

Amendment No. 501

Senate Amendment to Senate Bill No. 223

(BDR 34-73)

Proposed by: Committee on Human Resources and Education**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
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Amend sec. 13, pages 4 and 5, by deleting lines 41 through 45 on page 4 and lines 1 through 6 on page 5, and inserting:

“(b) The child is enrolled in or otherwise scheduled to attend a public school that has carried a designation as demonstrating need for improvement pursuant to NRS 385.3623 for 1 year or more.”.

Amend sec. 13, page 5, line 25, by deleting:

“3 consecutive years” and inserting *“1 year”*.

Amend the bill as a whole by adding a new section designated sec. 16.5, following sec. 16, to read as follows:

“Sec. 16.5. NRS 385.150 is hereby amended to read as follows:

KCR/BJE

Date: 4/25/2005

S.B. No. 223—Revises provisions governing education.

385.150 1. The State Board shall , *with the advice and consent of the Senate*, appoint the Superintendent of Public Instruction for a term of 3 years.

2. If the State Board appoints a person to the Office of Superintendent of Public Instruction during a recess of the Legislature, the appointment must be confirmed or rejected by the Senate at the next regular session of the Legislature, unless the appointment expires before that time. A confirmation of appointment requires a majority vote of the Senate.

3. If applicable, at the earliest day practicable, the State Board shall submit to the Legislature a written statement naming the person who has been appointed to the Office of Superintendent of Public Instruction during a recess of the Legislature.

4. A person whom the State Board appoints to the Office of Superintendent of Public Instruction may perform and shall begin to discharge the duties of his office immediately upon appointment by the State Board, subject to confirmation or rejection by the Senate.

5. The Senate shall not confirm or reject an appointment made pursuant to this section until a recommendation concerning the appointment is received from a joint meeting of the standing committees of the Senate and Assembly having jurisdiction over education. The recommendation must be approved by a majority vote of each standing committee before it is forwarded to the Senate.

6. If a person appointed by the State Board pursuant to subsection 1 is rejected by a vote of the Senate, the office becomes vacant immediately.

7. If a person appointed by the State Board pursuant to subsection 1 is rejected by a vote of the Senate, the State Board may not appoint that person to any other office or position before the beginning of the next regular session of the Legislature.

8. The State Board may remove the Superintendent of Public Instruction from office for inefficiency, neglect of duty, malfeasance in office or for other just cause.

~~{2.}~~ 9. A vacancy must be filled by the State Board for the remainder of the unexpired term ~~{-~~
~~—3.}~~ *in accordance with this section.*

10. The Superintendent of Public Instruction is in the unclassified service of the State.”.

Amend sec. 33, page 16, line 36, after “*pupil*” by inserting:

“who is enrolled in or otherwise scheduled to attend a public school that has carried the designation as demonstrating need for improvement pursuant to NRS 385.3623 for 1 year or more or who is from a family of low income”.

Amend sec. 33, page 18, between lines 24 and 25, by inserting:

“8. As used in this section, “family of low income” means a family with a monthly household income that is at or below the federally designated level signifying poverty.”.

Amend sec. 36, page 20, line 7, by deleting “Board.” and inserting:

“Board ~~{-}~~ ; *or*”.

Amend the bill as whole by adding a new section designated sec. 46.5, following sec. 46, to read as follows:

“Sec. 46.5. 1. The term of the Superintendent of Public Instruction who was appointed pursuant to NRS 385.150 to a term expiring in 2007 continues to serve for the remainder of the unexpired term. If a vacancy occurs before the expiration of that term, the State Board of Education shall appoint a Superintendent of Public Instruction in accordance with section 16.5 of this act for the remainder of the unexpired term.

2. The State Board of Education shall appoint a Superintendent of Public Instruction pursuant to section 16.5 of this act commencing with the term that begins in 2007.”.

Amend sec. 47, page 26, line 6, after “1,” by inserting “16.5,”.

Amend sec. 47, page 26, line 7, by deleting:

“45 and 46” and inserting:

“45, 46 and 46.5”.

Amend the title of the bill, twelfth line, after “schools;” by inserting:

“requiring that the appointment of the Superintendent of Public Instruction by the State Board of Education be confirmed by a majority vote of the Senate;”.

**If this amendment is adopted, the Legislative
Counsel's Digest will be changed to read as follows:**

Legislative Counsel's Digest:

Existing law establishes the system of public education in this State. (Chapters 385-393 of NRS)

This bill establishes a Program of Voucher Schools, to be administered by the Department of Education. This bill authorizes the Department to certify a private school to operate as a voucher school. To become certified, the private school must be licensed under state law. The Department may revoke the certification if the voucher school fails to comply with the applicable provisions of the law or if its license to operate as a private school is revoked.

This bill provides that a child may participate in the Program if the child attends, or is scheduled to attend, a school that has been designated as needing improvement for 1 year or more under the school accountability laws.

Pupils who participate in the Program and are enrolled in a voucher school must be included in the count of pupils in the school district for purposes of apportionments and allowances from the State Distributive School Account.

This bill requires the Department to provide the parent of a pupil who is approved for the Program with a voucher, which is then endorsed and submitted to the voucher school. The voucher school submits the vouchers from all participating pupils to the Department for payment. The Department must pay a voucher school an amount equal to the per pupil amount of money

apportioned to the school district in which the voucher school is located or the amount of the annual tuition charged by the voucher school, whichever is less.

Under existing law, the Superintendent of Public Instruction is appointed by the State Board of Education. (NRS 385.150)

This bill requires the State Senate to confirm or reject the appointment of the Superintendent. The Senate must seek a recommendation regarding approval from the Senate and Assembly committees with jurisdiction over education. A confirmation of appointment requires a majority vote of the Senate.

Existing law authorizes school districts to establish zones of attendance that prescribe which pupils attend each school within the district. (NRS 388.040)

This bill authorizes a parent or guardian of a pupil to apply for the child to attend a public school outside the pupil's zone of attendance or to attend a public school in another school district.

Existing law also allows a child to be exempt from compulsory attendance to receive instruction at home. (NRS 392.070)

This bill provides that to the extent money is made available by the Legislature, a parent or legal guardian of a homeschooled child may request from the Department a stipend of \$500 or \$1,000 per school year. The amount of the stipend would depend upon the age and grade level of the child.