary teacher or a  
26 postprobationary teacher must, if necessary, include  
27 recommendations for improvements in his performance. A  
28 reasonable effort must be made to assist the teacher to correct any  
29 deficiencies noted in the evaluation. The teacher must receive a  
30 copy of each evaluation not later than 15 days after the evaluation.  
31 A copy of the evaluation and the teacher's response must be  
32 permanently attached to the teacher's personnel file.

33 **Sec. 44.** NRS 391.3197 is hereby amended to read as follows:

34 391.3197 1. A probationary employee is employed on a  
35 contract basis for two 1-year periods and has no right to  
36 employment after either of the two probationary contract years.

37 2. The board shall notify each probationary employee in  
38 writing on or before May 1 of the first and second school years of  
39 his probationary period, as appropriate, whether he is to be  
40 reemployed for the second year of the probationary period or for the  
41 next school year as a postprobationary employee. The employee  
42 must advise the board in writing on or before May 10 of the first or  
43 second year of his probationary period, as appropriate, of his  
44 acceptance of reemployment. If a probationary employee is assigned  
45 to a school that operates all year, the board shall notify him in



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1 writing, in both the first and second years of his probationary period,  
2 no later than 45 days before his last day of work for the year under  
3 his contract whether he is to be reemployed for the second year of  
4 the probationary period or for the next school year as a  
5 postprobationary employee. He must advise the board in writing  
6 within 10 days after the date of notification of his acceptance or  
7 rejection of reemployment for another year. Failure to advise the  
8 board of his acceptance of reemployment constitutes rejection of the  
9 contract. *If a board intends to reemploy a principal or vice  
10 principal who is employed pursuant to section 36 of this act, the  
11 notice of reemployment provided pursuant to this subsection must  
12 include a condition that the employee will be reemployed only if he  
13 submits the written verification required by subsection 2 of section  
14 36 of this act upon the completion of the school year and within  
15 the time prescribed by the board.*

16 3. A probationary employee who completes his 2-year  
17 probationary period and receives a notice of reemployment from the  
18 school district in the second year of his probationary period is  
19 entitled to be a postprobationary employee in the ensuing year of  
20 employment.

21 4. A probationary employee who receives an unsatisfactory  
22 evaluation may request a supplemental evaluation by another  
23 administrator in the school district selected by him and the  
24 superintendent. If a school district has five or fewer administrators,  
25 the supplemental evaluator may be an administrator from another  
26 school district in the State. If a probationary employee has received  
27 during the first school year of his probationary period three  
28 evaluations which state that the employee's overall performance has  
29 been satisfactory, the superintendent ~~{of schools of the school~~  
30 ~~district or his designee}~~ shall waive the second year of the  
31 employee's probationary period by expressly providing in writing  
32 on the final evaluation of the employee for the first probationary  
33 year that the second year of his probationary period is waived.  
34 ~~{Such}~~ *Except as otherwise provided in this subsection, such* an  
35 employee is entitled to be a postprobationary employee in the  
36 ensuing year of employment. *If a board intends to reemploy a  
37 principal or vice principal who is employed pursuant to section 36  
38 of this act, the notice provided pursuant to this subsection must  
39 include a condition that the employee will be reemployed only if he  
40 submits the written verification required by subsection 2 of section  
41 36 of this act upon the completion of the school year and within  
42 the time prescribed by the board.*

43 5. If a probationary employee is notified that he will not be  
44 reemployed for the second year of his probationary period or the  
45 ensuing school year, his employment ends on the last day of the



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1 current school year. The notice that he will not be reemployed must  
2 include a statement of the reasons for that decision.

3 6. A new employee or a postprobationary teacher who is  
4 employed as an administrator shall be deemed to be a probationary  
5 employee for the purposes of this section and must serve a 2-year  
6 probationary period as an administrator in accordance with the  
7 provisions of this section. If the administrator does not receive an  
8 unsatisfactory evaluation during the first year of probation, the  
9 superintendent ~~for his designee~~ shall waive the second year of the  
10 administrator's probationary period. ~~[Such]~~ *Except as otherwise*  
11 *provided in this subsection, such* an administrator is entitled to be a  
12 postprobationary employee in the ensuing year of employment. *If a*  
13 *board intends to reemploy a principal or vice principal who is*  
14 *employed pursuant to section 36 of this act, the superintendent*  
15 *shall provide notice to the administrator that the administrator will*  
16 *be reemployed only if he submits the written verification required*  
17 *by subsection 2 of section 36 of this act upon the completion of the*  
18 *school year and within the time prescribed by the board.* If:

19 (a) A postprobationary teacher who is an administrator is not  
20 reemployed as an administrator after either year of his probationary  
21 period; and

22 (b) There is a position as a teacher available for the ensuing  
23 school year in the school district in which the person is  
24 employed,  
25 the board ~~of trustees of the school district~~ shall, on or before  
26 May 1, offer the person a contract as a teacher for the ensuing  
27 school year. The person may accept the contract in writing on or  
28 before May 10. If the person fails to accept the contract as a teacher,  
29 the person shall be deemed to have rejected the offer of a contract as  
30 a teacher.

31 7. ~~[An]~~ *Except as otherwise provided in this subsection, an*  
32 administrator who has completed his probationary period pursuant  
33 to subsection 6 and is thereafter promoted to the position of  
34 principal must serve an additional probationary period of 1 year in  
35 the position of principal. *A principal who is employed pursuant to*  
36 *section 36 of this act is not required to serve an additional*  
37 *probationary period pursuant to this subsection.* If the  
38 administrator serving the additional probationary period is not  
39 reemployed as a principal after the expiration of the additional  
40 probationary period, the board ~~of trustees of the school district in~~  
41 ~~which the person is employed~~ shall, on or before May 1, offer the  
42 person a contract for the ensuing school year for the administrative  
43 position in which the person attained postprobationary status. The  
44 person may accept the contract in writing on or before May 10. If



1 the person fails to accept such a contract, the person shall be deemed  
2 to have rejected the offer of employment.

3 8. Before dismissal, the probationary employee is entitled to a  
4 hearing before a hearing officer which affords due process as set out  
5 in NRS 391.311 to 391.3196, inclusive.

6 **Sec. 45.** Chapter 392 of NRS is hereby amended by adding  
7 thereto a new section to read as follows:

8 *1. Except as otherwise provided in subsection 7, the parents,*  
9 *legal guardian or custodial parent of a pupil may submit an*  
10 *application for the pupil to attend a public school, including,*  
11 *without limitation, a magnet school as defined in section 15 of this*  
12 *act, that is located within the school district but outside the zone of*  
13 *attendance established pursuant to NRS 388.040 that the pupil is*  
14 *required to attend.*

15 *2. An application for enrollment in a public school pursuant*  
16 *to this section must be submitted on a form provided by the board*  
17 *of trustees. The board of trustees of each school district shall*  
18 *prescribe the deadline for the submission of applications, which*  
19 *must not be sooner than 3 months before the commencement of a*  
20 *school year.*

21 *3. The board of trustees of a school district shall not act on*  
22 *an application that has been submitted until after the deadline for*  
23 *the submission of applications. Except as otherwise provided in*  
24 *this subsection, the board of trustees of a school district shall*  
25 *approve all applications that are submitted. If the board of trustees*  
26 *of a school district determines that a public school within the*  
27 *school district does not have sufficient resources to accommodate*  
28 *the total number of pupils who submitted applications for that*  
29 *school, including, without limitation, a sufficient number of*  
30 *classrooms or personnel, the board of trustees of the school*  
31 *district shall hold a meeting in accordance with chapter 241 of*  
32 *NRS to select randomly which applications will be approved. The*  
33 *board of trustees of the school district shall ensure that the*  
34 *random selection of applications occurs in such a manner that*  
35 *every application which has been submitted for a particular school*  
36 *is given an equal opportunity to be included in the selection.*

37 *4. If the board of trustees of a school district approves an*  
38 *application, the board of trustees shall:*

39 *(a) Provide written notice of the approval to:*

40 *(1) The person who submitted the application on behalf of*  
41 *the pupil;*

42 *(2) The public school that the pupil would otherwise be*  
43 *required to attend; and*

44 *(3) The public school that the pupil will attend.*



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1       (b) *Enter into an agreement with the parent or guardian of the*  
2 *pupil concerning the transportation of the pupil to the public*  
3 *school that the pupil will attend.*

4       5. *A pupil may remain in the public school for succeeding*  
5 *school years without submitting an application pursuant to this*  
6 *section if space for the pupil is available. If space for the pupil is*  
7 *not available in that public school, he may return to the public*  
8 *school that he is otherwise required to attend or submit an*  
9 *application pursuant to this section to attend another public*  
10 *school.*

11       6. *If a pupil attends a public school pursuant to this section,*  
12 *the pupil may return to the public school that he is otherwise*  
13 *required to attend if the parents, legal guardian or custodial*  
14 *parent of the pupil provide written notice of that desire to the*  
15 *board of trustees of the school district.*

16       7. *The provisions of this section do not apply:*

17       (a) *For enrollment in a charter school.*

18       (b) *To a pupil who is enrolled in a public school for which the*  
19 *board of trustees of the school district is required to provide school*  
20 *choice pursuant to the No Child Left Behind Act of 2001, 20*  
21 *U.S.C. §§ 6301 et seq.*

22       (c) *For enrollment in a public school pursuant to*  
23 *NRS 392.015.*

24       (d) *For enrollment in a program of distance education*  
25 *pursuant to NRS 388.820 to 388.874, inclusive.*

26       (e) *To a pupil who is ineligible to attend a public school*  
27 *pursuant to NRS 392.264 or 392.4675.*

28       **Sec. 46.** NRS 392.010 is hereby amended to read as follows:

29       392.010 Except as to the attendance of a pupil pursuant to NRS  
30 388.820 to 388.874, inclusive, or 392.015 ~~§~~ **and section 45 of this**  
31 **act**, or a pupil who is ineligible for attendance pursuant to NRS  
32 392.4675 and except as otherwise provided in NRS 392.264 and  
33 392.268:

34       1. The board of trustees of any school district may, with the  
35 approval of the Superintendent of Public Instruction:

36       (a) Admit to the school or schools of the school district any  
37 pupil or pupils living in an adjoining school district within this state  
38 or in an adjoining state when the school district of residence in the  
39 adjoining state adjoins the receiving Nevada school district; or

40       (b) Pay tuition for pupils residing in the school district but who  
41 attend school in an adjoining school district within this state or in an  
42 adjoining state when the receiving district in the adjoining state  
43 adjoins the school district of Nevada residence.

44       2. With the approval of the Superintendent of Public  
45 Instruction, the board of trustees of the school district in which the



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1 pupil or pupils reside and the board of trustees of the school district  
2 in which the pupil or pupils attend school shall enter into an  
3 agreement providing for the payment of such tuition as may be  
4 agreed upon, but transportation costs must be paid by the board of  
5 trustees of the school district in which the pupil or pupils reside:

6 (a) If any are incurred in transporting a pupil or pupils to an  
7 adjoining school district within the State; and

8 (b) If any are incurred in transporting a pupil or pupils to an  
9 adjoining state, as provided by the agreement.

10 3. In addition to the provisions for the payment of tuition and  
11 transportation costs for pupils admitted to an adjoining school  
12 district as provided in subsection 2, the agreement may contain  
13 provisions for the payment of reasonable amounts of money to  
14 defray the cost of operation, maintenance and depreciation of capital  
15 improvements which can be allocated to such pupils.

16 **Sec. 47.** NRS 392.033 is hereby amended to read as follows:

17 392.033 1. *Except as otherwise provided in subsection 2, a*  
18 *pupil who is enrolled in a junior high or middle school must*  
19 *complete at least 15 units of credits to be promoted to high school.*

20 The State Board shall adopt regulations which prescribe the courses  
21 of study required for promotion to high school, which ~~{may}~~ *must*  
22 include the credits ~~{to be earned.}~~ *required for each course of study.*

23 2. *The board of trustees of a school district may adopt written*  
24 *rules that authorize a pupil who is enrolled in a junior high or*  
25 *middle school to apply for a reduction of the total units of credit*  
26 *required for promotion to high school if the pupil has fewer than*  
27 *three absences in each year that he is enrolled in junior high or*  
28 *middle school. The board of trustees may reduce the total units of*  
29 *credit required for promotion to high school pursuant to this*  
30 *subsection by not less than one-half of the total units of credit*  
31 *required for promotion.*

32 3. The board of trustees of a school district shall not promote a  
33 pupil to high school if the pupil does not complete the course of  
34 study ~~{or}~~ *and* credits required for promotion. The board of trustees  
35 of the school district in which the pupil is enrolled ~~{may provide}~~  
36 *shall ensure that the pupil has the opportunity to attend summer*  
37 *school or other special* programs to complete the courses of study  
38 required for promotion to high school.

39 ~~{3.}~~ 4. The board of trustees of each school district shall adopt  
40 a procedure for evaluating the course of study ~~{or}~~ *and* credits  
41 completed by a pupil who transfers to a junior high or middle school  
42 from a junior high or middle school in this state or from a school  
43 outside of this state.



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1     **Sec. 48.** NRS 392.040 is hereby amended to read as follows:  
2     392.040 1. Except as otherwise provided by law, each parent,  
3     custodial parent, guardian or other person in the State of Nevada  
4     having control or charge of any child between the ages of 7 and 17  
5     years shall send the child to a public school during all the time the  
6     public school is in session in the school district in which the child  
7     resides.  
8     2. A child who is 5 years of age on or before September 30 of a  
9     school year may be admitted to kindergarten at the beginning of that  
10    school year, and his enrollment must be counted for purposes of  
11    apportionment. *If such a child is at-risk, he must be admitted to*  
12    *kindergarten for a full school day and not for a part of a school*  
13    *day.* If a child is not 5 years of age on or before September 30 of a  
14    school year, the child must not be admitted to kindergarten.  
15    3. Except as otherwise provided in subsection 4, a child who is  
16    6 years of age on or before September 30 of a school year must:  
17    (a) If he has not completed kindergarten ~~[-, be]~~ :  
18    *(1) Be* admitted to kindergarten at the beginning of that  
19    school year; *and*  
20    *(2) If he is at-risk, be admitted to kindergarten for a full*  
21    *school day and not for a part of a school day;* or  
22    (b) If he has completed kindergarten, be admitted to the first  
23    grade at the beginning of that school year,  
24    and his enrollment must be counted for purposes of apportionment.  
25    If a child is not 6 years of age on or before September 30 of a school  
26    year, the child must not be admitted to the first grade until the  
27    beginning of the school year following his sixth birthday.  
28    4. The parents, custodial parent, guardian or other person  
29    within the State of Nevada having control or charge of a child who  
30    is 6 years of age on or before September 30 of a school year may  
31    elect for the child not to attend kindergarten or the first grade during  
32    that year. The parents, custodial parent, guardian or other person  
33    who makes such an election shall file with the board of trustees of  
34    the appropriate school district a waiver in a form prescribed by the  
35    board.  
36    5. Whenever a child who is 6 years of age is enrolled in a  
37    public school, each parent, custodial parent, guardian or other  
38    person in the State of Nevada having control or charge of the child  
39    shall send him to the public school during all the time the school is  
40    in session. This requirement for attendance does not apply to any  
41    child under the age of 7 years who has not yet been enrolled or has  
42    been formally withdrawn from enrollment in public school.  
43    6. A child who is 7 years of age on or before September 30 of a  
44    school year must:



1 (a) If he has completed kindergarten and the first grade, be  
2 admitted to the second grade.

3 (b) If he has completed kindergarten, be admitted to the first  
4 grade.

5 (c) If the parents, custodial parent, guardian or other person in  
6 the State of Nevada having control or charge of the child waived the  
7 child's attendance from kindergarten pursuant to subsection 4,  
8 undergo an assessment by the district pursuant to subsection 7 to  
9 determine whether the child is prepared developmentally to be  
10 admitted to the first grade. If the district determines that the child is  
11 prepared developmentally, he must be admitted to the first grade. If  
12 the district determines that the child is not so prepared ~~[-he]~~:

13 (1) *He* must be admitted to kindergarten ~~[-]~~; and

14 (2) *If he is at-risk, he must be admitted to kindergarten for*  
15 *a full school day and not for a part of a school day.*

16 The enrollment of any child pursuant to this subsection must be  
17 counted for apportionment purposes.

18 7. Each school district shall prepare and administer before the  
19 beginning of each school year a developmental screening test to a  
20 child:

21 (a) Who is 7 years of age on or before September 30 of the next  
22 school year; and

23 (b) Whose parents waived his attendance from kindergarten  
24 pursuant to subsection 4,  
25 to determine whether the child is prepared developmentally to be  
26 admitted to the first grade. The results of the test must be made  
27 available to the parents, custodial parent, guardian or other person  
28 within the State of Nevada having control or charge of the child.

29 8. *Each school district shall prepare a developmental*  
30 *screening test to be administered as a pretest at the beginning of*  
31 *each school year and as a posttest at the end of each school year to*  
32 *pupils who are at-risk and enrolled in kindergarten for a full*  
33 *school day. A school district may use the same developmental*  
34 *screening test that is administered pursuant to subsection 7. The*  
35 *screening test administered pursuant to this subsection must be*  
36 *used solely to gather information and data and must not be used*  
37 *for purposes of determining eligibility for first grade.*

38 9. A child who becomes a resident of this state after  
39 completing kindergarten or beginning first grade in another state in  
40 accordance with the laws of that state may be admitted to the grade  
41 he was attending or would be attending had he remained a resident  
42 of the other state regardless of his age, unless the board of trustees  
43 of the school district determines that the requirements of this section  
44 are being deliberately circumvented.

45 ~~[-]~~ 10. As used in this section ~~[-,"kindergarten" includes:]~~:



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1 (a) *A child is “at-risk” if he is eligible for free and reduced-*  
2 *price school lunches pursuant to 42 U.S.C. §§ 1751 et seq.*

3 (b) *“Kindergarten” includes:*

4 (1) A kindergarten established by the board of trustees of a  
5 school district pursuant to NRS 388.060;

6 ~~(b)~~ (2) A kindergarten established by the governing body of a  
7 charter school; and

8 ~~(c)~~ (3) An authorized program of instruction for kindergarten  
9 offered in a child’s home pursuant to NRS 388.060.

10 **Sec. 49.** NRS 392.070 is hereby amended to read as follows:

11 392.070 1. Attendance required by the provisions of NRS  
12 392.040 must be excused when satisfactory written evidence is  
13 presented to the board of trustees of the school district in which the  
14 child resides that the child is receiving at home or in some other  
15 school equivalent instruction of the kind and amount approved by  
16 the State Board. *As a condition to approving a program of*  
17 *instruction at home, the State Board shall:*

18 (a) *Require the child for whom the request is made to take the*  
19 *achievement and proficiency examinations administered pursuant*  
20 *to NRS 389.015, if applicable to the grade level in which the child*  
21 *will receive instruction.*

22 (b) *Require that the results of the achievement and proficiency*  
23 *examinations administered to the child be submitted to the*  
24 *Department.*

25 *The State Board shall adopt regulations governing the*  
26 *administration of the achievement and proficiency examinations*  
27 *to children who receive instruction at home to ensure the*  
28 *confidentiality and security of the examinations.*

29 2. The board of trustees of each school district shall provide  
30 programs of special education and related services for children who  
31 are exempt from compulsory attendance pursuant to subsection 1  
32 and receive instruction at home. The programs of special education  
33 and related services required by this section must be made available:

34 (a) Only if a child would otherwise be eligible for participation  
35 in programs of special education and related services pursuant to  
36 NRS 388.440 to 388.520, inclusive;

37 (b) In the same manner that the board of trustees provides, as  
38 required by 20 U.S.C. § 1412, for the participation of pupils with  
39 disabilities who are enrolled in private schools within the school  
40 district voluntarily by their parents or legal guardians; and

41 (c) In accordance with the same requirements set forth in 20  
42 U.S.C. § 1412 which relate to the participation of pupils with  
43 disabilities who are enrolled in private schools within the school  
44 district voluntarily by their parents or legal guardians.



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1       3. Except as otherwise provided in subsection 2 for programs  
2 of special education and related services, upon the request of a  
3 parent or legal guardian of a child who is enrolled in a private  
4 school or who receives instruction at home, the board of trustees of  
5 the school district in which the child resides shall authorize the child  
6 to participate in a class that is not available to the child at the private  
7 school or home school or *to* participate in an extracurricular activity,  
8 excluding sports, at a public school within the school district if:

9       (a) Space for the child in the class or extracurricular activity is  
10 available; and

11       (b) The parent or legal guardian demonstrates to the satisfaction  
12 of the board of trustees that the child is qualified to participate in the  
13 class or extracurricular activity.

14 If the board of trustees of a school district authorizes a child to  
15 participate in a class or extracurricular activity, excluding sports,  
16 pursuant to this subsection, the board of trustees is not required to  
17 provide transportation for the child to attend the class or activity.

18       4. The board of trustees of a school district may revoke its  
19 approval for a pupil to participate in a class or extracurricular  
20 activity at a public school pursuant to subsection 3 if the board of  
21 trustees or the public school determines that the pupil has failed to  
22 comply with applicable statutes, or applicable rules and regulations  
23 of the board of trustees. If the board of trustees revokes its approval,  
24 neither the board of trustees nor the public school are liable for any  
25 damages relating to the denial of services to the pupil.

26       5. The programs of special education and related services  
27 required by subsection 2 may be offered at a public school or  
28 another location that is appropriate.

29       6. The Department may adopt such regulations as are necessary  
30 for the boards of trustees of school districts to provide the programs  
31 of special education and related services required by subsection 2.

32       7. As used in this section, “related services” has the meaning  
33 ascribed to it in 20 U.S.C. § 1401(22).

34       **Sec. 50.** NRS 392.458 is hereby amended to read as follows:

35       392.458 1. The board of trustees of ~~the~~ *each* school district  
36 ~~may,~~ *shall*, in consultation with the schools within the district,  
37 parents and legal guardians of pupils who are enrolled in the  
38 district, and associations and organizations representing licensed  
39 educational personnel within the district, establish a policy that  
40 requires pupils to wear school uniforms.

41       2. The policy must:

42       (a) Describe the uniforms;

43       (b) Designate which pupils must wear the uniforms; and

44       (c) Designate the hours or events during which the uniforms  
45 must be worn.



1     3. ~~If the board of trustees of a school district establishes a~~  
2 ~~policy that requires pupils to wear school uniforms, the board]~~ *The*  
3 *board of trustees of each school district* shall facilitate the  
4 acquisition of school uniforms for pupils whose parents or legal  
5 guardians request financial assistance to purchase the uniforms.

6     4. The board of trustees of a school district may establish a  
7 dress code enforceable during school hours for the teachers and  
8 other personnel employed by the board of trustees.

9     **Sec. 51.** NRS 392.4644 is hereby amended to read as follows:

10     392.4644 *1.* The principal of each public school shall  
11 establish a plan to provide for the progressive discipline of pupils  
12 and on-site review of disciplinary decisions. The plan must:

13     ~~[1-]~~ *(a)* Be developed with the input and participation of  
14 teachers *who are employed at the school* and *the* parents *and*  
15 *guardians* of pupils who are enrolled in the school.

16     ~~[2-]~~ *(b)* Be consistent with the written rules of behavior  
17 prescribed in accordance with NRS 392.463.

18     ~~[3-]~~ *(c)* Include, without limitation, provisions designed to  
19 address the specific disciplinary needs and concerns of the school.

20     ~~[4-]~~ *(d)* Provide for the temporary removal of a pupil from a  
21 classroom in accordance with NRS 392.4645.

22     *2. After the input and participation of teachers and parents*  
23 *and guardians of pupils is received pursuant to paragraph (a) of*  
24 *subsection 1, the principal and the teachers who are employed at*  
25 *the school shall adopt the plan without any further review except*  
26 *as required by subsection 3.*

27     *3. Except as otherwise provided in subsection 4, on or before*  
28 *October 1 of each year, the principal of each public school shall*  
29 *review the plan in consultation with the teachers who are*  
30 *employed at the school. Based upon the review, the principal shall*  
31 *make revisions to the plan, if necessary. Except as otherwise*  
32 *provided in subsection 4, the principal of each public school shall,*  
33 *on or before November 1 of each year, file with the board of*  
34 *trustees of the school district a copy of the plan adopted pursuant*  
35 *to this section, including, without limitation, any revisions to the*  
36 *plan.*

37     *4. A principal may submit a written request to his immediate*  
38 *supervisor for additional time to comply with this section. The*  
39 *supervisor may grant the principal additional time to comply with*  
40 *this section, not to exceed 30 days after receipt of the request. If a*  
41 *principal who is granted additional time fails to comply with this*  
42 *section:*

43     *(a) Within the 30-day period allowed by his immediate*  
44 *supervisor, the supervisor shall ensure that a letter of reprimand*



1 *or letter of admonition is included in the personnel file of the*  
2 *principal.*

3 *(b) Within 30 days after the letter of reprimand or letter of*  
4 *admonition is issued pursuant to paragraph (a), the board of*  
5 *trustees shall take such action against the principal pursuant to*  
6 *NRS 391.312 as it considers necessary.*

7 **Sec. 52.** NRS 392.4647 is hereby amended to read as follows:

8 392.4647 1. The principal of each public school shall  
9 establish at least one committee to review the temporary alternative  
10 placement of pupils. A committee established pursuant to this  
11 section must consist of the principal and two regular members who  
12 are teachers selected for membership by a majority of the teachers  
13 who are employed at the school. One additional teacher must be  
14 selected in the same manner to serve as an alternate member. *The*  
15 *term of membership for the teachers who serve on the committee*  
16 *is 2 school years.*

17 2. If a pupil is removed from the classroom pursuant to NRS  
18 392.4645 by a teacher who is a member of a committee established  
19 pursuant to this section, the teacher shall not participate in the  
20 review of the placement of the pupil and the alternate member shall  
21 serve on the committee for that review.

22 **Sec. 53.** NRS 393.071 is hereby amended to read as follows:

23 393.071 The board of trustees of any school district may grant  
24 the use of school buildings or grounds for public, literary, scientific,  
25 recreational or educational meetings, or for the discussion of matters  
26 of general or public interest upon such terms and conditions as the  
27 board deems proper, *and except as otherwise provided in sections 2*  
28 *and 3 of this act*, subject to the limitations, requirements and  
29 restrictions set forth in NRS 393.071 to 393.0719, inclusive.

30 **Sec. 54.** Chapter 396 of NRS is hereby amended by adding  
31 thereto the provisions set forth as sections 55 to 62, inclusive, of this  
32 act.

33 **Sec. 55. 1.** *The Board of Regents may administer, directly*  
34 *or through a designated officer or employee of the System, a*  
35 *program to provide loans for registration fees, laboratory fees and*  
36 *expenses, textbooks and course materials, and living expenses to*  
37 *students who are enrolled in programs of the System that provide*  
38 *courses of study and training for the education of teachers.*

39 2. *Each student to whom such a loan is made must:*

40 *(a) Have been a bona fide resident of this state for at least 6*  
41 *months before his matriculation in the System;*

42 *(b) At the time the loan is made, be enrolled at least part time*  
43 *in a program of the System to become a licensed teacher;*

44 *(c) Fulfill all requirements for classification as a student*  
45 *showing progression towards completion of the program; and*



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1       (d) Maintain at least a 2.0 grade-point average in each class  
2 and at least a 2.75 overall grade-point average, on a 4.0 grading  
3 scale.

4       3. Each such loan must be made upon the following terms:

5       (a) All loans must bear interest at 8 percent per annum  
6 beginning the date when the student receives the loan.

7       (b) Each student who receives a loan shall repay the loan with  
8 interest after the termination of his education for which the loan is  
9 made unless the amount owed is waived pursuant to section 57 of  
10 this act. The loan must be repaid in monthly installments over the  
11 period allowed, with the first installment due 1 year after the date  
12 of the termination of his education for which the loan is made.  
13 The amounts of the installments must not be less than \$50 and  
14 may be calculated to allow a smaller payment at the beginning of  
15 the period for repayment, with each succeeding payment gradually  
16 increasing so that the total amount due will be paid within the  
17 period of repayment. The maximum period for repayment of the  
18 loans must be:

19       (1) Five years for loans that total less than \$10,000.

20       (2) Eight years for loans that total \$10,000 or more, but less  
21 than \$20,000.

22       (3) Ten years for loans that total \$20,000 or more.

23       4. A delinquency charge may be assessed on an installment  
24 that is delinquent 10 days or more in the amount of 8 percent of  
25 the installment or \$4, whichever is greater, but not more than \$15.

26       5. If a person is delinquent in repayment, the reasonable  
27 costs of collection and an attorney's fee may be recovered from the  
28 person.

29       6. As used in this section, "bona fide resident" has the  
30 meaning ascribed to it in NRS 396.540.

31       **Sec. 56.** 1. The loans made pursuant to sections 55 to 62,  
32 inclusive, of this act must not exceed the following amounts per  
33 student per semester. If the student is enrolled in a program of:

34       (a) A community college, \$1,700.

35       (b) A university, \$2,005.

36       2. Money loaned pursuant to sections 55 to 62, inclusive, of  
37 this act must be allocated among the campuses of the System in  
38 amounts that will allow the same percentage of eligible students  
39 from each campus who are enrolled in programs that provide  
40 courses of study and training for the education of teachers to  
41 receive loans.

42       **Sec. 57.** 1. Except as otherwise provided in this section, a  
43 student who receives a loan pursuant to sections 55 to 62,  
44 inclusive, of this act shall repay the loan and accrued interest in  
45 full pursuant to the terms of the loan.



- 1       2. *If a recipient of a loan desires to have the total amount of*  
2 *his loan waived pursuant to this section, the recipient shall file a*  
3 *statement of intent with the Board of Regents indicating that the*  
4 *recipient intends to:*  
5       (a) *Obtain a license to teach issued pursuant to chapter 391 of*  
6 *NRS; and*  
7       (b) *Teach full-time for at least:*  
8           (1) *Three consecutive school years in any public school*  
9 *where a majority of the pupils enrolled in the school are children*  
10 *who are at-risk; or*  
11           (2) *Five consecutive school years in any other public school*  
12 *in this state.*  
13 *The recipient shall submit verification at least once every 6*  
14 *months to the Board of Regents in a format prescribed by the*  
15 *Board of Regents indicating that the recipient has maintained his*  
16 *status as a full-time licensed teacher in a public school in this*  
17 *state.*  
18       3. *Upon receipt of such a statement of intent, the Board of*  
19 *Regents shall defer the payment of the loan until the recipient of*  
20 *the loan has:*  
21       (a) *Taught full-time as a licensed teacher for:*  
22           (1) *Three consecutive school years in any public school*  
23 *where a majority of the pupils enrolled in the school are children*  
24 *who are at-risk, regardless of whether he teaches at the same*  
25 *school for all 3 years; or*  
26           (2) *Five consecutive school years in any other public school*  
27 *in this state, regardless of whether he teaches at the same school*  
28 *for all 5 years; or*  
29       (b) *Left his employment, voluntarily or otherwise, as a full-*  
30 *time licensed teacher in a public school in this state.*  
31       4. *If a recipient of a loan who filed a statement of intent*  
32 *pursuant to subsection 2 satisfies the requirements of paragraph*  
33 *(a) of subsection 3, the recipient may apply to the Board of*  
34 *Regents to request a waiver of the loan and interest that must be*  
35 *repaid. The Board of Regents shall waive the total amount owed*  
36 *by the recipient upon receipt of credible evidence that the recipient*  
37 *has satisfied the requirements of paragraph (a) of subsection 3.*  
38       5. *If a recipient of a loan who filed a statement of intent*  
39 *pursuant to subsection 2 leaves his employment, voluntarily or*  
40 *otherwise, as a full-time licensed teacher in a public school in this*  
41 *state, he shall repay the loan and accrued interest in full pursuant*  
42 *to the terms of the loan.*  
43       6. *The Board of Regents may adopt:*



1       (a) *Regulations that extend the time for completing the*  
2 *qualified teaching service beyond 3 or 5 years, as applicable, for*  
3 *persons who are granted extensions because of hardship; and*

4       (b) *Such other regulations as are necessary to carry out the*  
5 *provisions of sections 55 to 62, inclusive, of this act.*

6       7. *The Board of Regents shall, in cooperation with the boards*  
7 *of trustees of school districts in this state:*

8       (a) *Identify, on an annual basis, the public schools within this*  
9 *state where a majority of the pupils enrolled are children who are*  
10 *at-risk.*

11       (b) *Recruit pupils who are enrolled in high schools in this state*  
12 *into the program to provide loans to students pursuant to sections*  
13 *55 to 62, inclusive, of this act.*

14       8. *For the purposes of this section, a child is “at-risk” if he is*  
15 *eligible for free and reduced-price school lunches pursuant to 42*  
16 *U.S.C. §§ 1751 et seq.*

17       **Sec. 58.** *The Board of Regents or its designee may require:*

18       1. *A student to acquire, as security for a student loan,*  
19 *insurance on his life and on his health or against his disability, or*  
20 *both.*

21       2. *That a financially responsible person agree to be jointly*  
22 *liable with the recipient of the loan for the repayment of the loan.*

23       **Sec. 59.** *The Board of Regents or its designee may require,*  
24 *upon notice to a recipient of a loan, that he repay the balance and*  
25 *any unpaid interest on the loan immediately if:*

26       1. *An installment is not paid within 30 days after it is due;*

27       2. *The recipient fails to notify the Board of Regents or its*  
28 *designee, within 30 days, of:*

29       (a) *A change of name or of the address of his home or place of*  
30 *employment; or*

31       (b) *The termination of the education for which he received the*  
32 *loan; or*

33       3. *The recipient fails to comply with a requirement or*  
34 *perform an obligation he is required to perform pursuant to an*  
35 *agreement with the Board of Regents or its designee.*

36       **Sec. 60.** *A recipient of a loan pursuant to sections 55 to 62,*  
37 *inclusive, of this act shall comply with the regulations adopted by*  
38 *the Board of Regents. If a recipient fails to comply, the Board of*  
39 *Regents or its designee may:*

40       1. *For each infraction, impose a fine of not more than \$200*  
41 *against the recipient in 1 academic year, and may deny additional*  
42 *money to the recipient if he fails to pay the fine when due;*

43       2. *Increase the portion of a future loan to be repaid by the*  
44 *recipient; and*



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1     3. *Extend the time by which the recipient is required to teach*  
2 *in this state in lieu of repaying his loan.*

3     **Sec. 61.** *1. The Board of Regents or its designee may, after*  
4 *receiving an application stating the reasons therefor, grant an*  
5 *extension of the period for the repayment of a loan in case of*  
6 *hardship arising out of the circumstances of a recipient of a loan.*  
7 *The extension must be for a period that will reasonably alleviate*  
8 *that hardship.*

9     *2. Applications for extensions must be filed within the time*  
10 *prescribed by regulation of the Board of Regents.*

11     **Sec. 62.** *1. The Board of Regents shall:*

12     *(a) Receive, invest, disburse and separately account for all*  
13 *money received for the program.*

14     *(b) Use all the money that is accounted for separately pursuant*  
15 *to paragraph (a) only to provide loans to students and waivers of*  
16 *those loans pursuant to the program set forth in sections 55 to 62,*  
17 *inclusive, of this act.*

18     *(c) Report to the Governor and the Interim Finance*  
19 *Committee on or before October 1 of each year immediately*  
20 *preceding a regular session of the Legislature, setting forth in*  
21 *detail the transactions conducted by the Board of Regents relating*  
22 *to the program during the biennium ending June 30 of that year.*

23     *(d) Make such recommendations for legislation as the Board*  
24 *of Regents considers appropriate for the program.*

25     *2. The money in the account required by subsection 1 and all*  
26 *interest and income earned on that money must remain in the*  
27 *account and does not revert to the State General Fund at the end*  
28 *of any fiscal year.*

29     **Sec. 63.** *NRS 288.150 is hereby amended to read as follows:*

30     288.150 1. Except as provided in subsection 4, every local  
31 government employer shall negotiate in good faith , through one or  
32 more representatives of its own choosing , concerning the  
33 mandatory subjects of bargaining set forth in subsection 2 with the  
34 designated representatives of the recognized employee organization,  
35 if any, for each appropriate bargaining unit among its employees. If  
36 either party so requests, agreements reached must be reduced to  
37 writing.

38     2. The scope of mandatory bargaining is limited to:

39     (a) Salary or wage rates or other forms of direct monetary  
40 compensation.

41     (b) Sick leave.


42     (c) Vacation leave.

43     (d) Holidays.

44     (e) Other paid or nonpaid leaves of absence.

45     (f) Insurance benefits.



- 1 (g) Total hours of work required of an employee on each  
2 workday or workweek.
- 3 (h) Total number of days' work required of an employee in a  
4 work year.
- 5 (i) Discharge and disciplinary procedures.
- 6 (j) Recognition clause.
- 7 (k) The method used to classify employees in the bargaining  
8 unit.
- 9 (l) Deduction of dues for the recognized employee organization.
- 10 (m) Protection of employees in the bargaining unit from  
11 discrimination because of participation in recognized employee  
12 organizations consistent with the provisions of this chapter.
- 13 (n) No-strike provisions consistent with the provisions of this  
14 chapter.
- 15 (o) Grievance and arbitration procedures for resolution of  
16 disputes relating to interpretation or application of collective  
17 bargaining agreements.
- 18 (p) General savings clauses.
- 19 (q) Duration of collective bargaining agreements.
- 20 (r) Safety of the employee.
- 21 (s) Teacher preparation time.
- 22 (t) Materials and supplies for classrooms.
- 23 (u) The policies for the transfer and reassignment of teachers   
24 *, but in no event may a request for a transfer or reassignment*  
25 *made by a teacher pursuant to section 37 of this act be denied*  
26 *based solely upon the number of consecutive years, if any, that the*  
27 *teacher has been employed at a particular school.*
- 28 (v) Procedures for reduction in workforce.
- 29 3. Those subject matters which are not within the scope of  
30 mandatory bargaining and which are reserved to the local  
31 government employer without negotiation include:
- 32 (a) Except as otherwise provided in paragraph (u) of subsection  
33 2, the right to hire, direct, assign or transfer an employee, but  
34 excluding the right to assign or transfer an employee as a form of  
35 discipline.
- 36 (b) The right to reduce in force or lay off any employee because  
37 of lack of work or lack of money, subject to paragraph (v) of  
38 subsection 2.
- 39 (c) The right to determine:
- 40 (1) Appropriate staffing levels and work performance  
41 standards, except for safety considerations;
- 42 (2) The content of the workday, including , without  
43 limitation , workload factors, except for safety considerations;
- 44 (3) The quality and quantity of services to be offered to the  
45 public; and



1 (4) The means and methods of offering those services.

2 (d) Safety of the public.

3 4. Notwithstanding the provisions of any collective bargaining  
4 agreement negotiated pursuant to this chapter, a local government  
5 employer is entitled to take whatever actions may be necessary to  
6 carry out its responsibilities in situations of emergency such as a  
7 riot, military action, natural disaster or civil disorder. Those actions  
8 may include the suspension of any collective bargaining agreement  
9 for the duration of the emergency. Any action taken under the  
10 provisions of this subsection must not be construed as a failure to  
11 negotiate in good faith.

12 5. The provisions of this chapter, including , without limitation  
13 , the provisions of this section, recognize and declare the ultimate  
14 right and responsibility of the local government employer to manage  
15 its operation in the most efficient manner consistent with the best  
16 interests of all its citizens, its taxpayers and its employees.

17 6. This section does not preclude, but this chapter does not  
18 require the local government employer to negotiate subject matters  
19 enumerated in subsection 3 which are outside the scope of  
20 mandatory bargaining. The local government employer shall discuss  
21 subject matters outside the scope of mandatory bargaining , but it is  
22 not required to negotiate those matters.

23 7. Contract provisions presently existing in signed and ratified  
24 agreements as of May 15, 1975, at 12 p.m. remain negotiable.

25 **Sec. 64.** 1. There is hereby appropriated from the State  
26 General Fund to the Department of Education the sum of  
27 \$1,000,000 for distribution to school districts to administer  
28 examinations on the weekends rather than during the regular school  
29 week to pupils enrolled in junior high, middle school and high  
30 school.

31 2. The Department of Education shall distribute the money  
32 appropriated by subsection 1 to school districts that have adopted a  
33 program pursuant to section 24 of this act based upon the number of  
34 pupils enrolled in each junior high, middle school and high school in  
35 each school district. To receive a grant of money, each school  
36 district must submit to the Department a written description of the  
37 program adopted by the district pursuant to section 24 of this act.

38 3. Each school district that receives a grant of money shall:

39 (a) Use the money to carry out its program to administer  
40 examinations on the weekends rather than during the regular school  
41 week adopted pursuant to section 24 of this act; and

42 (b) On or before November 1, 2004, submit a written report to  
43 the Department of Education evaluating the effectiveness of its  
44 program to administer examinations on the weekends rather than  
45 during the regular school week adopted pursuant to section 24 of



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1 this act, including, without limitation, a report on the amount of  
2 instructional time that was added to the school week as a result of  
3 the administration on the weekends.

4 4. The Department of Education shall:

5 (a) Review and compile the written evaluations submitted by  
6 school districts;

7 (b) Based upon its review, prepare a separate written report  
8 evaluating the effectiveness of the programs of school districts to  
9 administer the examinations on the weekends, including, without  
10 limitation, a report on the amount of instructional time that was  
11 added to the school week as a result of the administration on the  
12 weekends; and

13 (c) On or before February 1, 2005, submit the separate written  
14 report to the Director of the Legislative Counsel Bureau for  
15 transmission to the 73rd Session of the Nevada Legislature.

16 5. Any remaining balance of the appropriation made by  
17 subsection 1 must not be committed for expenditure after June 30,  
18 2005, and reverts to the State General Fund as soon as all payments  
19 of money committed have been made.

20 **Sec. 65.** 1. There is hereby appropriated to the Board of  
21 Regents of the University of Nevada to provide loans and waivers of  
22 those loans pursuant to the program set forth in sections 55 to 62,  
23 inclusive, of this act, the sum of \$100,000 from the money:

24 (a) Received by the State of Nevada pursuant to any settlement  
25 entered into by the State of Nevada and a manufacturer of tobacco  
26 products; or

27 (b) Recovered by the State of Nevada from a judgment in a civil  
28 action against a manufacturer of tobacco products.

29 2. The Board of Regents shall:

30 (a) Use the money appropriated by subsection 1 only to provide  
31 loans to students and waivers of those loans pursuant to the program  
32 set forth in sections 55 to 62, inclusive, of this act.

33 (b) Account for the money separately and credit that account  
34 with any interest and income earned on the money.

35 (c) Use all the money in the account, including, without  
36 limitation, all interest and income earned, only to provide loans to  
37 students and waivers of those loans pursuant to the program set forth  
38 in sections 55 to 62, inclusive, of this act.

39 **Sec. 66.** 1. There is hereby appropriated from the State  
40 General Fund to the Department of Education for reimbursement of  
41 costs incurred by teachers to obtain endorsements in certain fields of  
42 specialization:

43 For the Fiscal Year 2003-2004..... \$100,000  
44 For the Fiscal Year 2004-2005..... \$100,000

45 2. The Department of Education shall:



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1 (a) In consultation with the boards of trustees of school districts  
2 throughout this state, identify fields of specialization where a  
3 shortage of teachers exist; and

4 (b) Maintain a list available for public inspection that contains  
5 the fields of specialization identified pursuant to paragraph (a).

6 3. A teacher who holds a current license to teach issued  
7 pursuant to chapter 391 of NRS may submit an application on a  
8 form provided by the Department of Education for reimbursement  
9 of the costs incurred by the teacher after July 1, 2003, in obtaining  
10 an endorsement in a field of specialization identified pursuant to  
11 subsection 2. The reimbursement must not exceed an amount equal  
12 to the actual verified costs incurred by a teacher in obtaining an  
13 endorsement or \$2,000, whichever is less.

14 4. The sums appropriated by subsection 1 are available for  
15 either fiscal year. Any balance of those sums must not be committed  
16 for expenditure after June 30, 2005, and reverts to the State General  
17 Fund as soon as all payments of money committed have been made.

18 **Sec. 67.** 1. There is hereby appropriated from the State  
19 General Fund to the Department of Education the sum of \$250,000  
20 for distribution by the Department in accordance with this section.

21 2. A principal or other administrator of a high school in which  
22 a pupil is enrolled and is receiving dual credit or participating in  
23 early studies from a course at a community college or university  
24 pursuant to NRS 389.160, may apply to the Department of  
25 Education for a grant of money to pay the costs of the pupil to  
26 attend the course.

27 3. The Department of Education shall establish a program by  
28 which a principal or administrator of a high school may apply to the  
29 Department for a grant of money pursuant to this section. The  
30 program must set forth, without limitation:

31 (a) The procedure by which a principal or administrator of a  
32 high school may apply for such a grant;

33 (b) Criteria for determining the eligibility of an applicant to  
34 receive such a grant; and

35 (c) Any conditions which the Department considers necessary  
36 for the acceptance of a grant by a high school, including, without  
37 limitation, any conditions under which the recipient of a grant may  
38 be required to refund the money to the Department.

39 4. As used in this section, "costs" include, without limitation,  
40 the costs of:

41 (a) Registration in a course offered at a community college or  
42 university; and

43 (b) Books and other materials which are required for the course.

44 5. Any remaining balance of the appropriation made by  
45 subsection 1 must not be committed for expenditure after June 30,



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1 2005, and reverts to the State General Fund as soon as all payments  
2 of money committed have been made.

3 **Sec. 68.** 1. There is hereby appropriated from the State  
4 General Fund to the Department of Education the sum of  
5 \$5,000,000 for grants of money to school districts that adopt a  
6 program of enhanced compensation for certain teachers.

7 2. To receive a grant of money, the board of trustees of a  
8 school district must submit an application to the Department of  
9 Education that:

10 (a) Sets forth a program adopted by the school district to provide  
11 enhanced compensation for certain teachers, which must include one  
12 or more of the following components:

13 (1) Skills-based pay pursuant to which teachers develop  
14 certain skills verified through licensure, certification or some other  
15 method.

16 (2) A "career ladder" program, pursuant to which teachers  
17 who perform at or above specified standards receive an increase in  
18 compensation. Each step requires additional growth, professional  
19 development, expertise and additional responsibilities, including,  
20 without limitation, mentoring.

21 (3) Market-based pay, pursuant to which one-time bonuses  
22 are paid to retain teachers who provide instruction in high-need  
23 subject areas such as mathematics, science and special education  
24 and to retain teachers who teach in at-risk schools.

25 (b) Includes the amount of money necessary to pay the enhanced  
26 compensation pursuant to the program.

27 (c) Includes the number of teachers who are estimated to be  
28 eligible for enhanced compensation pursuant to the program.

29 3. To the extent money is available from the appropriation  
30 made by subsection 1, the Department of Education shall provide  
31 grants of money to school districts with approved applications based  
32 upon the amount of money that is necessary to carry out each  
33 program of enhanced compensation. If an insufficient amount of  
34 money is available to pay for each program, the money from the  
35 appropriation must be distributed pro rata based upon the number of  
36 teachers who are estimated to be eligible to participate in the  
37 program in each school district with an approved application.

38 4. Any remaining balance of the appropriation made by  
39 subsection 1 must not be committed for expenditure after June 30,  
40 2005, and reverts to the State General Fund as soon as all payments  
41 of money committed have been made.

42 **Sec. 69.** Notwithstanding any other provisions of law to the  
43 contrary, upon receipt of sufficient money received by the State of  
44 Nevada on or after July 1, 2003, pursuant to any settlement entered  
45 into by the State of Nevada and a manufacturer of tobacco products



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1 or recovered by the State of Nevada from a judgment in a civil  
2 action against a manufacturer of tobacco products, the State  
3 Controller shall:

4 1. Disburse the money appropriated by section 65 of this act in  
5 its entirety before other disbursements required by law are made;  
6 and

7 2. Thereafter, disburse all other money appropriated from this  
8 same source on a pro rata basis by percentage allocated by law.

9 **Sec. 70.** 1. The board of trustees of each school district shall  
10 place a teacher who is initially hired by the school district for the  
11 2003-2004 school year on the schedule of salaries of the school  
12 district at a salary that is at least \$30,000 annually. The board of  
13 trustees of each school district shall place a teacher who is initially  
14 hired by the school district for the 2004-2005 school year on the  
15 schedule of salaries of the school district at a salary that is at least  
16 \$30,000 annually.

17 2. Notwithstanding any provision of law to the contrary,  
18 neither the Department of Education nor the board of trustees of a  
19 school district may pay a signing bonus to a teacher who is initially  
20 hired by the school district during the 2003-2005 biennium. The  
21 provisions of this subsection do not preclude the payment of fringe  
22 benefits that are otherwise paid generally to teachers who are  
23 employed by a school district. As used in this subsection, "signing  
24 bonus" means any compensation, in addition to the amount a teacher  
25 is otherwise entitled to receive in accordance with the schedule of  
26 salaries of the school district for the school year, that is paid in  
27 exchange for the teacher's agreement to work for the school district  
28 or that is paid in exchange for the teacher's service during the first  
29 year of employment.

30 3. For the purposes of this section, a person is not "initially  
31 hired" if he has been employed as a licensed teacher by another  
32 school district or charter school in this state without an interruption  
33 in employment before the date of hire by his current employer.

34 **Sec. 71.** 1. The State Board of Education shall establish a  
35 task force to study the manner in which the curriculum and courses  
36 of study used by the public schools in this state may be restructured  
37 to enable the schools more effectively to:

- 38 (a) Prepare each pupil to develop work and living skills;  
39 (b) Address any special needs of pupils who are from a racial or  
40 ethnic minority and of pupils who are female; and  
41 (c) Establish interdisciplinary curriculum.

42 The task force shall establish a plan and set forth goals designed to  
43 facilitate the desired restructuring.



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1       2. The task force shall also study alternative methods to train  
2 teachers to teach the restructured curriculum and meet the goals set  
3 forth in accordance with subsection 1.

4       3. The State Board of Education shall appoint to the task force:

5       (a) Representatives of private business.

6       (b) Teachers who currently provide instruction in public  
7 elementary or secondary schools in:

8           (1) Computer technology;

9           (2) Music or art;

10          (3) Special education;

11          (4) Occupational education;

12          (5) Civics or social studies;

13          (6) Science;

14          (7) Math; and

15          (8) English, including, without limitation, composition,  
16 language and writing.

17 The State Board may appoint such additional members to the task  
18 force as it deems necessary.

19       4. On or before February 1, 2005, the task force shall provide  
20 to the State Board of Education, the board of trustees of each school  
21 district and the Director of the Legislative Counsel Bureau for  
22 transmission to the 73rd Session of the Nevada Legislature, a report  
23 which contains the results of the study of the task force and the  
24 recommendations of the task force.

25       5. The State Board of Education shall ensure that the  
26 recommendations of the task force are carried out by the board of  
27 trustees of each school district no later than the 2005-2006 school  
28 year.

29       **Sec. 72.** The Esmeralda County School District, Lincoln  
30 County School District and Storey County School District are  
31 hereby abolished on June 30, 2003. The public schools within a  
32 school district that has been abolished pursuant to this section must  
33 be placed under the direction and control of the county school  
34 district specified in section 4 of this act commencing on July 1,  
35 2003.

36       **Sec. 73.** The provisions of NRS 354.599 do not apply to any  
37 additional expenses of a local government that are related to the  
38 provisions of this act.

39       **Sec. 74.** 1. This section becomes effective upon passage and  
40 approval.

41       2. Section 23 of this act becomes effective upon passage and  
42 approval for the purpose of preparing a list of examinations of  
43 reading comprehension and on July 1, 2003, for all other purposes.

44       3. Sections 1 to 12, inclusive, 14 to 18, inclusive, 20, 21, 22  
45 and 24 to 73, inclusive, of this act become effective on July 1, 2003.



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1       4. Sections 13 and 19 of this act become effective on July 1,  
2 2004.

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