
SENATE BILL NO. 461—COMMITTEE ON
HUMAN RESOURCES AND EDUCATION

MARCH 29, 2005

Referred to Committee on Human Resources and Education

SUMMARY—Revises provisions regarding education.
(BDR 34-1323)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

~

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

AN ACT relating to education; requiring school districts to distribute allocations from the State Distributive School Account based upon the number of pupils in each school; revising the provisions governing the qualifications required of paraprofessionals for employment with a school district or charter school; providing for the issuance of a special qualifications license to teach for persons with certain graduate degrees and work experience; providing that a school principal determines the salaries of the teachers and certain other licensed personnel of the school; revising the provisions governing disciplinary action against teachers and other licensed personnel to include the school principal in the process of discipline; prohibiting a child from being required to obtain a prescription drug as a condition of attending a public school; authorizing the parents and guardians of pupils to choose which public schools the pupils will attend; requiring the University and Community College System of Nevada to include a prescribed reading curriculum in a program to educate teachers; and providing other matters properly relating thereto.



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

Section 1. NRS 385.34691 is hereby amended to read as follows:

385.34691 1. The State Board shall prepare a plan to improve the achievement of pupils enrolled in the public schools in this State. The plan:

(a) Must be prepared in consultation with:

(1) Employees of the Department;

(2) At least one employee of a school district in a county whose population is 100,000 or more, appointed by the Nevada Association of School Boards;

(3) At least one employee of a school district in a county whose population is less than 100,000, appointed by the Nevada Association of School Boards; and

(4) At least one representative of the Statewide Council for the Coordination of the Regional Training Programs created by NRS 391.516, appointed by the Council; and

(b) May be prepared in consultation with:

(1) Representatives of institutions of higher education;

(2) Representatives of regional educational laboratories;

(3) Representatives of outside consultant groups;

(4) Representatives of the regional training programs for the professional development of teachers and administrators established pursuant to NRS 391.512;

(5) The Bureau; and

(6) Other persons who the State Board determines are appropriate.

2. A plan to improve the achievement of pupils enrolled in public schools in this State must include:

(a) A review and analysis of the data upon which the report required pursuant to NRS 385.3469 is based and a review and analysis of any data that is more recent than the data upon which the report is based.

(b) The identification of any problems or factors common among the school districts or charter schools in this State, as revealed by the review and analysis.

(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as set forth in NRS 389.018.

(d) Strategies to improve the academic achievement of pupils enrolled in public schools in this State, including, without limitation, strategies to:



(1) Instruct pupils who are not achieving to their fullest potential ~~§~~, *including, without limitation:*

(I) The curriculum appropriate to improve achievement;

(II) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS 389.015 and 389.550; and

(III) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each subgroup identified in paragraph (b) of subsection 1 of NRS 385.361;

(2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;

(3) Integrate technology into the instructional and administrative programs of the school districts;

(4) Manage effectively the discipline of pupils; and

(5) Enhance the professional development offered for the teachers and administrators employed at public schools in this State to include the activities set forth in 20 U.S.C. § 7801(34), as deemed appropriate by the State Board.

(e) Strategies designed to provide to the pupils enrolled in middle school, junior high school and high school, the teachers and counselors who provide instruction to those pupils, and the parents and guardians of those pupils information concerning:

(1) The requirements for admission to an institution of higher education and the opportunities for financial aid;

(2) The availability of millennium scholarships pursuant to NRS 396.911 to 396.938, inclusive; and

(3) The need for a pupil to make informed decisions about his curriculum in middle school, junior high school and high school in preparation for success after graduation.

(f) An identification, by category, of the employees of the Department who are responsible for ensuring that each provision of the plan is carried out effectively.

(g) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

(h) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

(i) Strategies to improve the allocation of resources from this State, by program and by school district, in a manner that will improve the academic achievement of pupils. If this State has a financial analysis program that is designed to track educational



1 expenditures and revenues to individual schools, the State Board
2 shall use that statewide program in complying with this paragraph.
3 If a statewide program is not available, the State Board shall use the
4 Department's own financial analysis program in complying with
5 this paragraph.

6 (j) Based upon the reallocation of resources set forth in
7 paragraph (i), the resources available to the State Board and the
8 Department to carry out the plan.

9 (k) A summary of the effectiveness of appropriations made by
10 the Legislature to improve the academic achievement of pupils and
11 programs approved by the Legislature to improve the academic
12 achievement of pupils.

13 3. The State Board shall:

14 (a) Review the plan prepared pursuant to this section annually to
15 evaluate the effectiveness of the plan; and

16 (b) Based upon the evaluation of the plan, make revisions, as
17 necessary, to ensure that the plan is designed to improve the
18 academic achievement of pupils enrolled in public schools in this
19 State.

20 4. On or before December 15 of each year, the State Board
21 shall submit the plan or the revised plan, as applicable, to the:

22 (a) Governor;

23 (b) Committee;

24 (c) Bureau;

25 (d) Board of Regents of the University of Nevada;

26 (e) Council to Establish Academic Standards for Public Schools
27 created by NRS 389.510;

28 (f) Board of trustees of each school district; and

29 (g) Governing body of each charter school.

30 **Sec. 2.** NRS 385.348 is hereby amended to read as follows:

31 385.348 1. The board of trustees of each school district shall,
32 in consultation with the employees of the school district, prepare a
33 plan to improve the achievement of pupils enrolled in the school
34 district, excluding pupils who are enrolled in charter schools located
35 in the school district. If the school district is a Title I school district
36 designated as demonstrating need for improvement pursuant to NRS
37 385.377, the plan must also be prepared in consultation with parents
38 and guardians of pupils enrolled in the school district and other
39 persons who the board of trustees determines are appropriate.

40 2. Except as otherwise provided in this subsection, the plan
41 must include the items set forth in 20 U.S.C. § 6316(c)(7) and the
42 regulations adopted pursuant thereto. If a school district has not
43 been designated as demonstrating need for improvement pursuant to
44 NRS 385.377, the board of trustees of the school district is not
45 required to include those items set forth in 20 U.S.C. § 6316(c)(7)



1 and the regulations adopted pursuant thereto that directly relate to
2 the status of a school district as needing improvement.

3 3. In addition to the requirements of subsection 2, a plan to
4 improve the achievement of pupils enrolled in a school district must
5 include:

6 (a) A review and analysis of the data upon which the report
7 required pursuant to subsection 2 of NRS 385.347 is based and a
8 review and analysis of any data that is more recent than the data
9 upon which the report is based.

10 (b) The identification of any problems or factors at individual
11 schools that are revealed by the review and analysis.

12 (c) Strategies based upon scientifically based research, as
13 defined in 20 U.S.C. § 7801(37), that will strengthen the core
14 academic subjects, as set forth in NRS 389.018.

15 (d) Strategies to improve the academic achievement of pupils
16 enrolled in the school district , including, without limitation,
17 strategies to:

18 (1) Instruct pupils who are not achieving to their fullest
19 potential ~~to~~, *including, without limitation:*

20 *(I) The curriculum appropriate to improve achievement;*

21 *(II) The manner by which the instruction will improve*
22 *the achievement and proficiency of pupils on the examinations*
23 *administered pursuant to NRS 389.015 and 389.550; and*

24 *(III) An identification of the instruction and curriculum*
25 *that is specifically designed to improve the achievement and*
26 *proficiency of pupils in each subgroup identified in paragraph (b)*
27 *of subsection 1 of NRS 385.361;*

28 (2) Increase the rate of attendance of pupils and reduce the
29 number of pupils who drop out of school;

30 (3) Integrate technology into the instructional and
31 administrative programs of the school district;

32 (4) Manage effectively the discipline of pupils; and

33 (5) Enhance the professional development offered for the
34 teachers and administrators employed by the school district to
35 include the activities set forth in 20 U.S.C. § 7801(34), as deemed
36 appropriate by the board of trustees of the school district.

37 (e) An identification, by category, of the employees of the
38 school district who are responsible for ensuring that each provision
39 of the plan is carried out effectively.

40 (f) In consultation with the Department, an identification, by
41 category, of the employees of the Department, if any, who are
42 responsible for overseeing and monitoring whether the plan is
43 carried out effectively.



(g) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

(h) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

(i) Strategies to improve the allocation of resources from the school district, by program and by school, in a manner that will improve the academic achievement of pupils. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(j) Based upon the reallocation of resources set forth in paragraph (i), the resources available to the school district to carry out the plan.

(k) A summary of the effectiveness of appropriations made by the Legislature that are available to the school district or the schools within the school district to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

4. The board of trustees of each school district shall:

(a) Review the plan prepared pursuant to this section annually to evaluate the effectiveness of the plan; and

(b) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that the plan is designed to improve the academic achievement of pupils enrolled in the school district.

5. On or before December 15 of each year, the board of trustees of each school district shall submit the plan or the revised plan, as applicable, to the:

(a) Superintendent of Public Instruction;

(b) Governor;

(c) State Board;

(d) Department;

(e) Committee; and

(f) Bureau.

Sec. 3. NRS 385.357 is hereby amended to read as follows:

385.357 1. The principal of each school, including, without limitation, each charter school, shall, in consultation with the employees of the school, prepare a plan to improve the achievement of the pupils enrolled in the school.



1 2. The plan developed pursuant to subsection 1 must include:

2 (a) A review and analysis of the data pertaining to the school
3 upon which the report required pursuant to subsection 2 of NRS
4 385.347 is based and a review and analysis of any data that is more
5 recent than the data upon which the report is based.

6 (b) The identification of any problems or factors at the school
7 that are revealed by the review and analysis.

8 (c) Strategies based upon scientifically based research, as
9 defined in 20 U.S.C. § 7801(37), that will strengthen the core
10 academic subjects, as defined in NRS 389.018.

11 (d) Policies and practices concerning the core academic subjects
12 which have the greatest likelihood of ensuring that each subgroup of
13 pupils identified in paragraph (b) of subsection 1 of NRS 385.361
14 who are enrolled in the school will make adequate yearly progress
15 and meet the minimum level of proficiency prescribed by the State
16 Board.

17 (e) Annual measurable objectives, consistent with the annual
18 measurable objectives established by the State Board pursuant to
19 NRS 385.361, for the continuous and substantial progress by each
20 subgroup of pupils identified in paragraph (b) of subsection 1 of that
21 section who are enrolled in the school to ensure that each subgroup
22 will make adequate yearly progress and meet the level of
23 proficiency prescribed by the State Board.

24 (f) Strategies, consistent with the policy adopted pursuant to
25 NRS 392.457 by the board of trustees of the school district in which
26 the school is located, to promote effective involvement by parents
27 and families of pupils enrolled in the school in the education of their
28 children.

29 (g) As appropriate, programs of remedial education or tutoring
30 to be offered before and after school, during the summer, or between
31 sessions if the school operates on a year-round calendar for pupils
32 enrolled in the school who need additional instructional time to pass
33 or to reach a level considered proficient.

34 (h) Strategies to improve the academic achievement of pupils
35 enrolled in the school, including, without limitation, strategies to:

36 (1) Instruct pupils who are not achieving to their fullest
37 potential ~~to~~, *including, without limitation:*

38 *(I) The curriculum appropriate to improve achievement;*

39 *(II) The manner by which the instruction will improve*
40 *the achievement and proficiency of pupils on the examinations*
41 *administered pursuant to NRS 389.015 and 389.550; and*

42 *(III) An identification of the instruction and curriculum*
43 *that is specifically designed to improve the achievement and*
44 *proficiency of pupils in each subgroup identified in paragraph (b)*
45 *of subsection 1 of NRS 385.361;*



1 (2) Increase the rate of attendance of pupils and reduce the
2 number of pupils who drop out of school;

3 (3) Integrate technology into the instructional and
4 administrative programs of the school;

5 (4) Manage effectively the discipline of pupils; and

6 (5) Enhance the professional development offered for the
7 teachers and administrators employed at the school to include the
8 activities set forth in 20 U.S.C. § 7801(34), as deemed appropriate
9 by the principal and other persons and entities responsible for the
10 development of the plan.

11 (i) An identification, by category, of the employees of the school
12 who are responsible for ensuring that the plan is carried out
13 effectively.

14 (j) In consultation with the school district or governing body, as
15 applicable, an identification, by category, of the employees of the
16 school district or governing body, if any, who are responsible for
17 ensuring that the plan is carried out effectively or for overseeing and
18 monitoring whether the plan is carried out effectively.

19 (k) In consultation with the Department, an identification, by
20 category, of the employees of the Department, if any, who are
21 responsible for overseeing and monitoring whether the plan is
22 carried out effectively.

23 (l) For each provision of the plan, a timeline for carrying out
24 that provision, including, without limitation, a timeline for
25 monitoring whether the provision is carried out effectively.

26 (m) For each provision of the plan, measurable criteria for
27 determining whether the provision has contributed toward
28 improving the academic achievement of pupils, increasing the rate
29 of attendance of pupils and reducing the number of pupils who drop
30 out of school.

31 (n) The resources available to the school to carry out the plan. If
32 this State has a financial analysis program that is designed to track
33 educational expenditures and revenues to individual schools, each
34 school shall use that statewide program in complying with this
35 paragraph. If a statewide program is not available, each school shall
36 use the financial analysis program used by the school district in
37 which the school is located in complying with this paragraph.

38 (o) A summary of the effectiveness of appropriations made by
39 the Legislature that are available to the school to improve the
40 academic achievement of pupils and programs approved by the
41 Legislature to improve the academic achievement of pupils.

42 3. In addition to the requirements of subsection 2, if a school
43 has been designated as demonstrating need for improvement
44 pursuant to NRS 385.3623, the plan must comply with 20 U.S.C. §
45 6316(b)(3) and the regulations adopted pursuant thereto.



1 4. Except as otherwise provided in subsection 5, the principal
2 of each school shall, in consultation with the employees of the
3 school:

4 (a) Review the plan prepared pursuant to this section annually to
5 evaluate the effectiveness of the plan; and

6 (b) Based upon the evaluation of the plan, make revisions, as
7 necessary, to ensure that the plan is designed to improve the
8 academic achievement of pupils enrolled in the school.

9 5. If a school has been designated as demonstrating need for
10 improvement pursuant to NRS 385.3623, the technical assistance
11 partnership or the support team established for the school, as
12 applicable, shall review the plan and make revisions to the most
13 recent plan for improvement of the school pursuant to NRS
14 385.3692 or 385.3741, as applicable. If the school is a Title I school
15 that has been designated as demonstrating need for improvement,
16 the technical assistance partnership or support team established for
17 the school, as applicable, shall, in making revisions to the plan,
18 work in consultation with parents and guardians of pupils enrolled
19 in the school and, to the extent deemed appropriate by the entity
20 responsible for creating the partnership or support team, outside
21 experts.

22 6. On or before November 1 of each year, the principal of each
23 school, or the technical assistance partnership or support team
24 established for the school, as applicable, shall submit the plan or the
25 revised plan, as applicable, to:

26 (a) If the school is a public school of the school district, the
27 superintendent of schools of the school district.

28 (b) If the school is a charter school, the governing body of the
29 charter school.

30 7. If a Title I school is designated as demonstrating need for
31 improvement pursuant to NRS 385.3623, the superintendent of
32 schools of the school district or the governing body, as applicable,
33 shall carry out a process for peer review of the plan or the revised
34 plan, as applicable, in accordance with 20 U.S.C. § 6316(b)(3)(E)
35 and the regulations adopted pursuant thereto. Not later than 45 days
36 after receipt of the plan, the superintendent of schools of the school
37 district or the governing body, as applicable, shall approve the plan
38 or the revised plan, as applicable, if it meets the requirements of 20
39 U.S.C. § 6316(b)(3) and the regulations adopted pursuant thereto
40 and the requirements of this section. The superintendent of schools
41 of the school district or the governing body, as applicable, may
42 condition approval of the plan or the revised plan, as applicable, in
43 the manner set forth in 20 U.S.C. § 6316(b)(3)(B) and the
44 regulations adopted pursuant thereto. The State Board shall
45 prescribe the requirements for the process of peer review, including,



1 without limitation, the qualifications of persons who may serve as
2 peer reviewers.

3 8. If a school is designated as demonstrating exemplary
4 achievement, high achievement or adequate achievement, or if a
5 school that is not a Title I school is designated as demonstrating
6 need for improvement, not later than 45 days after receipt of the
7 plan or the revised plan, as applicable, the superintendent of schools
8 of the school district or the governing body, as applicable, shall
9 approve the plan or the revised plan if it meets the requirements of
10 this section.

11 9. On or before December 15 of each year, the principal of
12 each school, or the technical assistance partnership or support team
13 established for the school, as applicable, shall submit the final plan
14 or the final revised plan, as applicable, to the:

- 15 (a) Superintendent of Public Instruction;
- 16 (b) Governor;
- 17 (c) State Board;
- 18 (d) Department;
- 19 (e) Committee;
- 20 (f) Bureau; and

21 (g) Board of trustees of the school district in which the school is
22 located.

23 10. A plan for the improvement of a school must be carried out
24 expeditiously, but not later than January 1 after approval of the plan
25 pursuant to subsection 7 or 8, as applicable.

26 **Sec. 4.** NRS 386.593 is hereby amended to read as follows:

27 386.593 1. A person who is initially hired as a
28 paraprofessional by a charter school after January 8, 2002, to work
29 in a program supported with Title I money must possess the
30 qualifications required by 20 U.S.C. § 6319(c). *A paraprofessional*
31 *may satisfy the requirements of 20 U.S.C. § 6319(c) by passing the*
32 *high school proficiency examination administered to pupils.*

33 2. A person who is employed as a paraprofessional by a charter
34 school, regardless of the date of hire, to work in a program
35 supported with Title I money must possess, on or before January 8,
36 2006, the qualifications required by 20 U.S.C. § 6319(c). *A*
37 *paraprofessional may satisfy the requirements of 20 U.S.C. §*
38 *6319(c) by passing the high school proficiency examination*
39 *administered to pupils.*

40 3. *A person who is employed as a paraprofessional by a*
41 *charter school on or after July 1, 2006, to work in a program that*
42 *is not supported with Title I money must pass the high school*
43 *proficiency examination.*

44 4. For the purposes of this section, a person is not “initially
45 hired” if he has been employed as a paraprofessional by another



1 school district or charter school in this State without an interruption
2 in employment before the date of hire by his current employer.

3 ~~[4.]~~ 5. As used in this section, "paraprofessional" has the
4 meaning ascribed to it in NRS 391.008.

5 **Sec. 5.** NRS 387.049 is hereby amended to read as follows:

6 387.049 1. When administering money received from the
7 Federal Government, the Superintendent of Public Instruction, the
8 Department or the State Board, as applicable, shall, to the extent
9 practicable, administer the money in a manner that is designed to
10 attain the goals of the Legislature regarding educational reform in
11 this State.

12 *2. If money received from the Federal Government to create,*
13 *support or expand a program related to education in this State is*
14 *subsequently reduced or eliminated, the program may be reduced*
15 *accordingly, to the extent allowed by law.*

16 **Sec. 6.** NRS 387.124 is hereby amended to read as follows:

17 387.124 Except as otherwise provided in this section and
18 NRS 387.528:

19 1. On or before August 1, November 1, February 1 and May 1
20 of each year, the Superintendent of Public Instruction shall
21 apportion the State Distributive School Account in the State General
22 Fund among the several county school districts and charter schools
23 in amounts approximating one-fourth of their respective yearly
24 apportionments less any amount set aside as a reserve. The
25 apportionment to a school district, computed on a yearly basis,
26 equals the difference between the basic support and the local funds
27 available pursuant to NRS 387.1235, minus all the funds attributable
28 to pupils who reside in the county but attend a charter school, ~~and~~
29 all the funds attributable to pupils who reside in the county and are
30 enrolled full time or part time in a program of distance education
31 provided by another school district or a charter school ~~[.]~~ *Subject to*
32 *the limitations set forth in NRS 387.206 and 387.207, each school*
33 *district shall distribute the total amount of each apportionment,*
34 *excluding special education program units, to each public school*
35 *of the school district based upon the number of pupils enrolled in*
36 *the school.* No apportionment may be made to a school district if the
37 amount of the local funds exceeds the amount of basic support. If an
38 agreement is not filed for a pupil who is enrolled in a program of
39 distance education as required by NRS 388.854, the Superintendent
40 of Public Instruction shall not apportion money for that pupil to the
41 board of trustees of the school district in which the pupil resides, or
42 the board of trustees or governing body that provides the program of
43 distance education.

44 2. Except as otherwise provided in subsection 3, the
45 apportionment to a charter school, computed on a yearly basis, is



1 equal to the sum of the basic support per pupil in the county in
2 which the pupil resides plus the amount of local funds available per
3 pupil pursuant to NRS 387.1235 and all other funds available for
4 public schools in the county in which the pupil resides minus all the
5 funds attributable to pupils who are enrolled in the charter school
6 but are concurrently enrolled part time in a program of distance
7 education provided by a school district or another charter school. If
8 the apportionment per pupil to a charter school is more than the
9 amount to be apportioned to the school district in which a pupil who
10 is enrolled in the charter school resides, the school district in which
11 the pupil resides shall pay the difference directly to the charter
12 school.

13 3. Except as otherwise provided in this subsection, the
14 apportionment to a charter school that is sponsored by the State
15 Board, computed on a yearly basis, is equal to:

16 (a) The sum of the basic support per pupil in the county in
17 which the pupil resides plus the amount of local funds available per
18 pupil pursuant to NRS 387.1235 and all other funds available for
19 public schools in the county in which the pupil resides; or

20 (b) The statewide average per pupil amount for pupils who are
21 enrolled full time,

22 ➤ whichever is greater. If the calculation set forth in paragraph (a)
23 is less than the calculation pursuant to paragraph (b), the school
24 district in which the charter school is located shall pay the difference
25 directly to the charter school. If a charter school provides a program
26 of distance education pursuant to NRS 388.820 to 388.874,
27 inclusive, the apportionment to the charter school for pupils who are
28 enrolled in the program of distance education must be calculated as
29 set forth in subsection 2 or 4, as applicable.

30 4. In addition to the apportionments made pursuant to this
31 section, an apportionment must be made to a school district or
32 charter school that provides a program of distance education for
33 each pupil who is enrolled part time in the program if an agreement
34 is filed for that pupil pursuant to NRS 388.854 or 388.858, as
35 applicable. The amount of the apportionment must be equal to the
36 percentage of the total time services are provided to the pupil
37 through the program of distance education per school day in
38 proportion to the total time services are provided during a school
39 day to pupils who are counted pursuant to subparagraph (2) of
40 paragraph (a) of subsection 1 of NRS 387.1233 for the school
41 district in which the pupil resides.

42 5. The governing body of a charter school may submit a
43 written request to the Superintendent of Public Instruction to
44 receive, in the first year of operation of the charter school, an
45 apportionment 30 days before the apportionment is required to be



1 made pursuant to subsection 1. Upon receipt of such a request, the
2 Superintendent of Public Instruction may make the apportionment
3 30 days before the apportionment is required to be made. A charter
4 school may receive all four apportionments in advance in its first
5 year of operation.

6 6. If the State Controller finds that such an action is needed to
7 maintain the balance in the State General Fund at a level sufficient
8 to pay the other appropriations from it, he may pay out the
9 apportionments monthly, each approximately one-twelfth of the
10 yearly apportionment less any amount set aside as a reserve. If such
11 action is needed, the State Controller shall submit a report to the
12 Department of Administration and the Fiscal Analysis Division of
13 the Legislative Counsel Bureau documenting reasons for the action.

14 **Sec. 7.** NRS 388.040 is hereby amended to read as follows:

15 388.040 1. Except as otherwise provided in subsection 2, the
16 board of trustees of a school district that includes more than one
17 school which offers instruction in the same grade or grades may
18 zone the school district and determine which pupils ~~[shall]~~ *must*
19 attend each school.

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

22 (a) *Charter school; or*

23 (b) *Public school outside the zone of attendance that the pupil*
24 *is otherwise required to attend if the board of trustees of a school*
25 *district approves an application for the pupil to attend another*
26 *public school pursuant to section 35 of this act.*

27 **Sec. 8.** Chapter 391 of NRS is hereby amended by adding
28 thereto a new section to read as follows:

29 *If the board of trustees of a school district or the governing*
30 *body of a charter school employs a teacher who holds a special*
31 *qualifications license, the board of trustees or the governing body,*
32 *as applicable, shall assign at least one licensed teacher whom the*
33 *board of trustees or the governing body determines is qualified to*
34 *serve as a mentor for the first 3 years of the teacher's employment*
35 *with the school district or charter school under the special*
36 *qualifications license.*

37 **Sec. 9.** NRS 391.019 is hereby amended to read as follows:

38 391.019 1. Except as otherwise provided in NRS 391.027,
39 the Commission:

40 (a) Shall adopt regulations:

41 (1) Prescribing the qualifications for licensing teachers and
42 other educational personnel, including, without limitation, the
43 qualifications for a license to teach middle school or junior high
44 school education, and the procedures for the issuance and renewal of
45 such licenses.



(2) Identifying fields of specialization in teaching which require the specialized training of teachers.

(3) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

(4) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(5) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being qualified to engage in the practice of interpreting pursuant to subsection 3 of NRS 656A.100.

(6) Except as otherwise authorized by subsection 4 of NRS 656A.100, requiring teachers and other educational personnel to satisfy the qualifications set forth in subsection 3 of NRS 656A.100 if they:

(I) Provide instruction or other education services; and

(II) Concurrently engage in the practice of interpreting, as defined in NRS 656A.060.

(7) Providing for the issuance and renewal of a special qualifications license to an applicant who holds a master's degree or a doctoral degree from an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and who has:

(I) At least 2 years of experience teaching at an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and at least 3 years of experience working in that field; or

(II) At least 5 years of experience working in a field for which the applicant will provide instruction in a classroom.

(8) Requiring an applicant for a special qualifications license to:

(I) Pass each examination required by NRS 391.021 for the specific subject or subjects in which the applicant will provide instruction; or

(II) Hold a valid license issued by a professional licensing board of any state that is directly related to the subject area of the master's degree or doctoral degree held by the applicant.

(9) Setting forth the subject areas that may be taught by a person who holds a special qualifications license, based upon the subject area of the master's degree or doctoral degree held by that person.



(b) May adopt such other regulations as it deems necessary for its own government or to carry out its duties.

2. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

Sec. 10. NRS 391.021 is hereby amended to read as follows:

391.021 Except as otherwise provided in NRS 391.027, the Commission shall adopt regulations governing examinations for the initial licensing of teachers and other educational personnel. The examinations must test the ability of the applicant to teach and his knowledge ~~to~~ *and proficiency in* each specific subject he proposes to teach. Each examination must include the following subjects:

1. The laws of Nevada relating to schools;
2. The Constitution of the State of Nevada; and
3. The Constitution of the United States.

➤ The provisions of this section do not prohibit the Commission from adopting regulations pursuant to subsection 2 of NRS 391.032 that provide an exemption from the examinations for teachers and other educational personnel who have previous experience in teaching or performing other educational functions in another state.

Sec. 11. NRS 391.031 is hereby amended to read as follows:

391.031 There are the following kinds of licenses for teachers and other educational personnel in this State:

1. A license to teach elementary education, which authorizes the holder to teach in any elementary school in the State.

2. A license to teach middle school or junior high school education, which authorizes the holder to teach in his major or minor field of preparation or in both fields in grades 7, 8 and 9 at any middle school or junior high school. He may teach only in these fields unless an exception is approved pursuant to regulations adopted by the Commission.

3. A license to teach secondary education, which authorizes the holder to teach in his major or minor field of preparation or in both fields in any secondary school. He may teach only in these fields unless an exception is approved pursuant to regulations adopted by the Commission.



4. A special license, which authorizes the holder to teach or perform other educational functions in a school or program as designated in the license.

5. A special license designated as a special qualifications license which authorizes the holder to teach only in the grades and subject areas designated in the license. A special qualifications license is valid for 3 years and may be renewed in accordance with the regulations of the Commission adopted pursuant to subparagraph (7) of paragraph (a) of subsection 1 of NRS 391.019.

Sec. 12. NRS 391.037 is hereby amended to read as follows:

391.037 1. The State Board shall:

(a) Prescribe by regulation the standards for approval of a course of study or training offered by an educational institution to qualify a person to be a teacher or administrator or to perform other educational functions.

(b) Maintain descriptions of the approved courses of study required to qualify for endorsements in fields of specialization and provide to an applicant, upon request, the approved course of study for a particular endorsement.

2. ~~Every~~ *Except for an applicant for the issuance of a special qualifications license, each* applicant for a license as a teacher or administrator or to perform some other educational function must submit with his application, in the form prescribed by the Superintendent of Public Instruction, proof that he has satisfactorily completed a course of study and training approved by the State Board ~~and~~ *pursuant to subsection 1.*

Sec. 13. NRS 391.038 is hereby amended to read as follows:

391.038 1. The State Board, in consultation with educational institutions in this State which offer courses of study and training for the education of teachers, the board of trustees of each school district in this State and other educational personnel, shall review and evaluate a course of study and training offered by an educational institution which is designed to provide the education required for:

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

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

(c) An endorsement in a field of specialization.

➔ If the course of study and training meets the requirements established by the State Board, it must be approved by the State Board. The State Board shall not approve a course of study or training unless the course of study and training provides instruction, to the extent deemed necessary by the State Board, in the standards



1 of content and performance prescribed by the Council to Establish
2 Academic Standards for Public Schools pursuant to NRS 389.520.

3 2. The State Board may review and evaluate such courses of
4 study and training itself or may recognize a course of study and
5 training approved by a national agency for accreditation acceptable
6 to the Board.

7 3. The State Board shall adopt regulations establishing fees for
8 the review by the Board of a course of study and training submitted
9 to the Board by an educational institution.

10 4. The State Board, in consultation with educational
11 institutions in this State which offer courses of study and training
12 for the education of teachers and other educational personnel, and
13 the Nevada Association of Colleges for Teacher Education and the
14 Nevada Association of Teacher Educators, shall adopt regulations
15 governing the approval by the State Board of courses of study and
16 training which are accredited by the National Council for
17 Accreditation of Teacher Education, and those which are not so
18 accredited.

19 5. If the State Board denies or withdraws its approval of a
20 course of study or training, the educational institution is entitled to a
21 hearing and judicial review of the decision of the State Board.

22 6. *A course of study or training approved by the State Board*
23 *must include training to teach fundamental reading skills,*
24 *including, without limitation:*

25 (a) *Phonemic awareness;*

26 (b) *Phonics;*

27 (c) *Vocabulary;*

28 (d) *Fluency; and*

29 (e) *Comprehension.*

30 **Sec. 14.** NRS 391.094 is hereby amended to read as follows:

31 391.094 1. The State Board shall prescribe by regulation at
32 least one examination for those paraprofessionals who desire to
33 satisfy the requirements of 20 U.S.C. § 6319(c) by passing an
34 examination prescribed by this State. The regulations must include
35 the passing score required to demonstrate satisfaction of the
36 requirements of 20 U.S.C. § 6319(c).

37 2. *A paraprofessional may satisfy the requirements of 20*
38 *U.S.C. § 6319(c) by passing the high school proficiency*
39 *examination administered to pupils.*

40 **Sec. 15.** NRS 391.100 is hereby amended to read as follows:

41 391.100 1. The board of trustees of a school district may
42 employ a superintendent of schools, teachers and all other necessary
43 employees.

44 2. A person who is initially hired by the board of trustees of a
45 school district on or after January 8, 2002, to teach in a program



1 supported with money from Title I must possess the qualifications
2 required by 20 U.S.C. § 6319(a). For the purposes of this
3 subsection, a person is not “initially hired” if he has been employed
4 as a teacher by another school district or charter school in this State
5 without an interruption in employment before the date of hire by his
6 current employer.

7 3. A person who is employed as a teacher, regardless of the
8 date of hire, must possess, on or before July 1, 2006, the
9 qualifications required by 20 U.S.C. § 6319(a) if he teaches:

- 10 (a) English, reading or language arts;
- 11 (b) Mathematics;
- 12 (c) Science;
- 13 (d) Foreign language;
- 14 (e) Civics or government;
- 15 (f) Economics;
- 16 (g) Geography;
- 17 (h) History; or
- 18 (i) The arts.

19 4. The board of trustees of a school district:

20 (a) May employ teacher aides and other auxiliary,
21 nonprofessional personnel to assist licensed personnel in the
22 instruction or supervision of children, either in the classroom or at
23 any other place in the school or on the grounds thereof. A person
24 who **is** :

25 *(1) Is initially hired as a paraprofessional by a school district*
26 *on or after January 8, 2002, to work in a program supported with*
27 *Title I money must possess the qualifications required by 20 U.S.C.*
28 *§ 6319(c). A ~~person who is~~ paraprofessional may satisfy the*
29 *requirements of 20 U.S.C. § 6319(c) by passing the high school*
30 *proficiency examination administered to pupils.*

31 *For the purposes of this subparagraph, a person is not “initially*
32 *hired” if he has been employed as a paraprofessional by another*
33 *school district or charter school in this State without an*
34 *interruption in employment before the date of hire by his current*
35 *employer.*

36 *(2) Is employed as a paraprofessional by a school district,*
37 *regardless of the date of hire, to work in a program supported with*
38 *Title I money must possess, on or before January 8, 2006, the*
39 *qualifications required by 20 U.S.C. § 6319(c). ~~For the purposes of~~*
40 *this paragraph, a person is not “initially hired” if he has been*
41 *employed as a paraprofessional by another school district or charter*
42 *school in this State without an interruption in employment before*
43 *the date of hire by his current employer.] A paraprofessional may*
44 *satisfy the requirements of 20 U.S.C. § 6319(c) by passing the high*
45 *school proficiency examination administered to pupils.*



1 (3) *Is employed as a paraprofessional by a school district*
2 *on or after July 1, 2006, to work in a program that is not*
3 *supported with Title I money must pass the high school*
4 *proficiency examination.*

5 (b) Shall establish policies governing the duties and
6 performance of teacher aides.

7 5. Each applicant for employment pursuant to this section,
8 except a teacher or other person licensed by the Superintendent of
9 Public Instruction, must, as a condition to employment, submit to
10 the school district a full set of his fingerprints and written
11 permission authorizing the school district to forward the fingerprints
12 to the Central Repository for Nevada Records of Criminal History
13 for its report on the criminal history of the applicant and for
14 submission to the Federal Bureau of Investigation for its report on
15 the criminal history of the applicant.

16 6. Except as otherwise provided in subsection 7, the board of
17 trustees of a school district shall not require a licensed teacher or
18 other person licensed by the Superintendent of Public Instruction
19 pursuant to NRS 391.033 who has taken a leave of absence from
20 employment authorized by the school district, including, without
21 limitation:

22 (a) Sick leave;

23 (b) Sabbatical leave;

24 (c) Personal leave;

25 (d) Leave for attendance at a regular or special session of the
26 Legislature of this State if the employee is a member thereof;

27 (e) Maternity leave; and

28 (f) Leave permitted by the Family and Medical Leave Act of
29 1993, 29 U.S.C. §§ 2601 et seq.,

30 ➡ to submit a set of his fingerprints as a condition of return to or
31 continued employment with the school district if the employee is in
32 good standing when the employee began the leave.

33 7. A board of trustees of a school district may ask the
34 Superintendent of Public Instruction to require a person licensed by
35 the Superintendent of Public Instruction pursuant to NRS 391.033
36 who has taken a leave of absence from employment authorized by
37 the school district to submit a set of his fingerprints as a condition of
38 return to or continued employment with the school district if the
39 board of trustees has probable cause to believe that the person has
40 committed a felony or an offense involving moral turpitude during
41 the period of his leave of absence.

42 8. The board of trustees of a school district may employ or
43 appoint persons to serve as school police officers. If the board of
44 trustees of a school district employs or appoints persons to serve as
45 school police officers, the board of trustees shall employ a law



1 enforcement officer to serve as the chief of school police who is
2 supervised by the superintendent of schools of the school district.
3 The chief of school police shall supervise each person appointed or
4 employed by the board of trustees as a school police officer. In
5 addition, persons who provide police services pursuant to subsection
6 9 or 10 shall be deemed school police officers.

7 9. The board of trustees of a school district in a county that has
8 a metropolitan police department created pursuant to chapter 280 of
9 NRS may contract with the metropolitan police department for the
10 provision and supervision of police services in the public schools
11 within the jurisdiction of the metropolitan police department and on
12 property therein that is owned by the school district. If a contract is
13 entered into pursuant to this subsection, the contract must make
14 provision for the transfer of each school police officer employed by
15 the board of trustees to the metropolitan police department. If the
16 board of trustees of a school district contracts with a metropolitan
17 police department pursuant to this subsection, the board of trustees
18 shall, if applicable, cooperate with appropriate local law
19 enforcement agencies within the school district for the provision and
20 supervision of police services in the public schools within the school
21 district and on property owned by the school district, but outside the
22 jurisdiction of the metropolitan police department.

23 10. The board of trustees of a school district in a county that
24 does not have a metropolitan police department created pursuant to
25 chapter 280 of NRS may contract with the sheriff of that county for
26 the provision of police services in the public schools within the
27 school district and on property therein that is owned by the school
28 district.

29 **Sec. 16.** NRS 391.120 is hereby amended to read as follows:

30 391.120 1. Boards of trustees of the school districts in this
31 State may employ legally qualified teachers and other licensed
32 personnel and may determine ~~{their salaries and}~~ the length of the
33 term of school for which they are employed. ~~{These}~~

34 *2. The board of trustees of each school district shall:*

35 *(a) Determine the salaries of the principals and other*
36 *administrators employed by the school district.*

37 *(b) Establish criteria for principals to determine the salaries of*
38 *teachers and other licensed personnel employed at a school,*
39 *including, without limitation, compensation based upon the*
40 *performance of the teachers and other licensed personnel.*

41 *3. The principal of each school shall determine the salaries of*
42 *the teachers and other licensed personnel employed at the school,*
43 *other than administrators, in accordance with the criteria*
44 *prescribed by the board of trustees pursuant to paragraph (b) of*
45 *subsection 2.*



1 **4. The** conditions *set forth in subsections 1, 2 and 3*, and any
2 other conditions agreed upon by the parties must be embodied in a
3 written contract, or notice of reemployment, to be approved by the
4 board of trustees and accepted and signed by the employee. A copy
5 of the contract or notice of reemployment, properly written, must be
6 delivered to each teacher or other licensed employee not later than
7 the opening of the term of school.

8 ~~[2-]~~ **5.** A board of trustees may not employ teachers or other
9 licensed personnel for any school year commencing after the
10 expiration of the time for which any member of the board of trustees
11 was elected or appointed.

12 ~~[3-]~~ **6.** It is unlawful for the board of trustees of any school
13 district to employ any teacher who is not legally qualified to teach
14 all the grades which the teacher is engaged to teach. The board of
15 trustees shall suspend or terminate, as applicable, the employment of
16 any teacher who fails to maintain a license issued pursuant to this
17 chapter in force, if such a license is required for employment. Any
18 such suspension or termination must comply with the requirements
19 of NRS 391.301 to 391.309, inclusive.

20 ~~[4-]~~ **7.** On or before November 15 of each year, the school
21 district shall submit to the Department, in a form prescribed by the
22 Superintendent of Public Instruction, the following information
23 for each licensed employee employed by the school district on
24 October 1 of that year:

25 (a) The amount of salary of the employee; ~~[and]~~

26 (b) *The justification for the salary set by the principal for the*
27 *teacher or other licensed employee which must be based upon*
28 *the performance criteria established by the board of trustees of the*
29 *school district pursuant to subsection 2; and*

30 (c) The designated assignment, as that term is defined by the
31 Department of Education, of the employee.

32 **Sec. 17.** NRS 391.160 is hereby amended to read as follows:

33 391.160 1. The salaries of teachers and other employees must
34 be determined by the character of the service required. *The*
35 *principal of each school shall determine the salaries of*
36 *the teachers and other licensed personnel of the school, other than*
37 *the administrators, based upon the performance criteria*
38 *prescribed by the board of trustees of the school district pursuant*
39 *to subsection 2 of NRS 391.120.* A school district shall not
40 discriminate between male and female employees in the matter of
41 salary.

42 2. Each year when determining the salary of a teacher who
43 holds certification issued by the National Board for Professional
44 Teaching Standards, a school district shall add 5 percent to the



1 salary that the teacher would otherwise receive in 1 year for his
2 classification on the schedule of salaries for the school district if:

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

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

8 ➔ No increase in salary may be given during a particular school
9 year to a teacher who submits evidence of certification after
10 January 31 of that school year. For the first school year that a
11 teacher submits evidence of his current certification, the board of
12 trustees of the school district to whom the evidence was submitted
13 shall pay the increase in salary required by this subsection
14 retroactively to the beginning of that school year. Once a teacher has
15 submitted evidence of such certification to the school district, the
16 school district shall retain the evidence in its records, as applicable,
17 for future school years. An increase in salary given in accordance
18 with this subsection is in addition to any other increase to which the
19 teacher may otherwise be entitled.

20 3. In determining the salary of a licensed teacher who is
21 employed by a school district after the teacher has been employed
22 by another school district in this State, the present employer shall,
23 except as otherwise provided in subsection 6:

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

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

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

34 4. A school district may give the credit required by subsection
35 3 for previous teaching service earned in another state if the
36 Commission has approved the standards for licensing teachers of
37 that state. The Commission shall adopt regulations that establish the
38 criteria by which the Commission will consider the standards for
39 licensing teachers of other states for the purposes of this subsection.
40 The criteria may include, without limitation, whether the
41 Commission has authorized reciprocal licensure of educational
42 personnel from the state under consideration.

43 5. In determining the salary of a licensed administrator, other
44 than the superintendent of schools, who is employed by a school
45 district after the administrator has been employed by another school



1 district in this State, the present employer shall, except as otherwise
2 provided in subsection 6:

3 (a) Give the administrator the same credit for previous
4 administrative service as he was receiving from his former
5 employer, at the end of his former employment;

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

9 (c) Place the administrator on the schedule of salaries of the
10 school district in a classification that is comparable to the
11 classification the administrator had attained on the schedule of
12 salaries of his former employer.

13 6. This section does not:

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

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

24 7. As used in this section:

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

26 (1) Any period of administrative service for which an
27 administrator received credit from his former employer at the
28 beginning of his former employment; and

29 (2) His period of administrative service in his former
30 employment.

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

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

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

36 **Sec. 18.** NRS 391.165 is hereby amended to read as follows:

37 391.165 1. Except as otherwise provided in **[subsection]**
38 **subsections 2 and 3** and except as otherwise required as a result of
39 NRS 286.537, the board of trustees of a school district shall pay the
40 cost for a licensed teacher or licensed school psychologist to
41 purchase one-fifth of a year of service pursuant to subsection 2 of
42 NRS 286.300 if:

43 (a) The teacher or school psychologist is a member of the Public
44 Employees' Retirement System and has at least 5 years of service;



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

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

(d) In addition to the years of employment required by paragraph (b):

(1) The teacher has been employed as a licensed teacher for 2 school years at a school within the school district during his employment at the school:

(I) Which carried the designation of demonstrating need for improvement; or

(II) At which at least 65 percent of the pupils who are enrolled in the school are children who are at risk;

(2) The teacher holds an endorsement in the field of mathematics, science, special education or English as a second language and has been employed for at least 1 school year to teach in the subject area for which he holds an endorsement; or

(3) The school psychologist has been employed as a licensed school psychologist for at least 1 school year.

➤ The provisions of this paragraph do not require consecutive years of employment or employment at the same school within the school district.

2. Except as otherwise provided in subsection 3, the board of trustees of a school district shall pay the cost for a licensed teacher or school psychologist to purchase one-fifth of a year of service for each year that a teacher or school psychologist satisfies the requirements of subsection 1. *In lieu of the purchase of service, a licensed teacher who satisfies the criteria set forth in subparagraph (1) or (2) of paragraph (d) of subsection 1 may elect to receive a stipend in the amount of the cost to purchase one-fifth of a year of service.* If, in 1 school year, a teacher satisfies the criteria set forth in both subparagraphs (1) and (2) of paragraph (d) of subsection 1, the school district in which the teacher is employed is not required to pay for more than one-fifth of a year of service pursuant to subsection 2 of NRS 286.300 *or to pay for more than one stipend, as applicable,* for that school year.

3. In no event may ~~the~~:

(a) *The* years of service purchased by a licensed teacher or school psychologist as a result of subsection 2 of NRS 286.300 exceed 5 years.



(b) A teacher receive a stipend in lieu of the purchase of service for more than the number of years that he is eligible for the purchase of service.

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

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

(b) Include as part of a teacher's or school psychologist's salary the costs of paying the teacher or school psychologist to purchase service pursuant to this section.

5. As used in this section:

(a) A child is "at risk" if he is eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq.

(b) "Service" has the meaning ascribed to it in NRS 286.078.

Sec. 19. NRS 391.200 is hereby amended to read as follows:

391.200 The salaries of:

1. Teachers and other licensed personnel in a school district, as ~~determined by~~ *set forth in* the contracts between the teachers and other licensed employees and the board of trustees; and

2. Teachers in a charter school,

➤ are prior claims upon the school district fund.

Sec. 20. NRS 391.3115 is hereby amended to read as follows:

391.3115 1. The demotion, suspension, dismissal and nonreemployment provisions of NRS 391.311 to 391.3197, inclusive, do not apply to:

(a) Substitute teachers; or

(b) Adult education teachers.

2. The provisions of NRS 391.311 to 391.3194, inclusive, do not apply to a teacher whose employment is suspended or terminated pursuant to subsection ~~3~~ *6* of NRS 391.120 for failure to maintain a license in force.

3. A licensed employee who is employed in a position fully funded by a federal or private categorical grant or to replace another licensed employee during that employee's leave of absence is employed only for the duration of the grant or leave. Such a licensed employee and licensed employees who are employed on temporary contracts for 90 school days or less, or its equivalent in a school district operating under an alternative schedule authorized pursuant to NRS 388.090, to replace licensed employees whose employment has terminated after the beginning of the school year are entitled to credit for that time in fulfilling any period of probation and during that time the provisions of NRS 391.311 to 391.3197, inclusive, for demotion, suspension or dismissal apply to them

Sec. 21. NRS 391.314 is hereby amended to read as follows:

391.314 1. If a superintendent has reason to believe that cause exists for the dismissal of a licensed employee and he is of the



1 opinion that the immediate suspension of the employee is necessary
2 in the best interests of the pupils in the district, the superintendent
3 may suspend the employee without notice and without a hearing. *If*
4 *a principal of a school has reason to believe that cause exists for*
5 *the dismissal of a licensed employee of the school, other than an*
6 *administrator, and he is of the opinion that the immediate*
7 *suspension of the employee is necessary in the best interests of the*
8 *pupils enrolled in the school, the principal may suspend the*
9 *employee without notice and without hearing.* Notwithstanding the
10 provisions of NRS 391.312 ~~[-a]~~:

11 (a) A superintendent may suspend a licensed employee who has
12 been officially charged but not yet convicted of a felony or a crime
13 involving moral turpitude or immorality.

14 (b) *A principal of a school may suspend a licensed employee of*
15 *the school, other than an administrator, if the employee has been*
16 *officially charged with, but not yet convicted of, a felony or a*
17 *crime involving moral turpitude or immorality.*

18 ➤ If the charge is dismissed or if the employee is found not guilty,
19 he must be reinstated with back pay, plus interest, and normal
20 seniority. The superintendent *or principal, as applicable,* shall
21 notify the employee in writing of the suspension.

22 2. Within 5 days after a suspension becomes effective, the
23 superintendent *or principal, as applicable,* shall begin proceedings
24 pursuant to the provisions of NRS 391.312 to 391.3196, inclusive,
25 to effect the employee's dismissal. The employee is entitled to
26 continue to receive his salary and other benefits after the suspension
27 becomes effective until the date on which the dismissal proceedings
28 are commenced. The superintendent *or principal, as applicable,*
29 may recommend that an employee who has been charged with a
30 felony or a crime involving immorality be dismissed for another
31 ground set forth in NRS 391.312.

32 3. If sufficient grounds for dismissal do not exist, the employee
33 must be reinstated with full compensation, plus interest.

34 4. A licensed employee who furnishes to the school district a
35 bond or other security which is acceptable to the board as a
36 guarantee that he will repay any amounts paid to him pursuant to
37 this subsection as salary during a period of suspension is entitled to
38 continue to receive his salary from the date on which the dismissal
39 proceedings are commenced until the decision of the board or the
40 report of the hearing officer, if the report is final and binding. The
41 board shall not unreasonably refuse to accept security other than a
42 bond. An employee who receives salary pursuant to this subsection
43 shall repay it if he is dismissed or not reemployed as a result of a
44 decision of the board or a report of a hearing officer.



1 5. A licensed employee who is convicted of a crime which
2 requires registration pursuant to NRS 179D.200 to 179D.290,
3 inclusive, or 179D.350 to 179D.550, inclusive, or is convicted of an
4 act forbidden by NRS 200.508, 201.190, 201.265, 201.540, 201.560
5 or 207.260 forfeits all rights of employment from the date of his
6 arrest.

7 6. A licensed employee who is convicted of any crime and who
8 is sentenced to and serves any sentence of imprisonment forfeits all
9 rights of employment from the date of his arrest or the date on
10 which his employment terminated, whichever is later.

11 7. A licensed employee who is charged with a felony or a
12 crime involving immorality or moral turpitude and who waives his
13 right to a speedy trial while suspended may receive no more than 12
14 months of back pay and seniority upon reinstatement if he is found
15 not guilty or the charges are dismissed, unless proceedings have
16 been begun to dismiss the employee upon one of the other grounds
17 set forth in NRS 391.312.

18 8. A superintendent *or principal, as applicable*, may discipline
19 a licensed employee by suspending the employee with loss of pay at
20 any time after a hearing has been held which affords the due process
21 provided for in this chapter. The grounds for suspension are the
22 same as the grounds contained in NRS 391.312. An employee may
23 be suspended more than once during the employee's contract year,
24 but the total number of days of suspension may not exceed 20 in
25 1 contract year. Unless circumstances require otherwise, the
26 suspensions must be progressively longer.

27 **Sec. 22.** NRS 391.315 is hereby amended to read as follows:

28 391.315 1. A superintendent may recommend that a teacher
29 be dismissed or not reemployed. *A principal of a school may*
30 *recommend that a teacher or other licensed employee of the*
31 *school, other than an administrator, be demoted, dismissed or not*
32 *reemployed.*

33 2. A superintendent may recommend that an administrator be
34 demoted, dismissed or not reemployed.

35 3. The board may recommend that a superintendent be
36 dismissed or not reemployed.

37 4. If the board recommends that a superintendent be demoted,
38 dismissed or not reemployed, it may request the appointment of a
39 hearing officer, depending upon the grounds for the
40 recommendation.

41 **Sec. 23.** NRS 391.3161 is hereby amended to read as follows:

42 391.3161 1. There is hereby created a list of hearing officers
43 comprised of residents of this State who are attorneys at law. The
44 State Board shall make appointments to the list after nominations
45 have been made by the State Bar of Nevada and the Nevada Trial



1 Lawyers Association. Each nominee appointed to the list must have
2 completed a course of instruction in administrative law, relating to
3 the provisions of this chapter, offered by the State Board. This
4 course must consist of at least 4 hours of instruction in a classroom.

5 2. Each appointment to the list is for a term of 6 years or until
6 resignation or removal for cause by the State Board. Vacancies must
7 be filled in the same manner as original appointments.

8 3. Hearing officers may be selected from a list provided by the
9 American Arbitration Association of arbitrators who are available
10 upon request, if:

11 (a) The number of names on the list of qualified, trained hearing
12 officers falls below 10; and

13 (b) The employee and the superintendent *or principal, as*
14 *applicable*, have so agreed in writing at least 5 school days before
15 the list is requested.

16 ➡ Selection of a hearing officer through the services of the
17 American Arbitration Association must be accomplished in
18 the same manner as described in subsection 2 of NRS 288.200. The
19 employee and the board shall each pay half of the costs of a hearing
20 held before a hearing officer selected from a list provided by the
21 American Arbitration Association.

22 4. A hearing officer shall conduct hearings in cases of
23 demotion, dismissal or a refusal to reemploy based on the grounds
24 contained in subsection 1 of NRS 391.312.

25 5. This section does not preclude the employee and the
26 superintendent *or principal, as applicable*, from mutually selecting
27 an attorney who is a resident of this State to serve as a hearing
28 officer to conduct a particular hearing.

29 **Sec. 24.** NRS 391.317 is hereby amended to read as follows:

30 391.317 1. At least 15 days before recommending to a board
31 that it demote, dismiss or not reemploy a postprobationary
32 employee, or dismiss or demote a probationary employee, the
33 superintendent *or principal, as applicable*, shall give written notice
34 to the employee, by registered or certified mail, of his intention to
35 make the recommendation.

36 2. The notice must:

37 (a) Inform the licensed employee of the grounds for the
38 recommendation.

39 (b) Inform the employee that, if a written request therefor
40 is directed to the superintendent *or principal, as applicable*, within
41 10 days after receipt of the notice, the employee is entitled to a
42 hearing before a hearing officer.

43 (c) Inform the employee that he may request appointment of a
44 hearing officer from a list provided by the American Arbitration



1 Association and that one will be appointed if the superintendent
2 agrees in writing.

3 (d) Refer to chapter 391 of NRS.

4 **Sec. 25.** NRS 391.318 is hereby amended to read as follows:

5 391.318 1. If a request for a hearing is not made within the
6 time allowed, the superintendent *or principal, as applicable*, shall
7 file his recommendation with the board. The board may, by
8 resolution, act on the recommendation as it sees fit.

9 2. If a request for a hearing is made, the superintendent *or*
10 *principal, as applicable*, shall not file his recommendation with the
11 board until a report of the hearing officer is filed with him.

12 **Sec. 26.** NRS 391.3191 is hereby amended to read as follows:

13 391.3191 1. Each request for appointment of a person from
14 the list of hearing officers to serve as a hearing officer must be
15 submitted to the Superintendent of Public Instruction.

16 2. The licensed employee and the superintendent *or principal,*
17 *as applicable*, may each challenge not more than five members of
18 the list of hearing officers, and the Superintendent of Public
19 Instruction shall not appoint any challenged person.

20 **Sec. 27.** NRS 391.31915 is hereby amended to read as
21 follows:

22 391.31915 1. Within 10 days after he receives a request for a
23 hearing, the Superintendent of Public Instruction shall designate
24 seven attorneys from the list of hearing officers.

25 2. After designation of the attorneys, the licensed employee
26 and *the* superintendent *or principal, as applicable*, shall challenge
27 peremptorily one of the seven at a time, alternately, until only one
28 remains, who shall serve as hearing officer for the hearing. The
29 superintendent *or principal, as applicable*, and *the* licensed
30 employee shall draw lots to determine first choice to exercise a
31 challenge.

32 3. The State Board shall prescribe procedures for exercising
33 challenges to the hearing officer and set time limits in which the
34 challenges may be exercised by the licensed employee and *the*
35 superintendent *or principal, as applicable*.

36 **Sec. 28.** NRS 391.3192 is hereby amended to read as follows:

37 391.3192 1. As soon as possible after the time of his
38 designation, the hearing officer shall hold a hearing to determine
39 whether the grounds for the recommendation are substantiated.

40 2. The Superintendent of Public Instruction shall furnish the
41 hearing officer with any assistance which is reasonably required to
42 conduct the hearing, and the hearing officer may require witnesses
43 to give testimony under oath and produce evidence relevant to the
44 investigation.



3. The licensed employee and *the* superintendent are entitled to be heard, to be represented by an attorney and to call witnesses in their behalf. *If a principal of a school recommended the demotion, dismissal or nonreemployment, the principal is also entitled to be heard, to be represented by an attorney and to call witnesses in his behalf.*

4. The hearing officer is entitled to be reimbursed for his reasonable actual expenses and to receive compensation for actual time served at a rate of \$60 per hour.

5. If requested by the hearing officer, an official transcript must be made.

6. The board and the licensed employee are equally responsible for the expense of and compensation for the hearing officer and the expense of the official transcript.

7. The State Board shall develop a set of uniform standards and procedures to be used in such a hearing. The technical rules of evidence do not apply to this hearing.

Sec. 29. NRS 391.3193 is hereby amended to read as follows:

391.3193 1. Except as otherwise provided in subsection 3, within 30 days after the time of his designation, the hearing officer shall complete the hearing and shall prepare and file a written report with the superintendent *or principal, if applicable*, and the licensed employee involved not later than 15 days after the conclusion of the hearing.

2. The report must contain an outline of the scope of the hearing, findings of fact and conclusions of law, and recommend a course of action to be taken by the board. The report of the hearing officer is final and binding on the employee and the board if the employee and the superintendent *or principal, if applicable*, have so agreed before the selection of the hearing officer was begun.

3. If it appears that the report cannot be prepared within 15 days, the licensed employee, ~~and~~ the superintendent *and principal, if applicable*, shall be so notified before the end of that period, and the hearing officer may take the time necessary not exceeding 30 days following the conclusion of the hearing to file the written report and recommendation.

4. The licensed employee and the ~~[superintendent]~~ :

(a) *Superintendent* or his designee ; *or*

(b) *If applicable, the principal,*

➔ may mutually agree to waive any of the time limits applicable to the hearing procedure

Sec. 30. NRS 391.3194 is hereby amended to read as follows:

391.3194 1. Within 5 days after the superintendent *or principal, as applicable*, receives the report of the hearing officer, he shall either withdraw the recommendation to demote, dismiss or



1 not reemploy the licensed employee or file his recommendation with
2 the board.

3 2. Within 15 days after the receipt of the recommendation of
4 the superintendent ~~or~~ *or principal, as applicable*, the board shall
5 either accept or reject the hearing officer's recommendation and
6 notify the licensed employee in writing of its decision.

7 3. The board may, before making a decision, refer the report
8 back to the hearing officer for further evidence and
9 recommendations. Within 15 days after the report is referred to him,
10 the hearing officer shall complete the report and file it with the
11 board and mail a copy to the superintendent *or principal, if*
12 *applicable*, and *the* licensed employee.

13 4. The licensed employee may appeal the decision to a district
14 court within the time limits and in the manner provided by law for
15 appeals of administrative decisions of state agencies. If the report of
16 the hearing officer is final and binding, the employee or the board
17 may request judicial review of the report in the manner provided in
18 NRS 38.241 and 38.242.

19 **Sec. 31.** NRS 391.3196 is hereby amended to read as follows:

20 391.3196 1. ~~On~~ *The principal of each school shall notify*
21 *the board of the names of the teachers and other licensed*
22 *employees of the school, other than the administrators, whom the*
23 *principal intends to reemploy for an ensuing year. Based upon the*
24 *information received from the principal, on* or before May 1 of
25 each year, the board shall notify postprobationary employees in their
26 employ, in writing, by certified mail or by delivery of the
27 employee's contract, concerning their reemployment for the ensuing
28 year. If the board, or the person designated by it, fails to notify a
29 postprobationary employee who has been employed by a school
30 district of his status for the ensuing year, the employee shall be
31 deemed to be reemployed for the ensuing year under the same terms
32 and conditions as he is employed for the current year.

33 2. This section does not apply to any licensed employee who
34 has been recommended to be demoted, dismissed or not reemployed
35 if proceedings have commenced and no final decision has been
36 made by the board. A licensed employee may be demoted or
37 dismissed for grounds set forth in NRS 391.312 after he has been
38 notified that he is to be reemployed for the ensuing year.

39 3. Any licensed employee who is reemployed pursuant to
40 subsection 1 shall, by May 10, notify the board in writing of his
41 acceptance of employment. Failure on the part of the employee to
42 notify the board of his acceptance within the specified time is
43 conclusive evidence of the employee's rejection of the contract.

44 4. If the licensed employees are represented by a recognized
45 employee organization and negotiation has been commenced



pursuant to NRS 288.180, then the provisions of subsections 1, 2 and 3 do not apply except in the case of a demotion, dismissal or decision not to reemploy an employee. Before May 10 of each year, the employees shall notify the board in writing, on forms provided by the board, of their acceptance of reemployment. Any agreement negotiated by the recognized employee organization and the board becomes a part of the contract of employment between the board and the employee. The board shall mail contracts, by certified mail with return receipts requested, to each employee to be reemployed at his last known address or shall deliver the contract in person to each employee, obtaining a receipt therefor. Failure on the part of the employee to notify the board of his acceptance within 10 days after receipt of the contract is conclusive evidence of the employee's rejection of the contract.

Sec. 32. NRS 391.3197 is hereby amended to read as follows:

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

2. *The principal of each school shall notify the board of the names of the probationary teachers and other probationary employees of the school, other than the administrators, whom the principal intends to reemploy for the second year. Based upon the information received from the principal, the* board shall notify each probationary employee in writing on or before May 1 of the first and second school years of his probationary period, as appropriate, whether he is to be reemployed for the second year of the probationary period or for the next school year as a postprobationary employee. The employee must advise the board in writing on or before May 10 of the first or second year of his probationary period, as appropriate, of his acceptance of reemployment. If a probationary employee is assigned to a school that operates all year, the board shall notify him in writing, in both the first and second years of his probationary period, no later than 45 days before his last day of work for the year under his contract whether he is to be reemployed for the second year of the probationary period or for the next school year as a postprobationary employee. He must advise the board in writing within 10 days after the date of notification of his acceptance or rejection of reemployment for another year. Failure to advise the board of his acceptance of reemployment constitutes rejection of the contract.

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



1 4. A probationary employee who receives an unsatisfactory
2 evaluation may request a supplemental evaluation by another
3 administrator in the school district selected by him and the
4 superintendent. If a school district has five or fewer administrators,
5 the supplemental evaluator may be an administrator from another
6 school district in the State. If a probationary employee has received
7 during the first school year of his probationary period three
8 evaluations which state that the employee's overall performance has
9 been satisfactory, the superintendent of schools of the school district
10 or his designee shall waive the second year of the employee's
11 probationary period by expressly providing in writing on the final
12 evaluation of the employee for the first probationary year that the
13 second year of his probationary period is waived. Such an employee
14 is entitled to be a postprobationary employee in the ensuing year of
15 employment.

16 5. If a probationary employee is notified that he will not be
17 reemployed for the second year of his probationary period or the
18 ensuing school year, his employment ends on the last day of the
19 current school year. The notice that he will not be reemployed must
20 include a statement of the reasons for that decision.

21 6. A new employee or a postprobationary teacher who is
22 employed as an administrator shall be deemed to be a probationary
23 employee for the purposes of this section and must serve a 2-year
24 probationary period as an administrator in accordance with the
25 provisions of this section. If the administrator does not receive an
26 unsatisfactory evaluation during the first year of probation, the
27 superintendent or his designee shall waive the second year of the
28 administrator's probationary period. Such an administrator is
29 entitled to be a postprobationary employee in the ensuing year of
30 employment. If:

31 (a) A postprobationary teacher who is an administrator is not
32 reemployed as an administrator after either year of his probationary
33 period; and

34 (b) There is a position as a teacher available for the ensuing
35 school year in the school district in which the person is employed,
36 ➤ the board of trustees of the school district shall, on or before
37 May 1, offer the person a contract as a teacher for the ensuing
38 school year. The person may accept the contract in writing on or
39 before May 10. If the person fails to accept the contract as a teacher,
40 the person shall be deemed to have rejected the offer of a contract as
41 a teacher.

42 7. An administrator who has completed his probationary period
43 pursuant to subsection 6 and is thereafter promoted to the position of
44 principal must serve an additional probationary period of 1 year in
45 the position of principal. If the administrator serving the additional



1 probationary period is not reemployed as a principal after the
2 expiration of the additional probationary period, the board of
3 trustees of the school district in which the person is employed shall,
4 on or before May 1, offer the person a contract for the ensuing
5 school year for the administrative position in which the person
6 attained postprobationary status. The person may accept the contract
7 in writing on or before May 10. If the person fails to accept such a
8 contract, the person shall be deemed to have rejected the offer of
9 employment.

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

13 **Sec. 33.** Chapter 392 of NRS is hereby amended by adding
14 thereto the provisions set forth as sections 34 and 35 of this act.

15 **Sec. 34. 1.** *An employee of the Department or a school*
16 *district shall not require a pupil or a parent or legal guardian of a*
17 *pupil to obtain a prescription for the pupil for a substance*
18 *controlled under the federal Controlled Substances Act, 21 U.S.C.*
19 *§§ 801 et seq., as a condition to the pupil enrolling in a public*
20 *school, attending a class in a public school, being evaluated for*
21 *placement in a program of special education pursuant to NRS*
22 *388.470 or receiving special educational services pursuant to NRS*
23 *388.440 to 388.520, inclusive.*

24 *2. This section does not prohibit a teacher or other*
25 *educational personnel from consulting or sharing classroom-*
26 *based observations with a parent or legal guardian of a pupil*
27 *concerning:*

28 *(a) The academic performance of the pupil;*

29 *(b) The behavior of the pupil in the classroom or on school*
30 *grounds; or*

31 *(c) The need for the pupil to be evaluated for placement in a*
32 *program of special education pursuant to NRS 388.470.*

33 **Sec. 35. 1.** *Except as otherwise provided in subsection 7,*
34 *the parents, legal guardian or custodial parent of a pupil may*
35 *submit an application for the pupil to attend a public school that is*
36 *located:*

37 *(a) Within the county in which the pupil resides but outside the*
38 *zone of attendance established pursuant to NRS 388.040 that the*
39 *pupil is required to attend; or*

40 *(b) In another school district in this State.*

41 *2. An application for enrollment in a public school pursuant*
42 *to this section must be submitted to the board of trustees of the*
43 *school district that the pupil wishes to attend on a form provided*
44 *by the board of trustees. The board of trustees of each school*
45 *district shall prescribe the deadline for the submission of*



1 *applications, which must not be sooner than 3 months before the*
2 *commencement of a school year.*

3 *3. The board of trustees of a school district shall not act on*
4 *an application that has been submitted until after the deadline for*
5 *the submission of applications. Except as otherwise provided in*
6 *this subsection, the board of trustees of a school district shall*
7 *approve all applications that are submitted. If the board of trustees*
8 *of a school district determines that a public school within the*
9 *school district does not have sufficient resources to accommodate*
10 *the total number of pupils who submitted applications for that*
11 *school, including, without limitation, a sufficient number of*
12 *classrooms or personnel, the board of trustees of the school*
13 *district shall hold a meeting in accordance with chapter 241 of*
14 *NRS to select randomly which applications will be approved. The*
15 *board of trustees of the school district shall ensure that the*
16 *random selection of applications occurs in such a manner that*
17 *each application which has been submitted for a particular school*
18 *is given an equal opportunity to be included in the selection.*

19 *4. If the board of trustees of a school district approves an*
20 *application, the board of trustees shall provide written notice of*
21 *the approval to:*

22 *(a) The person who submitted the application on behalf of the*
23 *pupil;*

24 *(b) The public school that the pupil would otherwise be*
25 *required to attend;*

26 *(c) The public school that the pupil will attend; and*

27 *(d) The board of trustees of the school district in which the*
28 *pupil resides, if the pupil will be attending a public school in*
29 *another county.*

30 *5. A pupil may remain in the public school for succeeding*
31 *school years without submitting an application pursuant to this*
32 *section if space for the pupil is available. If space for the pupil is*
33 *not available in that public school, he may return to the public*
34 *school that he is otherwise required to attend or submit an*
35 *application pursuant to this section to attend another public*
36 *school.*

37 *6. If a pupil attends a public school pursuant to this section:*

38 *(a) The pupil must be included in the count of pupils in the*
39 *school district in which the pupil attends school for the purposes*
40 *of apportionments and allowances from the State Distributive*
41 *School Account pursuant to NRS 387.121 to 387.126, inclusive.*

42 *(b) The pupil may return to the public school that he is*
43 *otherwise required to attend if the parents, legal guardian or*
44 *custodial parent of the pupil provides written notice of that desire*
45 *to the board of trustees of the school district in which the pupil*



1 *resides. If a pupil attends a public school outside the county in*
2 *which the pupil resides and he returns to the public school that he*
3 *is otherwise required to attend during the school year, appropriate*
4 *adjustments must be made for that school year in the computation*
5 *of apportionments and allowances from the State Distributive*
6 *School Account for the two school districts.*

7 *(c) Neither the board of trustees of the school district in which*
8 *the pupil attends school nor the board of trustees of the school*
9 *district in which the pupil resides is required to provide*
10 *transportation for the pupil to attend the public school.*

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

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

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

17 *(c) For enrollment in a program of distance education*
18 *pursuant to NRS 388.820 to 388.874, inclusive.*

19 *(d) For enrollment in a public school pursuant to NRS*
20 *392.010 or 392.015.*

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

23 **Sec. 36.** NRS 392.010 is hereby amended to read as follows:

24 392.010 Except as to the attendance of a pupil pursuant to NRS
25 388.820 to 388.874, inclusive, or 392.015 ~~§~~ *or section 35 of this*
26 *act*, or a pupil who is ineligible for attendance pursuant to NRS
27 392.4675 and except as otherwise provided in NRS 392.264 and
28 392.268:

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

31 (a) Admit to the school or schools of the school district any
32 pupil or pupils living in an adjoining school district within this State
33 or in an adjoining state when the school district of residence in the
34 adjoining state adjoins the receiving Nevada school district; or

35 (b) Pay tuition for pupils residing in the school district but who
36 attend school in an adjoining school district within this State or in an
37 adjoining state when the receiving district in the adjoining state
38 adjoins the school district of Nevada residence.

39 2. With the approval of the Superintendent of Public
40 Instruction, the board of trustees of the school district in which the
41 pupil or pupils reside and the board of trustees of the school district
42 in which the pupil or pupils attend school shall enter into an
43 agreement providing for the payment of such tuition as may be
44 agreed upon, but transportation costs must be paid by the board of
45 trustees of the school district in which the pupil or pupils reside:



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

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

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

Sec. 37. NRS 392.350 is hereby amended to read as follows:

392.350 1. Except as otherwise provided in NRS 392.268, if the daily transportation of a pupil is not practical or economical, the board of trustees, in lieu of furnishing transportation, may pay to the parents or guardian of the pupil an amount of money not to exceed ~~[\$10]~~ \$14 per day of attendance at school to assist the parents or guardian in defraying the cost of board, lodging and other subsistence expenses of the pupil to attend a public school in a city or town in this State or in an adjoining state. If the public school is in an adjoining county or state, costs for tuition and subsistence must be fixed by agreement between the boards of trustees of the school district in which the pupil resides and the school district in which the pupil attends school.

2. Payment of money in lieu of furnishing transportation may be made only if:

(a) The guardian or parents have been residents in the area for a period set by the board of trustees; and

(b) The Superintendent of Public Instruction determines that the arrangements comply with regulations of the State Board.

Sec. 38. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

A program developed by the System for the education of teachers must include training to teach fundamental reading skills, including, without limitation:

1. *Phonemic awareness;*
2. *Phonics;*
3. *Vocabulary;*
4. *Fluency; and*
5. *Comprehension.*

Sec. 39. This act becomes effective on July 1, 2005.



