

SENATE BILL NO. 540—COMMITTEE ON LEGISLATIVE
OPERATIONS AND ELECTIONS

MARCH 26, 2007

Referred to Committee on Finance

SUMMARY—Revises provisions governing the system of public education in this State. (BDR 34-113)

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

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

AN ACT relating to education; renaming the State Board of Education to the State Commission on Public Education; making the Commission an advisory body; revising the duties and powers of the Superintendent of Public Instruction and the Department of Education; revising provisions relating to the appointment of the Superintendent of Public Instruction; creating a Division of Accountability for Public Schools within the Department; making the Commission on Educational Excellence an advisory body; making the Commission on Educational Technology an advisory body; making the Council to Establish Academic Standards for Public Schools an advisory body; revising provisions relating to the regional training programs for the professional development of teachers and administrators; repealing the Legislative Bureau of Educational Accountability and Program Evaluation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law establishes the Department of Education, which consists of the
- 2 State Board of Education, the State Board for Career and Technical Education and
- 3 the Superintendent of Public Instruction. (NRS 385.010) This bill renames the State
- 4 Board of Education to the State Commission on Public Education and makes it an
- 5 advisory body to the Department of Education and the Superintendent of Public
- 6 Instruction. The Department and the Superintendent assume the duties and
- 7 responsibilities formerly assigned to the State Board of Education.



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Section 4 of this bill creates the Division of Accountability for Public Schools within the Department.

Section 15 of this bill provides for the appointment of the Superintendent of Public Instruction by the Governor instead of the State Board of Education. (NRS 385.150)

Existing law creates the Commission on Educational Excellence to establish programs of educational excellence and award grants of money to certain public schools and school districts. (NRS 385.3781-385.379) **Sections 38-42** of this bill make the Commission an advisory body. The Advisory Commission on Educational Excellence makes recommendations for allocations to the Legislative Committee on Education, with final approval by the Interim Finance Committee.

Existing law creates the Commission on Educational Technology to establish a plan for the use of educational technology in the public schools of this State. (NRS 388.780-388.805) **Sections 95-99** of this bill make the Commission an advisory body to the Superintendent of Public Instruction and require the Superintendent and the Department to carry out the duties formerly assigned to the Commission.

Under existing law the Council to Establish Academic Standards for Public Schools establishes the academic standards that will be taught in the public schools in this State. (NRS 389.500-389.570) **Sections 119-125** make the Council an advisory body to the Superintendent of Public Instruction, who will be responsible for carrying out the duties formerly assigned to the Council.

Existing law creates four regional training programs for the professional development of teachers and administrators with specified geographical boundaries and requires certain school districts to serve as the fiscal agents of each of the regional training programs. (NRS 391.500-391.556) **Section 151** of this bill eliminates the specified geographical boundaries and requires the Superintendent of Public Instruction to prescribe the geographical boundaries of the four regional training programs. The Superintendent is also required to select the school district to serve as fiscal agent for each regional training program.

Existing law creates the Legislative Bureau of Educational Accountability and Program Evaluation within the Fiscal Analysis Division of the Legislative Counsel Bureau. (NRS 218.5356) **Section 224** of this bill repeals the Legislative Bureau of Educational Accountability and Program Evaluation.

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

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

Sec. 2. *The State Commission shall:*

1. *Advise the Superintendent of Public Instruction and the Department in the administration of all functions of the State relating to the system of public education and to the supervision, management and control of public schools; and*

2. *Serve as the sponsor of state-sponsored charter schools pursuant to NRS 386.500 to 386.610, inclusive.*

Sec. 3. 1. *The Department shall establish policies to govern the administration of all functions of the State relating to the system of public education and to the supervision, management*



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1 *and control of public schools not conferred by law on some other*
2 *agency.*

3 2. *The Department may adopt regulations as necessary for its*
4 *own government and as necessary for the execution of the powers*
5 *and duties conferred upon it by law.*

6 **Sec. 4.** 1. *There is hereby created within the Department a*
7 *Division of Accountability for Public Schools.*

8 2. *The Division shall:*

9 (a) *Monitor the public schools and school districts in this State*
10 *to ensure compliance with all state and federal programs relating*
11 *to education with a primary focus on academic and fiscal*
12 *accountability;*

13 (b) *Review the budget submitted by each school district*
14 *pursuant to NRS 387.303 and the quarterly publication of*
15 *expenditures for each school district pursuant to NRS 387.320;*

16 (c) *Review the annual report of accountability prepared*
17 *pursuant to NRS 385.3469;*

18 (d) *Review the report of accountability prepared by each*
19 *school district pursuant to NRS 385.347 and any other report of*
20 *data relating to the achievement of pupils; and*

21 (e) *On or before July 1 of each year, submit to the Legislative*
22 *Committee on Education a report of the activities of the Division.*

23 3. *The Superintendent of Public Instruction may appoint and*
24 *prescribe the duties of a Deputy Superintendent for the Division*
25 *who:*

26 (a) *Holds a master's degree in school administration or a*
27 *related subject from an accredited college or university; and*

28 (b) *Has a minimum of 10 years of experience which includes:*

29 (1) *Supervision and evaluation of staff;*

30 (2) *Administrative duties; or*

31 (3) *Managerial responsibilities,*

32 *↪ or any combination thereof.*

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

34 385.007 As used in this title, unless the context otherwise
35 requires:

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

38 2. "Department" means the Department of Education.

39 3. "Homeschooled child" means a child who receives
40 instruction at home and who is exempt from compulsory attendance
41 pursuant to NRS 392.070.

42 4. "Limited English proficient" has the meaning ascribed to it
43 in 20 U.S.C. § 7801(25).

44 5. "Public schools" means all kindergartens and elementary
45 schools, junior high schools and middle schools, high schools,



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1 charter schools and any other schools, classes and educational
2 programs which receive their support through public taxation and,
3 except for charter schools, whose textbooks and courses of study are
4 under the control of the State ~~[Board.]~~ *Commission*.

5 6. "State ~~[Board"]~~ *Commission*" means the State ~~[Board-of]~~
6 *Commission on Public* Education.

7 7. "University school for profoundly gifted pupils" has the
8 meaning ascribed to it in NRS 392A.040.

9 **Sec. 6.** NRS 385.091 is hereby amended to read as follows:

10 385.091 The ~~[State-Board,]~~ *Department*, in the name and on
11 behalf of the system of public schools in this State, may:

12 1. Cause to be formed a nonprofit corporation pursuant to
13 chapter 82 of NRS for the acquisition of money and personal
14 property for awards in recognition of exceptional teachers, pupils
15 and public schools and for special projects regarding educational
16 enhancement, including, but not limited to, any unique educational
17 activity which is conducted by officials of the public schools to
18 improve the educational performance of or learning opportunities
19 for pupils or teachers in the public schools.

20 2. Determine the name of the corporation.

21 3. Specify that the corporation is formed for charitable and
22 educational purposes, subject to the basic purpose of the corporation
23 as set forth in subsection 1.

24 4. Specify any incidental powers which the corporation may
25 exercise, including:

26 (a) The power to solicit and receive contributions, gifts, grants,
27 devises and bequests of money and personal property, or any
28 combination thereof;

29 (b) Any of the powers enumerated in NRS 82.121 except that
30 the corporation may not receive or hold real property; and

31 (c) The power to do all acts as may be necessary, convenient or
32 desirable to carry out the purposes for which the corporation is
33 formed.

34 5. Provide for:

35 (a) The location and relocation of the office of the corporation;

36 (b) Upon the dissolution of the corporation and the liquidation
37 of its obligations, the distribution of its assets to the system of
38 public schools in this State;

39 (c) The perpetual existence of the corporation;

40 (d) The governing body of the corporation and the appointment
41 and reappointment of members thereto; and

42 (e) The adoption of the bylaws for the corporation and any
43 amendments thereto.

44 **Sec. 7.** NRS 385.095 is hereby amended to read as follows:

45 385.095 Except as otherwise provided in NRS 385.091:



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1 1. All gifts of money which the ~~{State Board}~~ *Department* is
2 authorized to accept must be deposited in a special revenue fund in
3 the State Treasury designated as the Education Gift Fund.

4 2. The money available in the Education Gift Fund must be
5 used only for the purpose specified by the donor, within the scope of
6 the ~~{State Board's}~~ powers and duties ~~{}~~ *of the Department*, and no
7 expenditure may be made until approved by the Legislature in an
8 authorized expenditure act or by the Interim Finance Committee if
9 the Legislature is not in session.

10 3. If all or part of the money accepted by the ~~{State Board}~~
11 *Department* from a donor is not expended before the end of any
12 fiscal year, the remaining balance of the amount donated must
13 remain in the Education Gift Fund until needed for the purpose
14 specified by the donor.

15 **Sec. 8.** NRS 385.100 is hereby amended to read as follows:

16 385.100 1. The ~~{State Board of Education}~~ *Department* shall
17 prescribe regulations under which contracts, agreements or
18 arrangements may be made with agencies of the Federal
19 Government for money, services, commodities or equipment to be
20 made available to the public schools, subject to the supervision and
21 control of the Superintendent of Public Instruction.

22 2. All contracts, agreements or arrangements made by public
23 schools in the State of Nevada involving money, services,
24 commodities or equipment which may be provided by agencies of
25 the Federal Government, must be entered into in accordance with
26 the regulations prescribed by the ~~{State Board}~~ *Department* and in
27 no other manner.

28 3. This section does not apply to any money received by any
29 school district in the State of Nevada pursuant to the provisions of:

30 (a) "An Act to provide financial assistance for local educational
31 agencies in areas affected by federal activities, and for other
32 purposes," being Public Law 874-81st Congress; and

33 (b) "An Act relating to the construction of school facilities in
34 areas affected by federal activities, and for other purposes," being
35 Public Law 815-81st Congress,

36 ➤ as these statutes were enacted and may be amended.

37 **Sec. 9.** NRS 385.104 is hereby amended to read as follows:

38 385.104 1. The Higher Education Student Loan Program is
39 hereby established.

40 2. Money available for the Higher Education Student Loan
41 Program must be used to provide loans to further the educational
42 goals of Nevada residents who are admitted to and attending
43 institutions of higher education.



3. The ~~[State Board]~~ *Department* shall establish policies and may adopt regulations for the administration of the Higher Education Student Loan Program.

Sec. 10. NRS 385.106 is hereby amended to read as follows:

385.106 1. The Superintendent of Public Instruction may administer the Higher Education Student Loan Program and may consult with any public officer or private person in the State who may have an interest in higher education or in the Program. The Superintendent of Public Instruction shall notify the ~~[State Board]~~ *Governor* at least 30 days in advance if he intends to stop administering the Program.

2. After receiving notice from the Superintendent of Public Instruction that he intends to stop administering the Program, but before he actually stops administering it, the ~~[State Board, with the concurrence of the Governor,]~~ *Governor* shall designate another public agency or private nonprofit organization to administer the Program in a manner which ensures continued access to the Program by postsecondary schools in this State, including all of the institutions of the Nevada System of Higher Education. The designation may authorize assumption of any reserves or liability accruing to an agency or organization engaged in administering the Program or the guarantee of student loans.

3. If the Superintendent of Public Instruction administers the Program, the ~~[State Board]~~ *Superintendent* may:

(a) Negotiate and accept federal and other money appropriated and available to insure loans for student educational purposes under the Program.

(b) Negotiate and enter into such agreements with other agencies as it deems proper for the administration and conduct of the Program.

(c) Accept gifts, grants and contributions from any source that will facilitate and assist the higher education of Nevada residents.

Sec. 11. NRS 385.109 is hereby amended to read as follows:

385.109 The ~~[State Board]~~ *Department* shall:

1. Cooperate with the Aging Services Division of the Department of Health and Human Services in the planning of programs whereby the school districts may prepare hot lunches for persons 60 years of age or older and their spouses or any group of such persons by utilizing the systems and procedures already developed for use in the operation of school lunch programs; and

2. Adopt regulations containing guidelines for boards of trustees of school districts entering into such agreements.

Sec. 12. NRS 385.110 is hereby amended to read as follows:

385.110 1. Except as otherwise provided in subsections 2 and 3, the ~~[State Board]~~ *Department* shall prescribe and cause to be



1 enforced the courses of study for the public schools of this State.
2 The courses of study prescribed and enforced by the ~~{State Board}~~
3 *Department* must comply with the standards of content and
4 performance established by the ~~{Council to Establish Academic}~~
5 ~~Standards for Public Schools}~~ *Superintendent of Public Instruction*
6 pursuant to NRS 389.520.

7 2. For those courses of study prescribed by the ~~{State Board;}~~
8 *Department:*

9 (a) High schools may have modified courses of study, subject to
10 the approval of the ~~{State Board;}~~ *Department;* and

11 (b) Any high school offering courses normally accredited as
12 being beyond the level of the 12th grade shall, before offering such
13 courses, have them approved by the ~~{State Board;}~~ *Department.*

14 3. A charter school is not required to offer the courses of study
15 prescribed by the ~~{State Board}~~ *Department* except for those courses
16 of study which are required for promotion to the next grade or
17 graduation from high school.

18 **Sec. 13.** NRS 385.115 is hereby amended to read as follows:

19 385.115 The ~~{State Board}~~ *Department* shall cooperate with
20 the Attorney General in the establishment in the schools, including,
21 without limitation, charter schools, of programs of information
22 about missing children and adopt regulations containing guidelines
23 for such programs.

24 **Sec. 14.** NRS 385.125 is hereby amended to read as follows:

25 385.125 1. The ~~{State Board}~~ *Department* may adopt
26 standard plans, designs and specifications for the construction of
27 school buildings by the boards of trustees of the various school
28 districts. If such plans, designs and specifications are adopted,
29 provision must be made for the production and distribution of such
30 plans, designs and specifications by appropriate rules and
31 regulations. The board of trustees of a school district may use any
32 such plans, designs and specifications if it determines that the plans,
33 designs and specifications are in the best interests of the district.

34 2. Before the adoption of any such standard plans, designs and
35 specifications, the ~~{State Board}~~ *Department* shall submit the plans,
36 designs and specifications to the State Public Works Board, whose
37 written approval thereof must be obtained before any further
38 consideration by the ~~{State Board;}~~ *Department.* The State Public
39 Works Board shall verify that the plans, designs and specifications
40 comply with all applicable requirements of the Americans with
41 Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the
42 regulations adopted pursuant thereto, including, without limitation,
43 the Americans with Disabilities Act Accessibility Guidelines for
44 Buildings and Facilities set forth in Appendix A of Part 36 of Title
45 28 of the Code of Federal Regulations. The requirements of this



1 subsection are not satisfied if the plans, designs and specifications
2 comply solely with the Uniform Federal Accessibility Standards set
3 forth in Appendix A of Part 101-19.6 of Title 41 of the Code of
4 Federal Regulations.

5 3. The State Public Works Board may charge and collect and
6 the ~~{State Board}~~ *Department* may pay a reasonable fee for the costs
7 incurred by the State Public Works Board in approving the standard
8 plans, designs and specifications submitted.

9 **Sec. 15.** NRS 385.150 is hereby amended to read as follows:

10 385.150 1. The ~~{State Board}~~ *Governor* shall appoint the
11 Superintendent of Public Instruction for a term of ~~{3}~~ *4* years. The
12 ~~{State Board}~~ *Governor* may remove the Superintendent of Public
13 Instruction from office for inefficiency, neglect of duty, malfeasance
14 in office or for other just cause.

15 2. A vacancy must be filled by the ~~{State Board}~~ *Governor* for
16 the remainder of the unexpired term.

17 3. The Superintendent of Public Instruction is in the
18 unclassified service of the State.

19 **Sec. 16.** NRS 385.170 is hereby amended to read as follows:

20 385.170 The Superintendent *of Public Instruction* shall not
21 pursue any other business or occupation or hold any other office of
22 profit without the approval of the ~~{State Board of Education}~~
23 *Governor*.

24 **Sec. 17.** NRS 385.175 is hereby amended to read as follows:

25 385.175 The Superintendent of Public Instruction shall:

26 1. Execute, direct or supervise all administrative, technical and
27 procedural activities of the Department . ~~{in accordance with~~
28 ~~policies prescribed by the State Board.}~~

29 2. *Oversee all activities of the:*

30 (a) *State Commission;*

31 (b) *State Commission for Career and Technical Education;*

32 (c) *Advisory Commission on Educational Technology;*

33 (d) *Advisory Council for Academic Standards in the Public*
34 *Schools; and*

35 (e) *Regional training programs for the professional*
36 *development of teachers and administrators.*

37 3. Employ , *within the limits of available money*, personnel for
38 the positions ~~{approved by the State Board and}~~ necessary for the
39 efficient operation of the Department.

40 ~~{3-}~~ 4. Organize the Department in a manner which will assure
41 efficient operation and service.

42 ~~{4-}~~ 5. Maintain liaison and coordinate activities with other
43 state agencies performing educational functions.

44 ~~{5-}~~ 6. Perform such other duties as are prescribed by law.



Sec. 18. NRS 385.210 is hereby amended to read as follows:

385.210 1. The Superintendent of Public Instruction shall prescribe a convenient form of school register for the purpose of securing accurate returns from the teachers of public schools.

2. The Superintendent shall prepare pamphlet copies of the codified statutes relating to schools and shall transmit a copy to each school, school trustee and other school officer in this State. If the ~~[State Board]~~ *Department* adopts regulations to carry out these codified statutes or if additions or amendments are made to these codified statutes, the Superintendent shall have the regulations, additions or amendments printed and transmitted immediately thereafter. Each pamphlet must be marked "State property—to be turned over to your successor in office." Each school shall maintain a copy of the pamphlet with any regulations, additions or amendments in the school library.

3. In addition to the requirements set forth in subsection 2, the Superintendent shall, to the extent practicable and not later than July 1 of each year, provide to the board of trustees of each school district and to the governing body of each charter school a memorandum that includes:

(a) A description of each statute newly enacted by the Legislature which affects the public schools in this State and the pupils who are enrolled in the public schools in this State. The memorandum may compile all the statutes into one document.

(b) A description of each bill, or portion of a bill, newly enacted by the Legislature that appropriates or authorizes money for public schools or for employees of a school district or charter school, or both, or otherwise affects the money that is available for public schools or for employees of school districts or charter schools, or both, including, without limitation, each line item in a budget for such an appropriation or authorization. The memorandum may compile all bills, or portions of bills, as applicable, into one document.

(c) If a statute or bill described in the memorandum requires the ~~[State Board or the]~~ Department to take action to carry out the statute or bill, a brief plan for carrying out that statute or bill.

(d) The date on which each statute and bill described in the memorandum becomes effective and the date by which it must be carried into effect by a school district or public school, including, without limitation, a charter school.

4. If a statute or bill described in subsection 3 is enacted during a special session of the Legislature that concludes after July 1, the Superintendent shall prepare an addendum to the memorandum that includes the information required by this section for each such statute or bill. The addendum must be provided to the board of



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trustees of each school district and the governing body of each charter school not later than 30 days after the special session concludes.

5. The Superintendent shall ~~[, if directed by the State Board,]~~ prepare and publish a bulletin as the official publication of the Department.

Sec. 19. NRS 385.240 is hereby amended to read as follows:

385.240 ~~[1.]~~ The Superintendent of Public Instruction shall approve or disapprove lists of books for use in public school libraries except for the libraries of charter schools. Such lists must not include books containing or including any story in prose or poetry the tendency of which would be to influence the minds of children in the formation of ideals not in harmony with truth and morality or the American way of life, or not in harmony with the Constitution and laws of the United States or of the State of Nevada.

~~[2.—Actions of the Superintendent with respect to lists of books are subject to review and approval or disapproval by the State Board.]~~

Sec. 20. NRS 385.310 is hereby amended to read as follows:

385.310 The Deputy Superintendent for Administrative and Fiscal Services, under the direction of the Superintendent of Public Instruction, shall:

1. Determine the apportionment of all state school money to schools of the State as prescribed by law.

2. Develop for public schools of the State a uniform system of budgeting and accounting. The system must provide for the separate reporting of expenditures for each:

(a) School district; and

(b) School within a school district.

↳ Upon approval of the ~~[State Board,]~~ *Superintendent of Public Instruction*, the system is mandatory for all public schools in this State and must be enforced as provided in subsection 2 of NRS 385.315.

3. Carry on a continuing study of school finance in the State, particularly the method by which schools are financed on the state level, and make such recommendations to the Superintendent of Public Instruction ~~[for submission to the State Board]~~ as he deems advisable.

4. Recommend to the Superintendent of Public Instruction ~~[for submission to the State Board]~~ such changes in budgetary and financial procedures as his studies may show to be advisable.

5. Perform such other statistical and financial duties pertaining to the administration and finances of the schools of the State as may be required by the Superintendent of Public Instruction.



6. Prepare for the Superintendent of Public Instruction the biennial budgets of the Department for consideration by ~~the State Board~~ and submission to the Governor.

Sec. 21. NRS 385.330 is hereby amended to read as follows:

385.330 1. Professional staff and other personnel appointed by the Superintendent of Public Instruction shall perform such duties as are assigned by the Superintendent.

2. The Superintendent of Public Instruction ~~[, under the policies of the State Board,]~~ shall locate the offices of professional staff and other personnel where the needs of the education program can best be served.

Sec. 22. NRS 385.3469 is hereby amended to read as follows:

385.3469 1. The ~~[State Board]~~ **Department** shall prepare an annual report of accountability that includes, without limitation:

(a) Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Except as otherwise provided in subsection 2, pupil achievement, reported separately by gender and reported separately for the following subgroups of pupils:

(1) Pupils who are economically disadvantaged, as defined by the ~~[State Board;]~~ **Department;**

(2) Pupils from major racial and ethnic groups, as defined by the ~~[State Board;]~~ **Department;**

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the ~~[State Board;]~~ **Department.**

(c) A comparison of the achievement of pupils in each subgroup identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the ~~[State Board;]~~ **Department.**

(d) The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(e) Except as otherwise provided in subsection 2, the percentage of pupils who were not tested, reported separately by gender and reported separately for the subgroups identified in paragraph (b).

(f) The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend



1 in the achievement of pupils for more than 3 years, if such
2 information is available.

3 (g) Information on whether each school district has made
4 adequate yearly progress, including, without limitation, the name of
5 each school district, if any, designated as demonstrating need for
6 improvement pursuant to NRS 385.377 and the number of
7 consecutive years that the school district has carried that
8 designation.

9 (h) Information on whether each public school, including,
10 without limitation, each charter school, has made adequate yearly
11 progress, including, without limitation, the name of each public
12 school, if any, designated as demonstrating need for improvement
13 pursuant to NRS 385.3623 and the number of consecutive years that
14 the school has carried that designation.

15 (i) Information on the results of pupils who participated in the
16 examinations of the National Assessment of Educational Progress
17 required pursuant to NRS 389.012.

18 (j) The ratio of pupils to teachers in kindergarten and at each
19 grade level for all elementary schools, reported for each school
20 district, including, without limitation, each charter school in the
21 district, and for this State as a whole, and the average class size for
22 each core academic subject, as set forth in NRS 389.018, for each
23 secondary school, reported for each school district and for this State
24 as a whole.

25 (k) For each school district, including, without limitation, each
26 charter school in the district, and for this State as a whole,
27 information on the professional qualifications of teachers employed
28 by the school districts and charter schools, including, without
29 limitation:

30 (1) The percentage of teachers who are:

31 (I) Providing instruction pursuant to NRS 391.125;

32 (II) Providing instruction pursuant to a waiver of the
33 requirements for licensure for the grade level or subject area in
34 which the teachers are employed; or

35 (III) Otherwise providing instruction without an
36 endorsement for the subject area in which the teachers are
37 employed;

38 (2) The percentage of classes in the core academic subjects,
39 as set forth in NRS 389.018, in this State that are not taught by
40 highly qualified teachers;

41 (3) The percentage of classes in the core academic subjects,
42 as set forth in NRS 389.018, in this State that are not taught by
43 highly qualified teachers, in the aggregate and disaggregated by
44 high-poverty compared to low-poverty schools, which for the



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1 purposes of this subparagraph means schools in the top quartile of
2 poverty and the bottom quartile of poverty in this State;

3 (4) For each middle school, junior high school and high
4 school:

5 (I) On and after July 1, 2005, the number of persons
6 employed as substitute teachers for 20 consecutive days or more in
7 the same classroom or assignment, designated as long-term
8 substitute teachers, including the total number of days long-term
9 substitute teachers were employed at each school, identified by
10 grade level and subject area; and

11 (II) On and after July 1, 2006, the number of persons
12 employed as substitute teachers for less than 20 consecutive days,
13 designated as short-term substitute teachers, including the total
14 number of days short-term substitute teachers were employed at
15 each school, identified by grade level and subject area; and

16 (5) For each elementary school:

17 (I) On and after July 1, 2005, the number of persons
18 employed as substitute teachers for 20 consecutive days or more in
19 the same classroom or assignment, designated as long-term
20 substitute teachers, including the total number of days long-term
21 substitute teachers were employed at each school, identified by
22 grade level; and

23 (II) On and after July 1, 2006, the number of persons
24 employed as substitute teachers for less than 20 consecutive days,
25 designated as short-term substitute teachers, including the total
26 number of days short-term substitute teachers were employed at
27 each school, identified by grade level.

28 (l) The total expenditure per pupil for each school district in this
29 State, including, without limitation, each charter school in the
30 district. If this State has a financial analysis program that is designed
31 to track educational expenditures and revenues to individual
32 schools, the ~~{State-Board}~~ Department shall use that statewide
33 program in complying with this paragraph. If a statewide program is
34 not available, the ~~{State-Board}~~ Department shall use the
35 Department's own financial analysis program in complying with
36 this paragraph.

37 (m) The total statewide expenditure per pupil. If this State has a
38 financial analysis program that is designed to track educational
39 expenditures and revenues to individual schools, the ~~{State-Board}~~
40 Department shall use that statewide program in complying with this
41 paragraph. If a statewide program is not available, the ~~{State-Board}~~
42 Department shall use the Department's own financial analysis
43 program in complying with this paragraph.

44 (n) For all elementary schools, junior high schools and middle
45 schools, the rate of attendance, reported for each school district,



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1 including, without limitation, each charter school in the district, and
2 for this State as a whole.

3 (o) The annual rate of pupils who drop out of school in grades 9
4 to 12, inclusive, reported for each school district, including, without
5 limitation, each charter school in the district, and for this State as a
6 whole, excluding pupils who:

7 (1) Provide proof to the school district of successful
8 completion of the examinations of general educational development.

9 (2) Are enrolled in courses that are approved by the
10 Department as meeting the requirements for an adult standard
11 diploma.

12 (3) Withdraw from school to attend another school.

13 (p) The attendance of teachers who provide instruction, reported
14 for each school district, including, without limitation, each charter
15 school in the district, and for this State as a whole.

16 (q) Incidents involving weapons or violence, reported for each
17 school district, including, without limitation, each charter school in
18 the district, and for this State as a whole.

19 (r) Incidents involving the use or possession of alcoholic
20 beverages or controlled substances, reported for each school district,
21 including, without limitation, each charter school in the district, and
22 for this State as a whole.

23 (s) The suspension and expulsion of pupils required or
24 authorized pursuant to NRS 392.466 and 392.467, reported for each
25 school district, including, without limitation, each charter school in
26 the district, and for this State as a whole.

27 (t) The number of pupils who are deemed habitual disciplinary
28 problems pursuant to NRS 392.4655, reported for each school
29 district, including, without limitation, each charter school in the
30 district, and for this State as a whole.

31 (u) The number of pupils in each grade who are retained in the
32 same grade pursuant to NRS 392.033 or 392.125, reported for each
33 school district, including, without limitation, each charter school in
34 the district, and for this State as a whole.

35 (v) The transiency rate of pupils, reported for each school
36 district, including, without limitation, each charter school in the
37 district, and for this State as a whole. For the purposes of this
38 paragraph, a pupil is not a transient if he is transferred to a different
39 school within the school district as a result of a change in the zone
40 of attendance by the board of trustees of the school district pursuant
41 to NRS 388.040.

42 (w) Each source of funding for this State to be used for the
43 system of public education.

44 (x) A compilation of the programs of remedial study purchased
45 in whole or in part with money received from this State that are used



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1 in each school district, including, without limitation, each charter
2 school in the district. The compilation must include:

3 (1) The amount and sources of money received for programs
4 of remedial study.

5 (2) An identification of each program of remedial study,
6 listed by subject area.

7 (y) The percentage of pupils who graduated from a high school
8 or charter school in the immediately preceding year and enrolled in
9 remedial courses in reading, writing or mathematics at a university,
10 state college or community college within the Nevada System of
11 Higher Education, reported for each school district, including,
12 without limitation, each charter school in the district, and for this
13 State as a whole.

14 (z) The technological facilities and equipment available for
15 educational purposes, reported for each school district, including,
16 without limitation, each charter school in the district, and for this
17 State as a whole.

18 (aa) For each school district, including, without limitation, each
19 charter school in the district, and for this State as a whole, the
20 number and percentage of pupils who received:

21 (1) A standard high school diploma.

22 (2) An adjusted diploma.

23 (3) A certificate of attendance.

24 (bb) The number and percentage of pupils who did not receive a
25 high school diploma because the pupils failed to pass the high
26 school proficiency examination, reported for each school district,
27 including, without limitation, each charter school in the district, and
28 for this State as a whole.

29 (cc) The number of habitual truants who are reported to a school
30 police officer or local law enforcement agency pursuant to
31 paragraph (a) of subsection 2 of NRS 392.144 and the number of
32 habitual truants who are referred to an advisory board to review
33 school attendance pursuant to paragraph (b) of subsection 2 of NRS
34 392.144, reported for each school district, including, without
35 limitation, each charter school in the district, and for this State as a
36 whole.

37 (dd) Information on the paraprofessionals employed at public
38 schools in this State, including, without limitation, the charter
39 schools in this State. The information must include:

40 (1) The number of paraprofessionals employed, reported for
41 each school district, including, without limitation, each charter
42 school in the district, and for this State as a whole; and

43 (2) For each school district, including, without limitation,
44 each charter school in the district, and for this State as a whole, the
45 number and percentage of all paraprofessionals who do not satisfy



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1 the qualifications set forth in 20 U.S.C. § 6319(c). The reporting
2 requirements of this subparagraph apply to paraprofessionals who
3 are employed in programs supported with Title I money and to
4 paraprofessionals who are not employed in programs supported with
5 Title I money.

6 (ee) An identification of appropriations made by the Legislature
7 to improve the academic achievement of pupils and programs
8 approved by the Legislature to improve the academic achievement
9 of pupils.

10 (ff) A compilation of the special programs available for pupils at
11 individual schools, listed by school and by school district, including,
12 without limitation, each charter school in the district.

13 2. A separate reporting for a subgroup of pupils must not be
14 made pursuant to this section if the number of pupils in that
15 subgroup is insufficient to yield statistically reliable information or
16 the results would reveal personally identifiable information about an
17 individual pupil. The ~~{State-Board}~~ Department shall prescribe a
18 mechanism for determining the minimum number of pupils that
19 must be in a subgroup for that subgroup to yield statistically reliable
20 information.

21 3. The annual report of accountability must:

22 (a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations
23 adopted pursuant thereto;

24 (b) Be prepared in a concise manner; and

25 (c) Be presented in an understandable and uniform format and,
26 to the extent practicable, provided in a language that parents can
27 understand.

28 4. On or before September 1 of each year, the ~~{State-Board}~~
29 Department shall:

30 (a) Provide for public dissemination of the annual report of
31 accountability by posting a copy of the report on the Internet
32 website maintained by the Department; and

33 (b) Provide written notice that the report is available on the
34 Internet website maintained by the Department. The written notice
35 must be provided to the:

36 (1) Governor;

37 (2) Committee;

38 (3) ~~{Bureau}~~;

39 ~~{(4)}~~ Board of Regents of the University of Nevada;

40 ~~{(5)}~~ (4) Board of trustees of each school district; and

41 ~~{(6)}~~ (5) Governing body of each charter school.

42 5. Upon the request of the Governor, an entity described in
43 paragraph (b) of subsection 4 or a member of the general public, the
44 ~~{State-Board}~~ Department shall provide a portion or portions of the
45 annual report of accountability.



1 6. As used in this section:

2 (a) "Highly qualified" has the meaning ascribed to it in 20
3 U.S.C. § 7801(23).

4 (b) "Paraprofessional" has the meaning ascribed to it in
5 NRS 391.008.

6 **Sec. 23.** NRS 385.34691 is hereby amended to read as
7 follows:

8 385.34691 1. The ~~{State Board}~~ *Department* shall prepare a
9 plan to improve the achievement of pupils enrolled in the public
10 schools in this State. The plan:

11 (a) Must be prepared in consultation with:

12 (1) ~~{Employees of the Department;~~

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

16 ~~{(3)}~~ (2) At least one employee of a school district in a
17 county whose population is less than 100,000, appointed by the
18 Nevada Association of School Boards; and

19 ~~{(4)}~~ (3) At least one representative of the Statewide Council
20 for the Coordination of the Regional Training Programs created by
21 NRS 391.516, appointed by the Council; and

22 (b) May be prepared in consultation with:

23 (1) Representatives of institutions of higher education;

24 (2) Representatives of regional educational laboratories;

25 (3) Representatives of outside consultant groups;

26 (4) Representatives of the regional training programs for the
27 professional development of teachers and administrators created by
28 NRS 391.512; *and*

29 (5) ~~{The Bureau; and~~

30 ~~—(6)}~~ Other persons who the ~~{State Board}~~ *Department*
31 determines are appropriate.

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

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

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

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



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(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) and to address the specific needs of the pupils enrolled in public schools in this State, as deemed appropriate by the ~~[State Board.]~~ *Department.*

(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 Governor Guinn 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 expenditures and revenues to individual schools, the ~~{State Board}~~ *Department* shall use that statewide program in complying with this paragraph. If a statewide program is not available, the ~~{State Board}~~ *Department* shall use the Department's 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 ~~{State Board and the}~~ Department to carry out the plan, including, without limitation, a budget for the overall cost of carrying out the plan.

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

3. The ~~{State Board}~~ *Department* 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 public schools in this State.

4. On or before December 15 of each year, the ~~{State Board}~~ *Department* shall submit the plan or the revised plan, as applicable, to the:

(a) Governor;

(b) Committee;

(c) ~~{Bureau}~~;

~~{(d)}~~ Board of Regents of the University of Nevada;

~~{(e)}~~ *(d) Advisory* Council to Establish Academic Standards for Public Schools created by NRS 389.510;

~~{(f)}~~ *(e)* Board of trustees of each school district; ~~and~~

~~{(g)}~~ *(f) State Commission; and*

(g) Governing body of each charter school.

Sec. 24. NRS 385.34692 is hereby amended to read as follows:

385.34692 1. The ~~{State Board}~~ *Department* shall prepare a summary of the annual report of accountability prepared pursuant to NRS 385.3469 that includes, without limitation, a summary of the following information for each school district, each charter school and the State as a whole:

(a) Demographic information of pupils, including, without limitation, the number and percentage of pupils:



- 1 (1) Who are economically disadvantaged, as defined by the
- 2 ~~[State Board;]~~ *Department;*
- 3 (2) Who are from major racial or ethnic groups, as defined
- 4 by the ~~[State Board;]~~ *Department;*
- 5 (3) With disabilities;
- 6 (4) Who are limited English proficient; and
- 7 (5) Who are migratory children, as defined by the ~~[State~~
- 8 ~~Board;]~~ *Department;*
- 9 (b) The average daily attendance of pupils, reported separately
- 10 for the subgroups identified in paragraph (a);
- 11 (c) The transiency rate of pupils;
- 12 (d) The percentage of pupils who are habitual truants;
- 13 (e) The percentage of pupils who are deemed habitual
- 14 disciplinary problems pursuant to NRS 392.4655;
- 15 (f) The number of incidents resulting in suspension or expulsion
- 16 for:
 - 17 (1) Violence to other pupils or to school personnel;
 - 18 (2) Possession of a weapon;
 - 19 (3) Distribution of a controlled substance;
 - 20 (4) Possession or use of a controlled substance; and
 - 21 (5) Possession or use of alcohol;
- 22 (g) For kindergarten through grade 8, the number and
- 23 percentage of pupils who are retained in the same grade;
- 24 (h) For grades 9 to 12, inclusive, the number and percentage of
- 25 pupils who are deficient in the number of credits required for
- 26 promotion to the next grade or graduation from high school;
- 27 (i) The pupil-teacher ratio for kindergarten and grades 1 to 8,
- 28 inclusive;
- 29 (j) The average class size for the subject area of mathematics,
- 30 English, science and social studies in schools where pupils rotate to
- 31 different teachers for different subjects;
- 32 (k) The number and percentage of pupils who graduated from
- 33 high school;
- 34 (l) The number and percentage of pupils who received a:
 - 35 (1) Standard diploma;
 - 36 (2) Adult diploma;
 - 37 (3) Adjusted diploma; and
 - 38 (4) Certificate of attendance;
- 39 (m) The number and percentage of pupils who graduated from
- 40 high school and enrolled in remedial courses at the Nevada System
- 41 of Higher Education;
- 42 (n) Per pupil expenditures;
- 43 (o) Information on the professional qualifications of teachers;
- 44 (p) The average daily attendance of teachers and licensure
- 45 information;



(q) Information on the adequate yearly progress of the schools and school districts;

(r) Pupil achievement based upon the examinations administered pursuant to NRS 389.550 and the high school proficiency examination;

(s) To the extent practicable, pupil achievement based upon the examinations administered pursuant to NRS 389.015 for grades 4, 7 and 10; and

(t) Other information required by the Superintendent of Public Instruction in consultation with the ~~Bureau~~ **Committee**.

2. The summary prepared pursuant to subsection 1 must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents will likely understand.

3. On or before September 7 of each year, the ~~State Board~~ **Department** shall:

(a) Provide for public dissemination of the summary prepared pursuant to subsection 1 by posting the summary on the Internet website maintained by the Department; and

(b) Submit a copy of the summary in an electronic format to the:

(1) Governor;

(2) Committee;

(3) ~~Bureau~~;

~~(4)~~ Board of Regents of the University of Nevada;

~~(5)~~ (4) Board of trustees of each school district; ~~and~~

~~(6)~~ (5) **State Commission; and**

(6) Governing body of each charter school.

4. The board of trustees of each school district and the governing body of each charter school shall ensure that the parents and guardians of pupils enrolled in the school district or charter school, as applicable, have sufficient information concerning the availability of the summary prepared by the ~~State Board~~ **Department** pursuant to subsection 1, including, without limitation, information that describes how to access the summary on the Internet website maintained by the Department. Upon the request of a parent or guardian of a pupil, the Department shall provide the parent or guardian with a written copy of the summary.

5. The Department shall, in consultation with the ~~Bureau~~ **Committee** and the school districts, prescribe a form for the summary required by this section.



Sec. 25. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the ~~{State Board}~~ **Department** as representing licensed **educational** personnel ~~{in education}~~ in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the ~~{State Board}~~ **Department** for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools in the school district. The board of trustees of each school district shall:

(a) Report the information required by subsection 2 for each charter school that is located within the school district, regardless of the sponsor of the charter school.

(b) For the information that is reported in an aggregated format, include the data that is applicable to the charter schools sponsored by the school district but not the charter schools that are sponsored by the State ~~{Board}~~ **Commission**.

(c) Denote separately in the report those charter schools that are located within the school district and sponsored by the State ~~{Board}~~ **Commission**.

2. The board of trustees of each school district shall, on or before August 15 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school in the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school in the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations;

(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school;

(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following subgroups of pupils:

(I) Pupils who are economically disadvantaged, as defined by the ~~{State Board}~~ **Department**;



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(II) Pupils from major racial and ethnic groups, as defined by the ~~[State Board;]~~ **Department;**

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the ~~[State Board;]~~ **Department;**

(4) A comparison of the achievement of pupils in each subgroup identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the ~~[State Board;]~~ **Department;**

(5) The percentage of pupils who were not tested;

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the subgroups identified in subparagraph (3);

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available;

(8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools in the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison; and

(9) For each school in the district, including, without limitation, each charter school in the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

➔ A separate reporting for a subgroup of pupils must not be made pursuant to this paragraph if the number of pupils in that subgroup is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The ~~[State Board;]~~ **Department** shall prescribe the mechanism for determining the minimum number of pupils that must be in a subgroup for that subgroup to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school in the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district



1 and the district as a whole, including, without limitation, each
2 charter school in the district.

3 (d) Information on the professional qualifications of teachers
4 employed by each school in the district and the district as a whole,
5 including, without limitation, each charter school in the district. The
6 information must include, without limitation:

7 (1) The percentage of teachers who are:

8 (I) Providing instruction pursuant to NRS 391.125;

9 (II) Providing instruction pursuant to a waiver of the
10 requirements for licensure for the grade level or subject area in
11 which the teachers are employed; or

12 (III) Otherwise providing instruction without an
13 endorsement for the subject area in which the teachers are
14 employed;

15 (2) The percentage of classes in the core academic subjects,
16 as set forth in NRS 389.018, that are not taught by highly qualified
17 teachers;

18 (3) The percentage of classes in the core academic subjects,
19 as set forth in NRS 389.018, that are not taught by highly qualified
20 teachers, in the aggregate and disaggregated by high-poverty
21 compared to low-poverty schools, which for the purposes of this
22 subparagraph means schools in the top quartile of poverty and the
23 bottom quartile of poverty in this State;

24 (4) For each middle school, junior high school and high
25 school:

26 (I) On and after July 1, 2005, the number of persons
27 employed as substitute teachers for 20 consecutive days or more in
28 the same classroom or assignment, designated as long-term
29 substitute teachers, including the total number of days long-term
30 substitute teachers were employed at each school, identified by
31 grade level and subject area; and

32 (II) On and after July 1, 2006, the number of persons
33 employed as substitute teachers for less than 20 consecutive days,
34 designated as short-term substitute teachers, including the total
35 number of days short-term substitute teachers were employed at
36 each school, identified by grade level and subject area; and

37 (5) For each elementary school:

38 (I) On and after July 1, 2005, the number of persons
39 employed as substitute teachers for 20 consecutive days or more in
40 the same classroom or assignment, designated as long-term
41 substitute teachers, including the total number of days long-term
42 substitute teachers were employed at each school, identified by
43 grade level; and

44 (II) On and after July 1, 2006, the number of persons
45 employed as substitute teachers for less than 20 consecutive days,



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1 designated as short-term substitute teachers, including the total
2 number of days short-term substitute teachers were employed at
3 each school, identified by grade level.

4 (e) The total expenditure per pupil for each school in the district
5 and the district as a whole, including, without limitation, each
6 charter school in the district. If this State has a financial analysis
7 program that is designed to track educational expenditures and
8 revenues to individual schools, each school district shall use that
9 statewide program in complying with this paragraph. If a statewide
10 program is not available, each school district shall use its own
11 financial analysis program in complying with this paragraph.

12 (f) The curriculum used by the school district, including:

13 (1) Any special programs for pupils at an individual school;
14 and

15 (2) The curriculum used by each charter school in the
16 district.

17 (g) Records of the attendance and truancy of pupils in all grades,
18 including, without limitation:

19 (1) The average daily attendance of pupils, for each school in
20 the district and the district as a whole, including, without limitation,
21 each charter school in the district.

22 (2) For each elementary school, middle school and junior
23 high school in the district, including, without limitation, each charter
24 school in the district that provides instruction to pupils enrolled in a
25 grade level other than high school, information that compares the
26 attendance of the pupils enrolled in the school with the attendance of
27 pupils throughout the district and throughout this State. The
28 information required by this subparagraph must be provided in
29 consultation with the Department to ensure the accuracy of the
30 comparison.

31 (h) The annual rate of pupils who drop out of school in grades 9
32 to 12, inclusive, for each such grade, for each school in the district
33 and for the district as a whole, excluding pupils who:

34 (1) Provide proof to the school district of successful
35 completion of the examinations of general educational development.

36 (2) Are enrolled in courses that are approved by the
37 Department as meeting the requirements for an adult standard
38 diploma.

39 (3) Withdraw from school to attend another school.

40 (i) Records of attendance of teachers who provide instruction,
41 for each school in the district and the district as a whole, including,
42 without limitation, each charter school in the district.

43 (j) Efforts made by the school district and by each school in the
44 district, including, without limitation, each charter school in the
45 district, to increase:



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1 (1) Communication with the parents of pupils in the district;
2 and

3 (2) The participation of parents in the educational process
4 and activities relating to the school district and each school,
5 including, without limitation, the existence of parent organizations
6 and school advisory committees.

7 (k) Records of incidents involving weapons or violence for each
8 school in the district, including, without limitation, each charter
9 school in the district.

10 (l) Records of incidents involving the use or possession of
11 alcoholic beverages or controlled substances for each school in the
12 district, including, without limitation, each charter school in the
13 district.

14 (m) Records of the suspension and expulsion of pupils required
15 or authorized pursuant to NRS 392.466 and 392.467.

16 (n) The number of pupils who are deemed habitual disciplinary
17 problems pursuant to NRS 392.4655, for each school in the district
18 and the district as a whole, including, without limitation, each
19 charter school in the district.

20 (o) The number of pupils in each grade who are retained in the
21 same grade pursuant to NRS 392.033 or 392.125, for each school in
22 the district and the district as a whole, including, without limitation,
23 each charter school in the district.

24 (p) The transiency rate of pupils for each school in the district
25 and the district as a whole, including, without limitation, each
26 charter school in the district. For the purposes of this paragraph, a
27 pupil is not transient if he is transferred to a different school within
28 the school district as a result of a change in the zone of attendance
29 by the board of trustees of the school district pursuant to
30 NRS 388.040.

31 (q) Each source of funding for the school district.

32 (r) A compilation of the programs of remedial study that are
33 purchased in whole or in part with money received from this State,
34 for each school in the district and the district as a whole, including,
35 without limitation, each charter school sponsored by the district. The
36 compilation must include:

37 (1) The amount and sources of money received for programs
38 of remedial study for each school in the district and the district as a
39 whole, including, without limitation, each charter school in the
40 district.

41 (2) An identification of each program of remedial study,
42 listed by subject area.

43 (s) For each high school in the district, including, without
44 limitation, each charter school in the district, the percentage of
45 pupils who graduated from that high school or charter school in the



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1 immediately preceding year and enrolled in remedial courses in
2 reading, writing or mathematics at a university, state college or
3 community college within the Nevada System of Higher Education.

4 (t) The technological facilities and equipment available at each
5 school, including, without limitation, each charter school, and the
6 district's plan to incorporate educational technology at each school.

7 (u) For each school in the district and the district as a whole,
8 including, without limitation, each charter school in the district, the
9 number and percentage of pupils who received:

10 (1) A standard high school diploma.

11 (2) An adjusted diploma.

12 (3) A certificate of attendance.

13 (v) For each school in the district and the district as a whole,
14 including, without limitation, each charter school in the district, the
15 number and percentage of pupils who did not receive a high school
16 diploma because the pupils failed to pass the high school
17 proficiency examination.

18 (w) The number of habitual truants who are reported to a school
19 police officer or law enforcement agency pursuant to paragraph (a)
20 of subsection 2 of NRS 392.144 and the number of habitual truants
21 who are referred to an advisory board to review school attendance
22 pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each
23 school in the district and for the district as a whole.

24 (x) The amount and sources of money received for the training
25 and professional development of teachers and other educational
26 personnel for each school in the district and for the district as a
27 whole, including, without limitation, each charter school in the
28 district.

29 (y) Whether the school district has made adequate yearly
30 progress. If the school district has been designated as demonstrating
31 need for improvement pursuant to NRS 385.377, the report must
32 include a statement indicating the number of consecutive years the
33 school district has carried that designation.

34 (z) Information on whether each public school in the district,
35 including, without limitation, each charter school in the district, has
36 made adequate yearly progress, including, without limitation:

37 (1) The number and percentage of schools in the district, if
38 any, that have been designated as needing improvement pursuant to
39 NRS 385.3623; and

40 (2) The name of each school, if any, in the district that has
41 been designated as needing improvement pursuant to NRS 385.3623
42 and the number of consecutive years that the school has carried that
43 designation.



(aa) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school in the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

(bb) For each high school in the district, including, without limitation, each charter school that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(cc) An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

(dd) Such other information as is directed by the Superintendent of Public Instruction.

3. The records of attendance maintained by a school for purposes of paragraph (i) of subsection 2 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which he is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

4. The annual report of accountability prepared pursuant to subsection 2 must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

5. The Superintendent of Public Instruction shall:



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(a) Prescribe forms for the reports required pursuant to subsection 2 and provide the forms to the respective school districts.

(b) Provide statistical information and technical assistance to the school districts to ensure that the reports provide comparable information with respect to each school in each district and among the districts throughout this State.

(c) Consult with a representative of the:

- (1) Nevada State Education Association;
- (2) Nevada Association of School Boards;
- (3) Nevada Association of School Administrators;
- (4) Nevada Parent Teacher Association;
- (5) Budget Division of the Department of Administration;

and

(6) Legislative Counsel Bureau,

→ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

6. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. On or before August 15 of each year, the board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (g) of subsection 2.

8. On or before August 15 of each year, the board of trustees of each school district shall:

(a) Provide written notice that the report required pursuant to subsection 2 is available on the Internet website maintained by the school district, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

- (1) Governor;
- (2) State ~~[Board;]~~ *Commission;*
- (3) Department; *and*
- (4) Committee. ~~[; and~~
- ~~(5) Bureau.]~~

(b) Provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school in the district, the



1 residents of the district, and the parents and guardians of pupils
2 enrolled in schools in the district, including, without limitation, each
3 charter school in the district.

4 9. Upon the request of the Governor, an entity described in
5 paragraph (a) of subsection 8 or a member of the general public, the
6 board of trustees of a school district shall provide a portion or
7 portions of the report required pursuant to subsection 2.

8 10. As used in this section:

9 (a) "Highly qualified" has the meaning ascribed to it in 20
10 U.S.C. § 7801(23).

11 (b) "Paraprofessional" has the meaning ascribed to it in
12 NRS 391.008.

13 **Sec. 26.** NRS 385.357 is hereby amended to read as follows:

14 385.357 1. The principal of each school, including, without
15 limitation, each charter school, shall, in consultation with the
16 employees of the school, prepare a plan to improve the achievement
17 of the pupils enrolled in the school.

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

19 (a) A review and analysis of the data pertaining to the school
20 upon which the report required pursuant to subsection 2 of NRS
21 385.347 is based and a review and analysis of any data that is more
22 recent than the data upon which the report is based.

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

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

28 (d) Policies and practices concerning the core academic subjects
29 which have the greatest likelihood of ensuring that each subgroup of
30 pupils identified in paragraph (b) of subsection 1 of NRS 385.361
31 who are enrolled in the school will make adequate yearly progress
32 and meet the minimum level of proficiency prescribed by the ~~{State~~
33 ~~Board.}~~ **Department.**

34 (e) Annual measurable objectives, consistent with the annual
35 measurable objectives established by the ~~{State Board}~~ **Department**
36 pursuant to NRS 385.361, for the continuous and substantial
37 progress by each subgroup of pupils identified in paragraph (b) of
38 subsection 1 of that section who are enrolled in the school to ensure
39 that each subgroup will make adequate yearly progress and meet the
40 level of proficiency prescribed by the ~~{State Board.}~~ **Department.**

41 (f) Strategies, consistent with the policy adopted pursuant to
42 NRS 392.457 by the board of trustees of the school district in which
43 the school is located, to promote effective involvement by parents
44 and families of pupils enrolled in the school in the education of their
45 children.



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

(h) Strategies to improve the academic achievement of pupils enrolled in the school, 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;

(4) Manage effectively the discipline of pupils; and

(5) Enhance the professional development offered for the teachers and administrators employed at the school to include the activities set forth in 20 U.S.C. § 7801(34) and to address the specific needs of pupils enrolled in the school, as deemed appropriate by the principal.

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

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

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

(l) 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.

(m) 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



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1 of attendance of pupils and reducing the number of pupils who drop
2 out of school.

3 (n) The resources available to the school to carry out the plan. If
4 this State has a financial analysis program that is designed to track
5 educational expenditures and revenues to individual schools, each
6 school shall use that statewide program in complying with this
7 paragraph. If a statewide program is not available, each school shall
8 use the financial analysis program used by the school district in
9 which the school is located in complying with this paragraph.

10 (o) A summary of the effectiveness of appropriations made by
11 the Legislature that are available to the school to improve the
12 academic achievement of pupils and programs approved by the
13 Legislature to improve the academic achievement of pupils.

14 (p) A budget of the overall cost for carrying out the plan.

15 3. In addition to the requirements of subsection 2, if a school
16 has been designated as demonstrating need for improvement
17 pursuant to NRS 385.3623, the plan must comply with 20 U.S.C. §
18 6316(b)(3) and the regulations adopted pursuant thereto.

19 4. Except as otherwise provided in subsection 5, the principal
20 of each school shall, in consultation with the employees of the
21 school:

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

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

27 5. If a school has been designated as demonstrating need for
28 improvement pursuant to NRS 385.3623, the technical assistance
29 partnership or the support team established for the school, as
30 applicable, shall review the plan and make revisions to the most
31 recent plan for improvement of the school pursuant to NRS
32 385.3692 or 385.3741, as applicable. If the school is a Title I school
33 that has been designated as demonstrating need for improvement,
34 the technical assistance partnership or support team established for
35 the school, as applicable, shall, in making revisions to the plan,
36 work in consultation with parents and guardians of pupils enrolled
37 in the school and, to the extent deemed appropriate by the entity
38 responsible for creating the partnership or support team, outside
39 experts.

40 6. On or before November 1 of each year, the principal of each
41 school, or the technical assistance partnership or support team
42 established for the school, as applicable, shall submit the plan or the
43 revised plan, as applicable, to:

44 (a) If the school is a public school of the school district, the
45 superintendent of schools of the school district.



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

7. If a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623, the superintendent of schools of the school district or the governing body, as applicable, shall carry out a process for peer review of the plan or the revised plan, as applicable, in accordance with 20 U.S.C. § 6316(b)(3)(E) and the regulations adopted pursuant thereto. Not later than 45 days after receipt of the plan, the superintendent of schools of the school district or the governing body, as applicable, shall approve the plan or the revised plan, as applicable, if it meets the requirements of 20 U.S.C. § 6316(b)(3) and the regulations adopted pursuant thereto and the requirements of this section. The superintendent of schools of the school district or the governing body, as applicable, may condition approval of the plan or the revised plan, as applicable, in the manner set forth in 20 U.S.C. § 6316(b)(3)(B) and the regulations adopted pursuant thereto. The ~~[State Board]~~ *Department* shall prescribe the requirements for the process of peer review, including, without limitation, the qualifications of persons who may serve as peer reviewers.

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

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

- (a) Superintendent of Public Instruction;
- (b) Governor;
- (c) State ~~[Board;]~~ *Commission;*
- (d) Department;
- (e) Committee;

~~[(f) Bureau; and~~

~~-(g)] and~~

(f) Board of trustees of the school district in which the school is located.

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



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1 **Sec. 27.** NRS 385.359 is hereby amended to read as follows:
2 385.359 1. The ~~{Bureau}~~ *Department* shall contract with a
3 person or entity to:

4 (a) Review and analyze, in accordance with the standards
5 prescribed by the Committee pursuant to subsection 2 of NRS
6 218.5354, the:

7 (1) Annual report of accountability prepared by:

8 (I) The ~~{State—Board}~~ *Department* pursuant to NRS
9 385.3469; and

10 (II) The board of trustees of each school district pursuant
11 to NRS 385.347.

12 (2) Plan to improve the achievement of pupils prepared by:

13 (I) The ~~{State—Board}~~ *Department* pursuant to
14 NRS 385.34691;

15 (II) The board of trustees of each school district pursuant
16 to NRS 385.348; and

17 (III) Each school pursuant to NRS 385.357 identified by
18 the ~~{Bureau}~~ *Superintendent of Public Instruction* for review, if
19 any.

20 (b) Submit a written report to and consult with the ~~{State—Board}~~
21 ~~and the~~ *Department* regarding any methods by which the ~~{State}~~
22 ~~Board}~~ *Department* may improve the accuracy of the report of
23 accountability required pursuant to NRS 385.3469 and the plan to
24 improve the achievement of pupils required pursuant to NRS
25 385.34691, and the purposes for which the report and plan to
26 improve are used.

27 (c) Submit a written report to and consult with each school
28 district regarding any methods by which the district may improve
29 the accuracy of the report required pursuant to subsection 2 of NRS
30 385.347 and the plan to improve the achievement of pupils required
31 pursuant to NRS 385.348, and the purposes for which the report and
32 plan to improve are used.

33 (d) If requested by the ~~{Bureau.}~~ *Department*, submit a written
34 report to and consult with individual schools identified by the
35 ~~{Bureau}~~ *Superintendent of Public Instruction* regarding any
36 methods by which the school may improve the accuracy of the
37 information required to be reported for the school pursuant to
38 subsection 2 of NRS 385.347 and the plan to improve the
39 achievement of pupils required pursuant to NRS 385.357.

40 (e) Submit written reports and any recommendations to the
41 Committee and the ~~{Bureau}~~ *Department* concerning:

42 (1) The effectiveness of the provisions of NRS 385.3455 to
43 385.391, inclusive, in improving the accountability of the schools of
44 this State;



(2) The status of each school district that is designated as demonstrating need for improvement pursuant to NRS 385.377 and each school that is designated as demonstrating need for improvement pursuant to NRS 385.3623; and

(3) Any other matter related to the accountability of the public schools of this State, as deemed necessary by the ~~[Bureau-]~~ *Department*.

2. The consultant with whom the ~~[Bureau]~~ *Department* contracts to perform the duties required pursuant to subsection 1 must possess the experience and knowledge necessary to perform those duties, as determined by the Committee.

Sec. 28. NRS 385.361 is hereby amended to read as follows:

385.361 1. The ~~[State Board]~~ *Department* shall define the measurement for determining whether each public school, each school district and this State are making adequate yearly progress. The definition of adequate yearly progress must:

(a) Comply with 20 U.S.C. § 6311(b)(2) and the regulations adopted pursuant thereto;

(b) Be designed to ensure that all pupils will meet or exceed the minimum level of proficiency set by the ~~[State Board-]~~ *Department*, including, without limitation:

(1) Pupils who are economically disadvantaged, as defined by the ~~[State Board-]~~ *Department*;

(2) Pupils from major racial and ethnic groups, as defined by the ~~[State Board-]~~ *Department*;

(3) Pupils with disabilities; and

(4) Pupils who are limited English proficient;

(c) Be based primarily upon the measurement of progress of pupils on the examinations administered pursuant to NRS 389.550 or the high school proficiency examination, as applicable;

(d) Include annual measurable objectives established pursuant to 20 U.S.C. § 6311(b)(2)(G) and the regulations adopted pursuant thereto;

(e) For high schools, include the rate of graduation; and

(f) For elementary schools, junior high schools and middle schools, include the rate of attendance.

2. The examination in science must not be included in the definition of adequate yearly progress.

3. The ~~[State Board]~~ *Department* shall prescribe, by regulation, the consequences or sanctions, or both, that apply to a public school that is not a Title I school and that has been designated as demonstrating need for improvement for 4 consecutive years or more. In no event may the consequences or sanctions be more strict than the restructuring that applies to Title I schools.



Sec. 29. NRS 385.3611 is hereby amended to read as follows:

385.3611 The ~~{State—Board}~~ *Department* shall adopt regulations that prescribe the criteria to be used for designating:

1. Public schools that do not satisfy the criteria for demonstrating adequate achievement or need for improvement:

(a) As demonstrating exemplary achievement.

(b) As demonstrating high achievement.

2. School districts that do not satisfy the criteria for demonstrating adequate achievement or need for improvement:

(a) As demonstrating exemplary achievement.

(b) As demonstrating high achievement.

Sec. 30. NRS 385.3612 is hereby amended to read as follows:

385.3612 1. The ~~{State—Board}~~ *Department* shall adopt regulations that prescribe, consistent with 20 U.S.C. §§ 6301 et seq. and the regulations adopted pursuant thereto, the manner in which pupils enrolled in:

(a) A program of distance education pursuant to NRS 388.820 to 388.874, inclusive;

(b) An alternative program for the education of pupils at risk of dropping out of high school; or

(c) A program of education that:

(1) Primarily serves pupils with disabilities; or

(2) Is operated within a:

(I) Local, regional or state facility for the detention of children;

(II) Juvenile forestry camp;

(III) Child welfare agency; or

(IV) Correctional institution,

↪ will be included within the statewide system of accountability set forth in NRS 385.3455 to 385.391, inclusive.

2. The regulations adopted pursuant to subsection 1 must also set forth the manner in which:

(a) The progress of pupils enrolled in a program of distance education, an alternative program or a program of education described in subsection 1 will be accounted for within the statewide system of accountability; and

(b) The results of pupils enrolled in a program of distance education, an alternative program or a program of education described in subsection 1 on the examinations administered pursuant to NRS 389.015 and 389.550 will be reported.

Sec. 31. NRS 385.3613 is hereby amended to read as follows:

385.3613 1. Except as otherwise provided in subsection 2, on or before June 15 of each year, the Department shall determine whether each public school is making adequate yearly progress, as defined by the ~~{State—Board}~~ *Department* pursuant to NRS 385.361.



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2. On or before June 30 of each year, the Department shall determine whether each public school that operates on a schedule other than a traditional 9-month schedule is making adequate yearly progress, as defined by the ~~[State Board]~~ *Department* pursuant to NRS 385.361.

3. The determination pursuant to subsection 1 or 2, as applicable, for a public school, including, without limitation, a charter school sponsored by the board of trustees of the school district, must be made in consultation with the board of trustees of the school district in which the public school is located. If a charter school is sponsored by the State, ~~[Board,]~~ the Department shall make a determination for the charter school in consultation with the State ~~[Board,]~~ *Commission*. The determination made for each school must be based only upon the information and data for those pupils who are enrolled in the school for a full academic year. On or before June 15 or June 30 of each year, as applicable, the Department shall transmit:

(a) Except as otherwise provided in paragraph (b), the determination made for each public school to the board of trustees of the school district in which the public school is located.

(b) To the State ~~[Board]~~ *Commission* the determination made for each charter school that is sponsored by the State ~~[Board,]~~ *Commission*.

4. Except as otherwise provided in this subsection, the Department shall determine that a public school has failed to make adequate yearly progress if any subgroup identified in paragraph (b) of subsection 1 of NRS 385.361 does not satisfy the annual measurable objectives established by the ~~[State Board]~~ *Department* pursuant to that section. To comply with 20 U.S.C. § 6311(b)(2)(I) and the regulations adopted pursuant thereto, the ~~[State Board]~~ *Department* shall prescribe by regulation the conditions under which a school shall be deemed to have made adequate yearly progress even though a subgroup identified in paragraph (b) of subsection 1 of NRS 385.361 did not satisfy the annual measurable objectives of the ~~[State Board,]~~ *Department*.

5. In addition to the provisions of subsection 4, the Department shall determine that a public school has failed to make adequate yearly progress if:

(a) The number of pupils enrolled in the school who took the examinations administered pursuant to NRS 389.550 or the high school proficiency examination, as applicable, is less than 95 percent of all pupils enrolled in the school who were required to take the examinations; or

(b) Except as otherwise provided in subsection 6, for each subgroup of pupils identified in paragraph (b) of subsection 1 of



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1 NRS 385.361, the number of pupils in the subgroup enrolled in the
2 school who took the examinations administered pursuant to NRS
3 389.550 or the high school proficiency examination, as applicable,
4 is less than 95 percent of all pupils in that subgroup enrolled in the
5 school who were required to take the examinations.

6 6. If the number of pupils in a particular subgroup who are
7 enrolled in a public school is insufficient to yield statistically
8 reliable information:

9 (a) The Department shall not determine that the school has
10 failed to make adequate yearly progress pursuant to paragraph (b) of
11 subsection 5 based solely upon that particular subgroup.

12 (b) The pupils in such a subgroup must be included in the
13 overall count of pupils enrolled in the school who took the
14 examinations.

15 ➔ The ~~[State Board]~~ *Department* shall prescribe the mechanism for
16 determining the number of pupils that must be in a subgroup for that
17 subgroup to yield statistically reliable information.

18 7. If an irregularity in testing administration or an irregularity
19 in testing security occurs at a school and the irregularity invalidates
20 the test scores of pupils, those test scores must be included in the
21 scores of pupils reported for the school, the attendance of those
22 pupils must be counted towards the total number of pupils who took
23 the examinations and the pupils must be included in the total
24 number of pupils who were required to take the examinations.

25 8. As used in this section:

26 (a) "Irregularity in testing administration" has the meaning
27 ascribed to it in NRS 389.604.

28 (b) "Irregularity in testing security" has the meaning ascribed to
29 it in NRS 389.608.

30 **Sec. 32.** NRS 385.3623 is hereby amended to read as follows:

31 385.3623 1. Except as otherwise provided in paragraph (b) of
32 subsection 4, a school must be designated as demonstrating
33 exemplary achievement if the school:

34 (a) Makes adequate yearly progress, as determined by the
35 Department pursuant to NRS 385.3613; and

36 (b) Satisfies the requirements of the ~~[State Board]~~ *Department*
37 prescribed pursuant to NRS 385.3611.

38 2. Except as otherwise provided in paragraph (b) of subsection
39 4, a school must be designated as demonstrating high achievement if
40 the school:

41 (a) Makes adequate yearly progress, as determined by the
42 Department pursuant to NRS 385.3613; and

43 (b) Satisfies the requirements of the ~~[State Board]~~ *Department*
44 prescribed pursuant to NRS 385.3611.



3. Except as otherwise provided in paragraph (b) of subsection 4, a school must be designated as demonstrating adequate achievement if the school makes adequate yearly progress, as determined by the Department pursuant to NRS 385.3613.

4. A school must be designated as demonstrating need for improvement if the school:

(a) Fails to make adequate yearly progress, as determined by the Department pursuant to NRS 385.3613; or

(b) The school makes adequate yearly progress, as determined by the Department pursuant to NRS 385.3613, but was designated as demonstrating need for improvement pursuant to paragraph (a) in the immediately preceding year for failing to make adequate yearly progress.

➤ The initial designation of a school as demonstrating need for improvement must be based upon 2 consecutive years of data and information for that school.

5. If a public school is designated as demonstrating need for improvement pursuant to paragraph (a) of subsection 4, the designation of the school as demonstrating need for improvement must not be removed until the school has made adequate yearly progress for 2 consecutive years.

Sec. 33. NRS 385.376 is hereby amended to read as follows:

385.376 1. Except as otherwise provided in subsection 2, if a public school that is not a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 4 or more consecutive years for failure to make adequate yearly progress, the support team for the school shall:

(a) If corrective action was not taken against the school pursuant to NRS 385.3744, consider whether corrective action is appropriate for the school.

(b) If corrective action was taken against the school pursuant to NRS 385.3744, consider whether further corrective action is appropriate or whether consequences or sanctions, or both, are appropriate for the school.

➤ Regardless of whether a support team recommends corrective action or consequences or sanctions for a school, the Department may take corrective action as set forth in NRS 385.3744 or proceed with consequences or sanctions, or both, as prescribed by the ~~[State Board]~~ **Department** pursuant to NRS 385.361.

2. The Department shall grant a delay from the imposition of corrective action or restructuring pursuant to this section for a school for a period not to exceed 1 year if the school qualifies for a delay in the manner set forth in 20 U.S.C. § 6316(b)(7)(D). If the school fails to make adequate yearly progress during the period of the delay, the Department may proceed with corrective action or



1 with consequences or sanctions, or both, for the school, as
2 appropriate, as if the delay never occurred.

3 3. Before the Department proceeds with consequences or
4 sanctions, the board of trustees or the Department, as applicable,
5 shall provide to the administrators, teachers and other educational
6 personnel employed at that school, and parents and guardians of
7 pupils enrolled in the school:

8 (a) Notice that the board of trustees or the Department, as
9 applicable, will proceed with consequences or sanctions for the
10 school;

11 (b) An opportunity to comment before the consequences or
12 sanctions are carried out; and

13 (c) An opportunity to participate in the development of the
14 consequences or sanctions.

15 **Sec. 34.** NRS 385.3762 is hereby amended to read as follows:

16 385.3762 1. On or before July 1 of each year, the Department
17 shall determine whether each school district is making adequate
18 yearly progress, as defined by the ~~{State-Board}~~ *Department*
19 pursuant to NRS 385.361. The pupils who are enrolled in a charter
20 school, if any, located within a school district must not be included
21 in the determination made for that school district. The determination
22 made for each school district must be based only upon the
23 information and data for those pupils who were enrolled in the
24 school district for a full academic year, regardless of whether those
25 pupils attended more than one school within the school district for
26 that academic year.

27 2. Except as otherwise provided in this subsection, the
28 Department shall determine that a school district has failed to make
29 adequate yearly progress if any subgroup of pupils identified in
30 paragraph (b) of subsection 1 of NRS 385.361 who are enrolled in
31 the school district does not satisfy the annual measurable objectives
32 established by the ~~{State-Board}~~ *Department* pursuant to that
33 section. To comply with 20 U.S.C. § 6311(b)(2)(I) and the
34 regulations adopted pursuant thereto, the ~~{State-Board}~~ *Department*
35 shall prescribe by regulation the conditions under which a school
36 district shall be deemed to have made adequate yearly progress even
37 though a subgroup of pupils identified in paragraph (b) of
38 subsection 1 of NRS 385.361 who are enrolled in the school district
39 did not satisfy the annual measurable objectives of the ~~{State-Board}~~ *Department*.
40 ~~Board.~~ *Department.*

41 3. In addition to the provisions of subsection 2, the Department
42 shall determine that a school district has failed to make adequate
43 yearly progress if:

44 (a) The number of pupils enrolled in the school district who took
45 the examinations administered pursuant to NRS 389.550 or the high



1 school proficiency examination, as applicable, is less than 95
2 percent of all pupils enrolled in the school district who were
3 required to take the examinations; or

4 (b) Except as otherwise provided in subsection 4, for each
5 subgroup of pupils identified in paragraph (b) of subsection 1 of
6 NRS 385.361, the number of pupils enrolled in the school district
7 who took the examinations administered pursuant to NRS 389.550
8 or the high school proficiency examination, as applicable, is less
9 than 95 percent of all pupils in the subgroup who were required to
10 take the examinations.

11 4. If the number of pupils in a particular subgroup who are
12 enrolled in a school district is insufficient to yield statistically
13 reliable information:

14 (a) The Department shall not determine that the school district
15 has failed to make adequate yearly progress pursuant to paragraph
16 (b) of subsection 3 based solely upon that particular subgroup.

17 (b) The pupils in such a subgroup must be included in the
18 overall count of pupils enrolled in the school district who took the
19 examinations.

20 ➔ The ~~[State Board]~~ **Department** shall prescribe the mechanism for
21 determining the minimum number of pupils that must be in a
22 subgroup for that subgroup to yield statistically reliable information.

23 **Sec. 35.** NRS 385.377 is hereby amended to read as follows:

24 385.377 1. Except as otherwise provided in paragraph (b) of
25 subsection 4, a school district must be designated as demonstrating
26 exemplary achievement if the school district:

27 (a) Makes adequate yearly progress, as determined by the
28 Department pursuant to NRS 385.3762; and

29 (b) Satisfies the requirements prescribed by the ~~[State Board]~~
30 **Department** pursuant to NRS 385.3611.

31 2. Except as otherwise provided in paragraph (b) of subsection
32 4, a school district must be designated as demonstrating high
33 achievement if the school district:

34 (a) Makes adequate yearly progress, as determined by the
35 Department pursuant to NRS 385.3762; and

36 (b) Satisfies the requirements of the ~~[State Board]~~ **Department**
37 prescribed pursuant to NRS 385.3611.

38 3. Except as otherwise provided in paragraph (b) of subsection
39 4, a school district must be designated as demonstrating adequate
40 achievement if the school district makes adequate yearly progress,
41 as determined by the Department pursuant to NRS 385.3762.

42 4. A school district must be designated as demonstrating need
43 for improvement if:

44 (a) The school district fails to make adequate yearly progress, as
45 determined by the Department pursuant to NRS 385.3762; or



(b) The school district makes adequate yearly progress, as determined by the Department pursuant to NRS 385.3762, but was designated as demonstrating need for improvement pursuant to paragraph (a) in the immediately preceding year for failing to make adequate yearly progress.

➤ The initial designation of a school district as demonstrating need for improvement must be based upon 2 consecutive years of data and information for that school district.

5. If a school district is designated as demonstrating need for improvement pursuant to paragraph (a) of subsection 4, the designation of the school district as demonstrating need for improvement must not be removed until the school district has made adequate yearly progress for 2 consecutive years.

Sec. 36. NRS 385.3772 is hereby amended to read as follows:

385.3772 1. If a school district is designated as demonstrating need for improvement pursuant to NRS 385.377, the Department shall provide notice of the designation to the parents and guardians of pupils enrolled in the school district on the form prescribed by the Department pursuant to NRS 385.382. The ~~{State Board}~~ **Department** shall prescribe, by regulation, the time by which such notice must be provided.

2. If a school district is designated as demonstrating need for improvement pursuant to NRS 385.377, the Department and any other entity authorized by the Department ~~[, including, without limitation, the Bureau.]~~ shall provide technical assistance to the school district in the manner set forth in 20 U.S.C. § 6316(c)(9) and the regulations adopted pursuant thereto.

3. Except as otherwise provided in NRS 385.3774, after providing technical assistance pursuant to subsection 2, the Department may take corrective action in the manner set forth in 20 U.S.C. § 6316(c)(10) and the regulations adopted pursuant thereto against a school district that is designated as demonstrating need for improvement, including, without limitation, a school district that is not a Title I school district.

4. Except as otherwise provided in NRS 385.3774, if a Title I school district is designated as demonstrating need for improvement for 3 or more consecutive years, the Department shall take corrective action as set forth in 20 U.S.C. § 6316(c)(10) and the regulations adopted pursuant thereto against the school district.

Sec. 37. NRS 385.3773 is hereby amended to read as follows:

385.3773 1. Except as otherwise provided in NRS 385.3774, if corrective action for a school district is required pursuant to 20 U.S.C. § 6316(c)(10) or if the Department determines that corrective action is appropriate for a school district pursuant to subsection 3 of



1 NRS 385.3772, the Department shall take one or more of the
2 following corrective actions:

3 (a) Deferring money for programs or reducing money for
4 administrative purposes.

5 (b) Instituting and fully carrying out a new curriculum that is
6 based upon the standards of content and performance adopted by the
7 ~~{State Board}~~ **Department** pursuant to NRS 389.520, including,
8 without limitation, the provision of appropriate professional
9 development relating to the new curriculum.

10 (c) Replacing employees of the school district if the Department
11 determines that those employees contributed to the failure of the
12 school district to make adequate yearly progress.

13 (d) Removing particular schools within the school district from
14 the jurisdiction of the school district and establishing an alternative
15 system of governance and supervision for those schools.

16 (e) Appointing a receiver or trustee to administer the affairs of
17 the school district.

18 (f) Taking appropriate steps to abolish the school district,
19 including, without limitation, making recommendations to the
20 Legislature for revisions to applicable statutes to abolish the school
21 district.

22 (g) Authorizing pupils to transfer from schools operated by the
23 school district to schools operated by another school district that are
24 not designated as demonstrating need for improvement.

25 2. Before carrying out corrective action pursuant to this
26 section, the Department shall provide notice to the board of trustees
27 of the school district and an opportunity for a hearing. The
28 Department shall continue to provide technical assistance pursuant
29 to subsection 2 of NRS 385.3772 during the time that the corrective
30 action is carried out.

31 3. If corrective action is taken against a school district pursuant
32 to this section, the Department shall, not later than 10 days after the
33 corrective action is taken, provide notice to the parents and
34 guardians of pupils enrolled in the school district, the Governor, the
35 Committee ~~{, the Bureau}~~ and the general public concerning the
36 corrective action. The notice must comply with 20 U.S.C. §
37 6316(c)(10).

38 **Sec. 38.** NRS 385.3783 is hereby amended to read as follows:

39 385.3783 ~~{“Commission”}~~ **“Advisory Commission”** means the
40 **Advisory** Commission on Educational Excellence created by
41 NRS 385.3784.

42 **Sec. 39.** NRS 385.3784 is hereby amended to read as follows:

43 385.3784 1. The **Advisory** Commission on Educational
44 Excellence, consisting of nine members is hereby created. The
45 Superintendent of Public Instruction shall serve as an ex officio



1 voting member of the **Advisory** Commission. The Governor shall
2 appoint the following members to the **Advisory** Commission:

3 (a) Three teachers, two of whom have experience in providing
4 instruction at public elementary schools and who have been
5 successful in school improvement efforts and one of whom has
6 experience in providing instruction at secondary schools and who
7 has been successful in school improvement efforts;

8 (b) Two principals, one of whom has experience in
9 administering successful school improvement efforts at an
10 elementary school and one of whom has experience in administering
11 successful school improvement efforts at a secondary school;

12 (c) Two school district administrators, one of whom is employed
13 by a school district in a county whose population is less than
14 100,000 and one of whom is employed by a school district in a
15 county whose population is 100,000 or more; and

16 (d) One parent or legal guardian of a pupil enrolled in a public
17 school in this State.

18 ➡ One or more of the members appointed pursuant to this
19 subsection may be retired from employment, but those retired
20 members that are appointed must have been employed with a public
21 school in this State in the immediately preceding 5 years.

22 2. The Governor may solicit recommendations for
23 appointments pursuant to this section from the Nevada State
24 Education Association, the Nevada Association of School
25 Administrators, a statewide organization for parents of pupils, the
26 Statewide Council for the Coordination of the Regional Training
27 Programs and other organizations and entities related to education in
28 this State. The Governor may consider the recommendations
29 submitted and may make appointments from those
30 recommendations. The Governor shall appoint a Chairman from
31 among the members he appoints.

32 3. After the initial terms, the term of each appointed member
33 of the **Advisory** Commission is 2 years, commencing on January 1
34 of the year in which he is appointed and expiring on December 31 of
35 the immediately following year. A member shall continue to serve
36 on the **Advisory** Commission until his successor is appointed. Upon
37 the expiration of a term of a member, he may be reappointed if he
38 still possesses any requisite qualifications for appointment. There is
39 no limit on the number of terms that a member may serve.

40 4. The **Advisory** Commission shall hold at least four regular
41 meetings each year and may hold special meetings at the call of the
42 Chairman.

43 5. Members of the **Advisory** Commission serve without
44 compensation, except that for each day or portion of a day during
45 which a member of the **Advisory** Commission attends a meeting of



1 the **Advisory** Commission or is otherwise engaged in the business of
2 the **Advisory** Commission, he is entitled to receive the per diem
3 allowance and travel expenses provided for state officers and
4 employees generally. The per diem allowances and travel expenses
5 must be paid from the Account and accounted for separately in that
6 Account. In addition, money in the Account may be used to pay
7 compensation necessary for the employment of substitute teachers
8 who are hired on those days when a member of the **Advisory**
9 Commission attends a meeting of the **Advisory** Commission or is
10 otherwise engaged in the business of the **Advisory** Commission.

11 6. The Department shall provide:

- 12 (a) Administrative support;
- 13 (b) Equipment; and
- 14 (c) Office space,

15 ➔ as is necessary for the **Advisory** Commission to carry out its
16 duties.

17 7. The Legislative Counsel Bureau:

- 18 (a) Must be provided with adequate notice of each meeting of
19 the **Advisory** Commission; and
- 20 (b) Shall provide, as requested by the Committee, technical
21 expertise and assistance to the **Advisory** Commission.

22 **Sec. 40.** NRS 385.3785 is hereby amended to read as follows:

23 385.3785 1. The **Advisory** Commission shall:

24 (a) Establish a program of educational excellence designed
25 exclusively for pupils enrolled in kindergarten through grade 6 in
26 public schools in this State based upon:

27 (1) The plan to improve the achievement of pupils prepared
28 by the ~~[State Board]~~ **Department** pursuant to NRS 385.34691;

29 (2) The plan to improve the achievement of pupils prepared
30 by the board of trustees of each school district pursuant to
31 NRS 385.348;

32 (3) The plan to improve the achievement of pupils prepared
33 by the principal of each school pursuant to NRS 385.357, which
34 may include a program of innovation; and

35 (4) Any other information that the **Advisory** Commission
36 considers relevant to the development of the program of educational
37 excellence.

38 (b) Identify programs, practices and strategies that have proven
39 effective in improving the academic achievement and proficiency of
40 pupils.

41 (c) Develop a concise application and simple procedures for the
42 submission of applications by school districts and public schools,
43 including, without limitation, charter schools, for participation in a
44 program of educational excellence and for grants of money from the
45 Account. Grants of money must be made for programs designed for



1 the achievement of pupils that are linked to the plan to improve the
2 achievement of pupils or for innovative programs, or both. All
3 school districts and public schools, including, without limitation,
4 charter schools, are eligible to submit such an application, regardless
5 of whether the school district or school has made adequate yearly
6 progress or failed to make adequate yearly progress. ~~[A school~~
7 ~~district or public school selected for participation may be approved~~
8 ~~by the Commission for participation for a period not to exceed 2~~
9 ~~years, but may reapply.]~~

10 (d) Prescribe a long-range timeline for the review, approval and
11 evaluation of applications received from school districts and public
12 schools that desire to participate in the program.

13 (e) Prescribe accountability measures to be carried out by a
14 school district or public school that participates in the program if
15 that school district or public school does not meet the annual
16 measurable objectives established by the ~~[State Board]~~ *Department*
17 pursuant to NRS 385.361, including, without limitation:

18 (1) The specific levels of achievement expected of school
19 districts and schools that participate; and

20 (2) Conditions for school districts and schools that do not
21 meet the grant criteria but desire to continue participation in the
22 program and receive money from the Account, including, without
23 limitation, a review of the leadership at the school and
24 recommendations regarding changes to the appropriate body.

25 (f) Determine the amount of money that is available from the
26 Account for those school districts and public schools that are
27 selected to participate in the program.

28 (g) ~~[Allocate]~~ *Recommend to the Committee allocations of*
29 money to school districts and public schools from the Account.
30 ~~[Allocations must be distributed not later than August 15 of each~~
31 ~~year.]~~

32 (h) Establish criteria for school districts and public schools that
33 participate in the program and receive an allocation of money from
34 the Account to evaluate the effectiveness of the allocation in
35 improving the achievement of pupils, including, without limitation,
36 a detailed analysis of:

37 (1) The achievement of pupils enrolled at each school that
38 received money from the allocation based upon measurable criteria
39 identified in the plan to improve the achievement of pupils for the
40 school prepared pursuant to NRS 385.357;

41 (2) If applicable, the achievement of pupils enrolled in the
42 school district as a whole, based upon measurable criteria identified
43 in the plan to improve the achievement of pupils for the school
44 district prepared pursuant to NRS 385.348;



(3) If applicable, the effectiveness of the program of innovation on the achievement of pupils and the overall effectiveness for pupils and staff;

(4) The implementation of the applicable plans for improvement, including, without limitation, an analysis of whether the school district or the school is meeting the measurable objectives identified in the plan; and

(5) The attainment of measurable progress on the annual list of adequate yearly progress of school districts and schools.

2. *The Advisory Commission shall, on or before June 1 of each year, recommend to the Committee allocations of money for the school districts and public schools that participate in the program. The Committee shall review the recommendations of the Advisory Commission and determine which applications to transmit, with recommendations, to the State Board of Examiners.*

3. *The State Board of Examiners, or the Clerk of the Board if authorized by the Board to act on its behalf, shall consider each application and, if it finds that an allocation of money should be made, recommend the amount of each allocation to the Interim Finance Committee. The Interim Finance Committee shall consider each recommendation submitted by the State Board of Examiners, but is not bound to follow the recommendations of the State Board of Examiners when determining the allocation of money for each school district and school.*

4. To the extent money is available, the ~~[Commission]~~ *Interim Finance Committee* shall make allocations of money to school districts and public schools for effective programs for grades 7 through 12 that are designed to improve the achievement of pupils and effective programs of innovation for pupils. ~~[In making such allocations, the Commission shall comply with the requirements of subsection 1.~~

~~—3.]~~ *A school district or public school selected for participation may be approved by the Interim Finance Committee for participation for a period not to exceed 2 years, but may reapply.*

5. *Allocations of money must be distributed not later than August 15 of each year.*

6. If a school district or public school that receives money pursuant to subsection ~~[1 or 2]~~ 4 does not meet the criteria for effectiveness as prescribed in paragraph (h) of subsection 1 over a 2-year period, the *Advisory* Commission may consider not ~~[awarding]~~ *recommending* future allocations of money to that school district or public school.

~~[4.]~~ 7. On or before July 1 of each year, the Department shall provide a list of priorities of schools based upon the adequate yearly progress status of schools in the immediately preceding year for



consideration by the **Advisory** Commission in its development of procedures for the applications.

~~[5-]~~ 8. In carrying out the requirements of this section, the **Advisory** Commission shall review and consider the programs of remedial study adopted by the Department pursuant to NRS 385.389, the list of approved providers of supplemental services maintained by the Department pursuant to NRS 385.384 and the recommendations submitted by the Committee pursuant to NRS 218.5354 concerning programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.

Sec. 41. NRS 385.3789 is hereby amended to read as follows:

385.3789 1. The **Advisory** Commission shall prepare an annual report that describes the distribution of money to the school districts and public schools and the programs for which money was allocated from the Account. The report must be submitted on or before September 1 of each year to the entities identified in subsection 3.

2. The **Advisory** Commission shall:

(a) Prepare an annual report that describes:

(1) The activities of the **Advisory** Commission;

(2) An analysis of the progress of the school districts and public schools in carrying out the plans to improve the achievement of pupils; and

(3) An analysis of the progress of the school district and public schools that received an allocation of money from the Account in improving the achievement of pupils.

(b) Submit the report on or before January 31 of each year to the entities identified in subsection 3.

3. The **Advisory** Commission shall submit the reports required by this section to the:

(a) State ~~[Board;]~~ **Commission;**

(b) Governor;

(c) Committee;

(d) ~~[Bureau;~~

~~—(e)]~~ Interim Finance Committee; ~~[and~~

~~—(f)]~~ **(e) Department; and**

(f) Board of trustees of each school district.

Sec. 42. NRS 385.379 is hereby amended to read as follows:

385.379 1. The Account for Programs for Innovation and the Prevention of Remediation is hereby created in the State General Fund, to be administered by the Superintendent of Public Instruction. The Superintendent of Public Instruction may accept gifts and grants of money from any source for deposit in the Account. Any money from gifts and grants may be expended in



1 accordance with the terms and conditions of the gift or grant, or in
2 accordance with subsection 2. The interest and income earned on the
3 money in the Account must be credited to the Account. Any money
4 remaining in the Account at the end of a fiscal year does not revert
5 to the State General Fund, and the balance in the Account must be
6 carried forward to the next fiscal year.

7 2. The money in the Account may only be used for the
8 allocation of money to school districts and public schools whose
9 applications are approved by the ~~{Commission}~~ *Interim Finance*
10 *Committee* pursuant to NRS 385.3785.

11 **Sec. 43.** NRS 385.448 is hereby amended to read as follows:

12 385.448 1. A person who:

13 (a) Is 17 years of age or older;

14 (b) If he is at least 17 years of age but less than 18 years of age,
15 submits to the ~~{State Board}~~ *Department* written permission signed
16 by his parent or legal guardian;

17 (c) Has not graduated from a high school;

18 (d) Is not currently enrolled in a high school; and

19 (e) Satisfies any other requirements prescribed by the ~~{State~~
20 ~~Board,}~~ *Department,*

21 ➔ may take the tests of general educational development prescribed
22 by the ~~{State Board,}~~ *Department.*

23 2. The board of trustees of a school district may, upon request
24 and for good cause shown, grant permission to take the tests of
25 general educational development prescribed by the ~~{State Board}~~
26 *Department* to a person who:

27 (a) Resides in the school district;

28 (b) Is at least 16 years of age but less than 17 years of age;

29 (c) Submits to the board of trustees written permission signed by
30 his parent or legal guardian;

31 (d) Has not graduated from a high school;

32 (e) Is not currently enrolled in a high school; and

33 (f) Satisfies any other requirements prescribed by the board of
34 trustees.

35 3. The ~~{State Board}~~ *Department* may adopt regulations to
36 carry out the provisions of subsection 1.

37 4. As used in this section, "tests of general educational
38 development" means examinations which enable persons who have
39 not graduated from high school to demonstrate that they have
40 achieved an educational level which is an acceptable substitute for
41 completing a high school education.

42 **Sec. 44.** NRS 386.360 is hereby amended to read as follows:

43 386.360 1. Not later than 60 days after receipt of a
44 memorandum pursuant to subsection 3 of NRS 385.210 or an
45 addendum to a memorandum pursuant to subsection 4 of that



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1 section, the board of trustees of a school district shall determine
2 which statutes and bills described in the memorandum or addendum,
3 as applicable, directly affect pupils, parents, teachers, administrators
4 or other educational personnel and require a plan for
5 implementation. If the board of trustees determines that a statute or
6 bill requires a plan for implementation, the board of trustees shall
7 prepare a brief plan, which must ensure that the school district and
8 the public schools within the school district will comply with the
9 statute or bill on the date on which the statute or bill becomes
10 effective and thereafter.

11 2. The board of trustees shall provide written notice to the
12 parents and legal guardians of pupils who are enrolled in public
13 schools within the school district, and to all teachers, administrators
14 and other educational personnel who are employed by the board of
15 trustees and the governing body of each charter school that is
16 located within the school district of the:

17 (a) Information contained in the memorandum provided
18 pursuant to subsection 3 of NRS 385.210 or the addendum provided
19 pursuant to subsection 4 of that section, as applicable, that directly
20 affects pupils, parents, teachers, administrators or other educational
21 personnel; and

22 (b) Brief plan for implementation of the statutes or bills, if any.

23 3. The written notice provided pursuant to subsection 2 to the
24 parents and legal guardians may be:

25 (a) Included in other notices that the board of trustees provides
26 to parents and legal guardians.

27 (b) Provided in a language other than English if the board of
28 trustees determines that it is necessary for the parent or legal
29 guardian to understand the notice.

30 4. Each board of trustees may prescribe or enforce rules, not
31 inconsistent with law or rules prescribed by the ~~{State Board,}~~
32 *Department*, for its own government and the government of public
33 schools under its charge.

34 5. Each board of trustees shall prescribe rules for the granting
35 of permission to carry or possess a weapon pursuant to
36 NRS 202.265.

37 **Sec. 45.** NRS 386.4154 is hereby amended to read as follows:

38 386.4154 The board of trustees of a school district may
39 prescribe rules relating to the creation and administration of a
40 program of school-based decision making for the public schools
41 within the district. The rules must provide:

- 42 1. For the creation of a school council;
- 43 2. For the involvement of parents and other members of the
44 community on and with the school council;
- 45 3. The requirements for recordkeeping by the school council;



1 4. The procedure for appealing a decision of the school
2 council;

3 5. The procedure for a school to obtain a waiver of the
4 requirements of regulations of the board of trustees or the ~~[State~~
5 ~~Board;]~~ *Department;*

6 6. A method for determining the progress of a pupil in a
7 program of school-based decision making;

8 7. A method for reporting the progress of a pupil to the pupil,
9 his parents or guardians, the board of trustees and the State ~~[Board;]~~
10 *Commission;*

11 8. Plans for improving the schools within the district;

12 9. A method for allocating money to schools that have adopted
13 a program of school-based decision making and for the
14 administration of the budget of the school district; and

15 10. The procedure which a school council or board of trustees
16 may use to withdraw from a program of school-based decision
17 making.

18 **Sec. 46.** NRS 386.4156 is hereby amended to read as follows:

19 386.4156 The board of trustees of a school district may waive
20 the requirements of regulations of the board of trustees and the
21 ~~[State Board]~~ *Department* for a public school within the district that
22 adopts a program of school-based decision making. The board of
23 trustees may not waive statutory requirements.

24 **Sec. 47.** NRS 386.4158 is hereby amended to read as follows:

25 386.4158 The ~~[State Board]~~ *Department* may waive a course
26 of study otherwise required by statute upon application of the board
27 of trustees of a school district on behalf of a school council created
28 pursuant to a program of school-based decision making.

29 **Sec. 48.** NRS 386.527 is hereby amended to read as follows:

30 386.527 1. If the State ~~[Board]~~ *Commission* or the board of
31 trustees of a school district approves an application to form a charter
32 school, it shall grant a written charter to the applicant. The State
33 ~~[Board]~~ *Commission* or the board of trustees, as applicable, shall,
34 not later than 10 days after the approval of the application, provide
35 written notice to the Department of the approval and the date of the
36 approval. If the board of trustees approves the application, the board
37 of trustees shall be deemed the sponsor of the charter school.

38 2. If the State ~~[Board]~~ *Commission* approves the application:

39 (a) The State ~~[Board]~~ *Commission* shall be deemed the sponsor
40 of the charter school.

41 (b) Neither the State of Nevada, the State ~~[Board]~~ *Commission*
42 nor the Department is an employer of the members of the governing
43 body of the charter school or any of the employees of the charter
44 school.



1 3. Upon the initial renewal of a written charter and each
2 renewal thereafter, the governing body of a charter school may
3 request a change in the sponsorship of the charter school to an entity
4 that is authorized to sponsor charter schools pursuant to NRS
5 386.515. The ~~{State-Board}~~ **Department** shall adopt objective
6 criteria for the conditions under which such a request may be
7 granted.

8 4. Except as otherwise provided in subsection 6, a written
9 charter must be for a term of 6 years unless the governing body of a
10 charter school renews its initial charter after 3 years of operation
11 pursuant to subsection 2 of NRS 386.530. A written charter must
12 include all conditions of operation set forth in paragraphs (a) to (o),
13 inclusive, of subsection 2 of NRS 386.520 and include the kind of
14 school, as defined in subsections 1 to 4, inclusive, of NRS 388.020
15 for which the charter school is authorized to operate. If the State
16 ~~{Board}~~ **Commission** is the sponsor of the charter school, the written
17 charter must set forth the responsibilities of the sponsor and the
18 charter school with regard to the provision of services and programs
19 to pupils with disabilities who are enrolled in the charter school in
20 accordance with the Individuals with Disabilities Education Act, 20
21 U.S.C. §§ 1400 et seq., and NRS 388.440 to 388.520, inclusive. As
22 a condition of the issuance of a written charter pursuant to this
23 subsection, the charter school must agree to comply with all
24 conditions of operation set forth in NRS 386.550.

25 5. The governing body of a charter school may submit to the
26 sponsor of the charter school a written request for an amendment of
27 the written charter of the charter school. Such an amendment may
28 include, without limitation, the expansion of instruction and other
29 educational services to pupils who are enrolled in grade levels other
30 than the grade levels of pupils currently enrolled in the charter
31 school if the expansion of grade levels does not change the kind of
32 school, as defined in NRS 388.020, for which the charter school is
33 authorized to operate. If the proposed amendment complies with the
34 provisions of this section, NRS 386.500 to 386.610, inclusive, and
35 any other statute or regulation applicable to charter schools,
36 the sponsor may amend the written charter in accordance with the
37 proposed amendment. If a charter school wishes to expand the
38 instruction and other educational services offered by the charter
39 school to pupils who are enrolled in grade levels other than the
40 grade levels of pupils currently enrolled in the charter school and the
41 expansion of grade levels changes the kind of school, as defined in
42 NRS 388.020, for which the charter school is authorized to operate,
43 the governing body of the charter school must submit a new
44 application to form a charter school. If such an application is
45 approved, the charter school may continue to operate under the same



governing body and an additional governing body does not need to be selected to operate the charter school with the expanded grade levels.

6. The ~~[State Board]~~ Department shall adopt objective criteria for the issuance of a written charter to an applicant who is not prepared to commence operation on the date of issuance of the written charter. The criteria must include, without limitation, the:

(a) Period for which such a written charter is valid; and

(b) Timelines by which the applicant must satisfy certain requirements demonstrating its progress in preparing to commence operation.

➤ A holder of such a written charter may apply for grants of money to prepare the charter school for operation. A written charter issued pursuant to this subsection must not be designated as a conditional charter or a provisional charter or otherwise contain any other designation that would indicate the charter is issued for a temporary period.

7. The holder of a written charter that is issued pursuant to subsection 6 shall not commence operation of the charter school and is not eligible to receive apportionments pursuant to NRS 387.124 until the sponsor has determined that the requirements adopted by the ~~[State Board]~~ Department pursuant to subsection 6 have been satisfied and that the facility the charter school will occupy has been inspected and meets the requirements of any applicable building codes, codes for the prevention of fire, and codes pertaining to safety, health and sanitation. Except as otherwise provided in this subsection, the sponsor shall make such a determination 30 days before the first day of school for the:

(a) Schools of the school district in which the charter school is located that operate on a traditional school schedule and not a year-round school schedule; or

(b) Charter school,

➤ whichever date the sponsor selects. The sponsor shall not require a charter school to demonstrate compliance with the requirements of this subsection more than 30 days before the date selected. However, it may authorize a charter school to demonstrate compliance less than 30 days before the date selected.

Sec. 49. NRS 386.547 is hereby amended to read as follows:

386.547 The ~~[State Board]~~ Department shall:

1. Review all statutes and regulations from which charter schools are exempt and determine whether such exemption assisted or impeded the charter schools in achieving their educational goals and objectives.

2. Make available information concerning the formation and operation of charter schools in this State to pupils, parents and legal



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guardians of pupils, teachers and other educational personnel and members of the general public.

Sec. 50. NRS 386.550 is hereby amended to read as follows:

386.550 1. A charter school shall:

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

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

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

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

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

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

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

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

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

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

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



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

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

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

(m) Provide written notice to the parents or legal guardians of pupils in grades 9 to 12, inclusive, who are enrolled in the charter school of whether the charter school is accredited by the ~~{Commission on Schools of the}~~ Northwest Association of ~~Accredited~~ Schools . ~~{and of Colleges and Universities.}~~

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

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

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

Sec. 51. NRS 386.570 is hereby amended to read as follows:

386.570 1. Each pupil who is enrolled in a charter school, including, without limitation, a pupil who is enrolled in a program of special education in a charter school, must be included in the count of pupils in the school district for the purposes of apportionments and allowances from the State Distributive School Account pursuant to NRS 387.121 to 387.126, inclusive, unless the pupil is exempt from compulsory attendance pursuant to NRS 392.070. A charter school is entitled to receive its proportionate share of any other money available from federal, state or local sources that the school or the pupils who are enrolled in the school are eligible to receive. If a charter school receives special education program units directly from this State, the amount of money for



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1 special education that the school district pays to the charter school
2 may be reduced proportionately by the amount of money the charter
3 school received from this State for that purpose.

4 2. All money received by the charter school from this State or
5 from the board of trustees of a school district must be deposited in a
6 bank, credit union or other financial institution in this State. The
7 governing body of a charter school may negotiate with the board of
8 trustees of the school district and the ~~[State-Board]~~ **Department** for
9 additional money to pay for services which the governing body
10 wishes to offer.

11 3. Upon completion of a school year, the sponsor of a charter
12 school may request reimbursement from the governing body of the
13 charter school for the administrative costs associated with
14 sponsorship for that school year if the sponsor provided
15 administrative services during that school year. Upon receipt of such
16 a request, the governing body shall pay the reimbursement to the
17 board of trustees of the school district, if the board of trustees
18 sponsors the charter school, or to the Department if the State
19 ~~[Board]~~ **Commission** sponsors the charter school. If a governing
20 body fails to pay the reimbursement, the charter school shall be
21 deemed to have violated its written charter and the sponsor may take
22 such action to revoke the written charter pursuant to NRS 386.535
23 as it deems necessary. If the board of trustees of a school district is
24 the sponsor of a charter school, the amount of money that may be
25 paid to the sponsor pursuant to this subsection for administrative
26 expenses in 1 school year must not exceed:

27 (a) For the first year of operation of the charter school, 2 percent
28 of the total amount of money apportioned to the charter school
29 during the year pursuant to NRS 387.124.

30 (b) For any year after the first year of operation of the charter
31 school, 1 percent of the total amount of money apportioned to the
32 charter school during the year pursuant to NRS 387.124.

33 4. If the State ~~[Board]~~ **Commission** is the sponsor of a charter
34 school, the amount of money that may be paid to the Department
35 pursuant to subsection 3 for administrative expenses in 1 school
36 year must not exceed:

37 (a) For the first year of operation of the charter school, 2 percent
38 of the total amount of money apportioned to the charter school
39 during the year pursuant to NRS 387.124.

40 (b) For any year after the first year of operation of the charter
41 school, 1.5 percent of the total amount of money apportioned to the
42 charter school during the year pursuant to NRS 387.124.

43 5. To determine the amount of money for distribution to a
44 charter school in its first year of operation, the count of pupils who
45 are enrolled in the charter school must initially be determined 30



1 days before the beginning of the school year of the school district,
2 based on the number of pupils whose applications for enrollment
3 have been approved by the charter school. The count of pupils who
4 are enrolled in the charter school must be revised on the last day of
5 the first school month of the school district in which the charter
6 school is located for the school year, based on the actual number of
7 pupils who are enrolled in the charter school. Pursuant to subsection
8 5 of NRS 387.124, the governing body of a charter school may
9 request that the apportionments made to the charter school in its first
10 year of operation be paid to the charter school 30 days before the
11 apportionments are otherwise required to be made.

12 6. If a charter school ceases to operate as a charter school
13 during a school year, the remaining apportionments that would have
14 been made to the charter school pursuant to NRS 387.124 for that
15 year must be paid on a proportionate basis to the school districts
16 where the pupils who were enrolled in the charter school reside.

17 7. The governing body of a charter school may solicit and
18 accept donations, money, grants, property, loans, personal services
19 or other assistance for purposes relating to education from members
20 of the general public, corporations or agencies. The governing body
21 may comply with applicable federal laws and regulations governing
22 the provision of federal grants for charter schools. The ~~[State Board]~~
23 *Department* may assist a charter school that operates exclusively for
24 the enrollment of pupils who receive special education in identifying
25 sources of money that may be available from the Federal
26 Government or this State for the provision of educational programs
27 and services to such pupils.

28 8. If a charter school uses money received from this State to
29 purchase real property, buildings, equipment or facilities, the
30 governing body of the charter school shall assign a security interest
31 in the property, buildings, equipment and facilities to the State of
32 Nevada.

33 **Sec. 52.** NRS 386.578 is hereby amended to read as follows:

34 386.578 1. If the governing body of a charter school has a
35 written charter issued pursuant to NRS 386.527, the governing body
36 may submit an application to the Department for a loan from the
37 Fund for Charter Schools. An application must include a written
38 description of the manner in which the loan will be used to prepare
39 the charter school for its first year of operation or to improve a
40 charter school that has been in operation.

41 2. The Department shall, within the limits of money available
42 for use in the Fund, make loans to charter schools whose
43 applications have been approved. If the Department makes a loan
44 from the Fund, the Department shall ensure that the contract for the
45 loan includes all terms and conditions for repayment of the loan.



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3. The ~~[State Board:]~~ **Department:**

(a) Shall adopt regulations that prescribe the:

(1) Annual deadline for submission of an application to the Department by a charter school that desires to receive a loan from the Fund; and

(2) Period for repayment and the rate of interest for loans made from the Fund.

(b) May adopt such other regulations as it deems necessary to carry out the provisions of this section and NRS 386.576 and 386.577.

Sec. 53. NRS 386.605 is hereby amended to read as follows:

386.605 1. On or before July 15 of each year, the governing body of a charter school that is sponsored by the board of trustees of a school district shall submit the information concerning the charter school that is required pursuant to subsection 2 of NRS 385.347 to the board of trustees that sponsors the charter school for inclusion in the report of the school district pursuant to that section. The information must be submitted by the charter school in a format prescribed by the board of trustees.

2. The ~~[Legislative Bureau of Educational Accountability and Program Evaluation created pursuant to NRS 218.5356]~~ **Department** may authorize a person or entity with whom it contracts pursuant to NRS 385.359 to review and analyze information submitted by charter schools pursuant to this section and NRS 385.357, consult with the governing bodies of charter schools and submit written reports concerning charter schools pursuant to NRS 385.359.

Sec. 54. NRS 386.610 is hereby amended to read as follows:

386.610 1. On or before August 15 of each year, if the board of trustees of a school district sponsors a charter school, the board of trustees shall submit a written report to the ~~[State Board:]~~ **Department**. The written report must include:

(a) An evaluation of the progress of each charter school sponsored by the board of trustees in achieving its educational goals and objectives.

(b) A description of all administrative support and services provided by the school district to the charter school.

2. The governing body of a charter school shall, after 3 years of operation under its initial charter, submit a written report to the sponsor of the charter school. The written report must include a description of the progress of the charter school in achieving its educational goals and objectives. If the charter school submits an application for renewal in accordance with the regulations of the Department, the sponsor may renew the written charter of the school pursuant to subsection 2 of NRS 386.530.



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Sec. 55. NRS 387.049 is hereby amended to read as follows:

387.049 When administering money received from the Federal Government, the Superintendent of Public Instruction ~~[] or the Department , [for the State Board,]~~ as applicable, shall, to the extent practicable, administer the money in a manner that is designed to attain the goals of the Legislature regarding educational reform in this State.

Sec. 56. NRS 387.050 is hereby amended to read as follows:

387.050 1. The State of Nevada accepts the provisions of, and all of the money provided by, the Vocational Education Act of 1963, and any amendments thereof or supplements thereto.

2. In addition to the provisions of subsection 1, the *Executive Officer of the State [Board] Commission* for Career and Technical Education may accept, and adopt regulations or establish policies for the disbursement of, money appropriated by any Act of Congress and apportioned to the State of Nevada for use in connection with the program for career and technical education.

3. In accepting the benefits of the Acts of Congress referred to in subsections 1 and 2, the State of Nevada agrees to comply with all of their provisions and to observe all of their requirements.

4. The State Treasurer is designated custodian of all money received by the State of Nevada from the appropriations made by the Acts of Congress referred to in subsections 1 and 2, and he may receive and provide for the proper custody thereof and make disbursements therefrom in the manner provided in the Acts and for the purposes therein specified on warrants of the State Controller issued upon the order of the Executive Officer of the State ~~[Board]~~ *Commission* for Career and Technical Education.

5. On warrants of the State Controller issued upon the order of the Executive Officer of the State ~~[Board]~~ *Commission* for Career and Technical Education pursuant to regulations or policies of the ~~[Board,]~~ *Executive Officer,* the State Treasurer shall also pay out any money appropriated by the State of Nevada to carry out the provisions of this section.

Sec. 57. NRS 387.067 is hereby amended to read as follows:

387.067 1. The ~~[State Board]~~ *Department* may accept and adopt regulations or establish policies for the disbursement of money appropriated and apportioned to the State of Nevada, the school districts or the charter schools of the State of Nevada by the Congress of the United States for purposes of elementary and secondary education.

2. The Superintendent of Public Instruction shall deposit the money with the State Treasurer, who shall make disbursements therefrom on warrants of the State Controller issued upon the order of the Superintendent of Public Instruction.



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3. The ~~{State Board,}~~ *Department*, any school district within this State and any governing body of any charter school in this State may, within the limits provided in this section, make such applications, agreements and assurances to the Federal Government, and conduct such programs as may be required as a condition precedent to the receipt of money appropriated by any Act of Congress for purposes of elementary and secondary education. Such an agreement or assurance must not require this State, or a school district or governing body to provide money above the amount appropriated or otherwise lawfully available for that purpose.

Sec. 58. NRS 387.075 is hereby amended to read as follows:

387.075 1. The ~~{State Board of Education}~~ *Department* may accept and adopt regulations or establish policies for the disbursement of money appropriated by any Act of Congress and apportioned to the State of Nevada for use in connection with programs of nutrition.

2. The Superintendent of Public Instruction shall deposit with the State Treasurer all money received from the Federal Government or from other sources for programs of nutrition.

Sec. 59. NRS 387.080 is hereby amended to read as follows:

387.080 1. The ~~{State Board}~~ *Department* may enter into agreements with any agency of the Federal Government, any board of trustees of a school district, any governing body of a charter school or any other entity or person. The ~~{State Board}~~ *Department* may establish policies and prescribe regulations, authorize the employment of such personnel and take such other action as it considers necessary to provide for the establishment, maintenance, operation and expansion of any program of nutrition operated by a school district or of any other such program for which state or federal assistance is provided.

2. The State Treasurer shall disburse federal, state and other money designated for a program of nutrition on warrants of the State Controller issued upon the order of the Superintendent of Public Instruction pursuant to regulations or policies of the ~~{State Board,}~~ *Department*.

3. The Superintendent of Public Instruction may:

(a) Give technical advice and assistance to any person or entity in connection with the establishment and operation of any program of nutrition.

(b) Assist in training personnel engaged in the operation of any program of nutrition.

Sec. 60. NRS 387.100 is hereby amended to read as follows:

387.100 The ~~{State Board of Education}~~ *Department* may, to the extent that money is available for that purpose, and in cooperation with other appropriate agencies and organizations:



1 1. Conduct studies of methods of improving and expanding
2 programs of nutrition and promoting nutritional education in the
3 public schools.

4 2. Conduct appraisals of the nutritive benefits of programs of
5 nutrition.

6 **Sec. 61.** NRS 387.105 is hereby amended to read as follows:

7 387.105 1. To enable the ~~{State Board}~~ **Department** to
8 provide for the establishment, maintenance, operation and expansion
9 of programs of nutrition, money must be provided by legislative
10 appropriation from the General Fund as a budgeted part of the
11 appropriation for the support of the Department and must be paid
12 out on claims as other claims against the State are paid.

13 2. In addition to the amounts provided pursuant to subsection
14 1, money must be provided by legislative appropriation in an
15 amount that satisfies the amount required as a matching grant from
16 this State for participation in the National School Lunch Program,
17 42 U.S.C. §§ 1751 et seq., which must be designated as the
18 "Nutrition State Match." For those school districts that participate in
19 the National School Lunch Program, the amount appropriated must
20 be a reduction in the total amount of basic support calculated for
21 those school districts pursuant to NRS 387.1233 and must be
22 distributed in accordance with NRS 387.124. Each school district
23 receiving money that is designated as a "Nutrition State Match"
24 shall verify that the money is used to support the National School
25 Lunch Program in the public schools located within the school
26 district.

27 **Sec. 62.** NRS 387.1211 is hereby amended to read as follows:

28 387.1211 As used in NRS 387.121 to 387.126, inclusive:

29 1. "Average daily attendance" means the total number of pupils
30 attending a particular school each day during a period of reporting
31 divided by the number of days school is in session during that
32 period.

33 2. "Enrollment" means the count of pupils enrolled in and
34 scheduled to attend programs of instruction of a school district or a
35 charter school at a specified time during the school year.

36 3. "Special education program unit" means an organized unit
37 of special education and related services which includes full-time
38 services of persons licensed by the Superintendent of Public
39 Instruction or other appropriate licensing body, providing a program
40 of instruction in accordance with minimum standards prescribed by
41 the ~~{State Board.}~~ **Department.**

42 **Sec. 63.** NRS 387.123 is hereby amended to read as follows:

43 387.123 1. The count of pupils for apportionment purposes
44 includes all pupils who are enrolled in programs of instruction of the
45 school district, including, without limitation, a program of distance



1 education provided by the school district, or pupils who reside in the
2 county in which the school district is located and are enrolled in any
3 charter school, including, without limitation, a program of distance
4 education provided by a charter school, for:

5 (a) Pupils in the kindergarten department.

6 (b) Pupils in grades 1 to 12, inclusive.

7 (c) Pupils not included under paragraph (a) or (b) who are
8 receiving special education pursuant to the provisions of NRS
9 388.440 to 388.520, inclusive.

10 (d) Pupils who reside in the county and are enrolled part time in
11 a program of distance education if an agreement is filed with the
12 Superintendent of Public Instruction pursuant to NRS 388.854 or
13 388.858, as applicable.

14 (e) Children detained in facilities for the detention of children,
15 alternative programs and juvenile forestry camps receiving
16 instruction pursuant to the provisions of NRS 388.550, 388.560 and
17 388.570.

18 (f) Pupils who are enrolled in classes pursuant to subsection 4 of
19 NRS 386.560 and pupils who are enrolled in classes pursuant to
20 subsection 5 of NRS 386.580.

21 (g) Pupils who are enrolled in classes pursuant to subsection 3
22 of NRS 392.070.

23 (h) Pupils who are enrolled in classes and taking courses
24 necessary to receive a high school diploma, excluding those pupils
25 who are included in paragraphs (d), (f) and (g).

26 2. The ~~{State Board}~~ **Department** shall establish uniform
27 regulations for counting enrollment and calculating the average
28 daily attendance of pupils. In establishing such regulations for the
29 public schools, the ~~{State Board:}~~ **Department:**

30 (a) Shall divide the school year into 10 school months, each
31 containing 20 or fewer school days, or its equivalent for those public
32 schools operating under an alternative schedule authorized pursuant
33 to NRS 388.090.

34 (b) May divide the pupils in grades 1 to 12, inclusive, into
35 categories composed respectively of those enrolled in elementary
36 schools and those enrolled in secondary schools.

37 (c) Shall prohibit the counting of any pupil specified in
38 subsection 1 more than once.

39 3. Except as otherwise provided in subsection 4 and NRS
40 388.700, the ~~{State Board}~~ **Department** shall establish by regulation
41 the maximum pupil-teacher ratio in each grade, and for each subject
42 matter wherever different subjects are taught in separate classes, for
43 each school district of this State which is consistent with:

44 (a) The maintenance of an acceptable standard of instruction;



(b) The conditions prevailing in the school district with respect to the number and distribution of pupils in each grade; and

(c) Methods of instruction used, which may include educational television, team teaching or new teaching systems or techniques.

➡ If the Superintendent of Public Instruction finds that any school district is maintaining one or more classes whose pupil-teacher ratio exceeds the applicable maximum, and unless he finds that the board of trustees of the school district has made every reasonable effort in good faith to comply with the applicable standard, he shall ~~{, with the approval of the State Board,}~~ reduce the count of pupils for apportionment purposes by the percentage which the number of pupils attending those classes is of the total number of pupils in the district, and ~~{the State Board may direct him to}~~ *he may* withhold the quarterly apportionment entirely.

4. The provisions of subsection 3 do not apply to a charter school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

Sec. 64. NRS 387.1245 is hereby amended to read as follows:

387.1245 1. The board of trustees of any school district in this State whose estimated receipts from all sources provided by this chapter and chapter 374 of NRS are less than the total estimated receipts from these sources in the final approved budget for the fiscal year, and which cannot therefore provide a minimum program of education and meet its contract obligations, may apply for emergency financial assistance from the State Distributive School Account in the State General Fund.

2. The application must be made to the ~~{State Board of Education}~~ *Department* in the form prescribed by the Superintendent of Public Instruction, and in accordance with guidelines for evaluating needs for emergency financial assistance as established by the ~~{State Board of Education,}~~ *Department*.

3. Before acting on any such application, the ~~{State Board of Education}~~ *Department* and State Board of Examiners, jointly, shall determine the difference between the total amount of money appropriated and authorized for expenditure during the current biennium from the State Distributive School Account in the State General Fund and the total amount of money estimated to be payable from that Fund during the biennium, and shall make no distribution in excess of that difference.

4. The ~~{State Board of Education}~~ *Department* shall review each application and shall by resolution find the least amount of additional money, if any, which it deems necessary to enable the board of trustees of the applying school district to provide a minimum educational program and meet its irreducible contract obligations. In making this determination, the ~~{State Board of~~



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1 ~~Education]~~ *Department* shall consider also the amount available in
2 the State Distributive School Account in the State General Fund and
3 the anticipated amount of future applications, so that no deserving
4 school district will be wholly denied relief. Any money allocated by
5 the ~~[State Board of Education]~~ *Department* under this section may
6 not exceed, when added to all other estimated resources, the total
7 estimated receipts in the final approved budget of the applying
8 school district for the fiscal year.

9 5. If the ~~[State Board of Education]~~ *Department* finds that
10 emergency assistance should be granted to an applying school
11 district, it shall transmit its resolution finding the amount to the
12 State Board of Examiners, along with a report of its then current
13 estimate of the total requirements to be paid from the State
14 Distributive School Account in the State General Fund during the
15 then current fiscal year.

16 6. The State Board of Examiners shall independently review
17 each resolution so transmitted by the ~~[State Board of Education,]~~
18 *Department*, may require the submission of such additional
19 justification as it deems necessary, and shall find by resolution the
20 amount of emergency assistance, if any, to be granted. The *State*
21 *Board of Examiners* may defer, and subsequently grant or deny, any
22 part of a request. Any emergency assistance granted by the State
23 Board of Examiners may not exceed, when added to all other
24 estimated resources, the total estimated receipts in the final
25 approved budget of the applying school district for the fiscal year.

26 7. The State Board of Examiners shall transmit one copy of its
27 finding to the ~~[State Board of Education]~~ *Department* and one copy
28 to the State Controller. A claim pursuant to a grant of emergency
29 assistance must be paid from the State Distributive School Account
30 in the State General Fund as other claims against the State are paid.

31 8. Money received by a school district pursuant to a grant of
32 relief may be expended only in accordance with the approved
33 budget of that school district for the fiscal year for which the grant is
34 made. No formal action to incorporate the money so received in the
35 approved budget is required, but the receipts must be reported as
36 other receipts are reported and explained in a footnote as medium-
37 term obligations are explained.

38 9. The ~~[State Board of Education]~~ *Department* shall transmit to
39 the Legislature a report of each grant of emergency assistance paid
40 pursuant to this section.

41 **Sec. 65.** NRS 387.126 is hereby amended to read as follows:

42 387.126 The Superintendent of Public Instruction may in his
43 discretion ~~[and shall when so directed by the State Board]~~ verify by
44 independent audit or other suitable examination the reports of



1 enrollment and daily attendance submitted by any school district or
2 charter school for apportionment purposes.

3 **Sec. 66.** NRS 387.510 is hereby amended to read as follows:

4 387.510 1. Whenever a county is abolished as provided in
5 Section 36 of Article IV of the Constitution of the State of Nevada
6 and NRS 243.420 to 243.455, inclusive, the county school district
7 whose boundaries are conterminous with the boundaries of the
8 county abolished shall, by such action, also be abolished.

9 2. When all of the territory of an abolished county is included
10 within the territory of an existing county, the territory of the
11 abolished county school district shall be included within the county
12 school district whose boundaries are conterminous with the
13 boundaries of the existing county.

14 3. When all of the territory of an abolished county is included
15 within the territory of two or more existing counties, the territory of
16 the abolished county school district shall be included within the
17 territory of the county school districts whose boundaries are
18 conterminous with the boundaries of the existing counties.

19 4. When a portion of a county is detached and annexed to
20 another county, that portion so detached and annexed shall become a
21 part of the county school district whose boundaries are
22 conterminous with the boundaries of the county to which the portion
23 is annexed.

24 5. When territory is taken from one county school district and
25 annexed to another, the territory becomes liable to taxation for the
26 bonded indebtedness of the district to which it is annexed.

27 6. The ~~[State Board of Education]~~ **Department** shall, by order
28 entered on its minutes, within 60 days after the changes, determine
29 what proportion of the outstanding bonded indebtedness of the
30 county school district, from which territory was taken, was incurred
31 for the acquisition or improvement of school sites, buildings or
32 fixtures situated in the territory transferred. The district to which the
33 territory was annexed shall thereupon become liable for the
34 proportion of the indebtedness so determined.

35 **Sec. 67.** NRS 387.613 is hereby amended to read as follows:

36 387.613 1. Except as otherwise provided in NRS 387.607,
37 each school district must undergo a review pursuant to NRS
38 387.602 to 387.644, inclusive, every 6 years unless the school
39 district is granted an exemption from a review pursuant to NRS
40 387.631 or 387.639. The reviews must be conducted in even-
41 numbered years to ensure compliance with the deadlines set forth in
42 NRS 387.602 to 387.644, inclusive.

43 2. To ensure compliance with subsection 1, the Legislative
44 Auditor shall, on or before February 1 of each odd-numbered year,
45 submit a written list to the Director of the Legislative Counsel



1 Bureau for transmission to the Legislature identifying each school
2 district that the Legislative Auditor recommends for review in the
3 next even-numbered year. The Legislature may, by concurrent
4 resolution, accept the recommendations of the Legislative Auditor
5 or revise the recommendations of the Legislative Auditor and select
6 each school district to be reviewed in the next even-numbered year.

7 3. If a concurrent resolution is adopted pursuant to subsection
8 2, the Legislative Auditor shall, on or before September 1 after
9 adoption of the resolution, issue a request for proposals, in
10 accordance with any applicable procedures of the Legislative
11 Counsel Bureau, for a qualified, independent consultant to conduct a
12 review of each school district selected for a review. A consultant:

13 (a) Must be located outside this State and have previous
14 experience with auditing school districts or otherwise reviewing
15 school districts based upon the management principles;

16 (b) Must possess expertise and knowledge about the
17 management principles;

18 (c) Must be capable of performing the requirements of NRS
19 387.602 to 387.644, inclusive, with integrity, objectivity and
20 independence; and

21 (d) Must not be regularly engaged with or doing business with a
22 school district in this State.

23 4. The Legislative Auditor shall ensure that the request for
24 proposals includes, without limitation:

25 (a) The scope of the review, which must include an evaluation
26 and determination of whether the school district is successfully
27 carrying out the management principles;

28 (b) A requirement that the consultant adhere to a standardized
29 format for each review that it conducts, including, without
30 limitation, a standard and consistent format for presentation of the
31 data, information and results of each review; and

32 (c) A requirement that the consultant include on the team that
33 will conduct the review at least one person who has experience with
34 auditing school districts or otherwise reviewing school districts in
35 accordance with the management principles.

36 5. The Legislative Auditor shall review the proposals of
37 applicants and prepare a list of those applicants that, in the
38 determination of the Legislative Auditor, are the most qualified and
39 capable of performing the requirements of NRS 387.602 to 387.644,
40 inclusive, with a ranking provided for each applicant. On or before
41 November 15, the Legislative Auditor shall submit his list and
42 rankings of qualified applicants to the ~~{State Board,}~~ **Department.**
43 On or before January 1 of the even-numbered year in which the
44 review will be conducted, the ~~{State Board,}~~ **Department** shall select
45 a consultant from the list submitted by the Legislative Auditor.



1 Upon selection by the ~~{State Board,}~~ *Department*, the Legislative
2 Counsel Bureau shall prepare a written agreement between the
3 Bureau and the consultant in accordance with any applicable
4 procedures of the Bureau. The consultant shall commence the
5 review of each school district selected for a review not later than
6 February 1.

7 6. The ~~{State Board,}~~ *Department* is responsible for monitoring
8 the performance of the consultant and authorizing payments to the
9 consultant. Upon authorization of the ~~{State Board,}~~ *Department*,
10 the Legislative Counsel Bureau shall make the payments to the
11 consultant. The oversight committee established pursuant to NRS
12 387.618 shall assist the ~~{State Board,}~~ *Department* in monitoring the
13 performance of the consultant.

14 7. If a school district is selected for a review, the board of
15 trustees of the school district shall conduct a self-assessment at least
16 60 days before the commencement of the review by the consultant.
17 The self-assessment must include a review of the areas prescribed in
18 subsection 2 of NRS 387.622 based upon the management
19 principles. The results of the self-assessment must be submitted to
20 the Department for transmission to the consultant not later than the
21 date on which the review is commenced. The consultant shall use
22 the self-assessment in the review of the school district.

23 **Sec. 68.** NRS 387.618 is hereby amended to read as follows:

24 387.618 1. If a school district is selected for a review, an
25 oversight committee must be established to assist the consultant in
26 the process of the review for that school district. Each oversight
27 committee must consist of:

28 (a) One member of the general public, appointed by the Speaker
29 of the Assembly;

30 (b) One member of the general public, appointed by the
31 Majority Leader of the Senate;

32 (c) One ~~{member of the State Board, appointed by the President~~
33 ~~of the State Board,}~~ *representative of the Department, appointed by*
34 *the Superintendent of Public Instruction;*

35 (d) One member of the board of trustees of the school district,
36 appointed by the president of that board;

37 (e) One member of a parent-teacher association located within
38 the school district who has at least one child enrolled in a public
39 school within the district, appointed by the Governor;

40 (f) One representative of:

41 (1) The Nevada State Education Association, appointed by
42 the President of that Association; or

43 (2) At the discretion of the President of the Nevada State
44 Education Association, one representative of a recognized employee
45 organization representing licensed educational personnel within the



1 school district, appointed by a designated representative of that
2 employee organization; and

3 (g) One school administrator who is employed by the school
4 district to provide administrative service at an individual school and
5 not to provide service at the district level, appointed by the President
6 of the Nevada Association of School Administrators.

7 2. An oversight committee established pursuant to subsection 1
8 shall monitor the progress of the consultant in conducting the review
9 in accordance with NRS 387.602 to 687.644, inclusive, including,
10 without limitation, requesting periodic reports from the consultant
11 on the status of the evaluation.

12 **Sec. 69.** NRS 387.631 is hereby amended to read as follows:

13 387.631 1. The consultant shall complete the review of a
14 school district within 6 months after the date on which the review is
15 commenced. The consultant shall prepare a final written report of
16 the review that:

17 (a) Is documented by sufficient, competent and relevant
18 evidence to provide a reasonable basis for the findings and
19 conclusions of the consultant.

20 (b) If the consultant determines that the school district is not
21 successfully carrying out the management principles in one or more
22 of the areas set forth in subsection 2 of NRS 387.622, includes a
23 plan for corrective action for the school district to carry out
24 successfully the management principles in each area within 2 years.
25 The plan must:

26 (1) Be logically connected to and substantiated by the results
27 of the review;

28 (2) Be specific and detailed; and

29 (3) Identify methods for the school district to reduce its costs
30 and expenses.

31 (c) Includes the written response of the school district prepared
32 pursuant to subsection 2.

33 2. The consultant shall furnish a copy of the preliminary report
34 of the review to the superintendent of schools of the school district
35 and discuss the report with the superintendent. Within 30 days after
36 receipt of the preliminary report, the superintendent shall, in
37 consultation with the board of trustees of the school district, prepare
38 a written response to the preliminary report that includes a statement
39 of explanation or rebuttal of any findings contained in the
40 preliminary report. The consultant shall include the written response
41 of the school district in his final written report submitted pursuant to
42 subsection 1.

43 3. The final written report of the consultant must be submitted
44 to the board of trustees of the school district, the State ~~[Board,]~~
45 *Commission, the Department*, the Legislative Auditor and the



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1 Director of the Legislative Counsel Bureau for transmission to the
2 Legislature within 60 days after the review is complete.

3 4. If the consultant determines that a school district is
4 successfully carrying out the management principles for each of the
5 areas set forth in subsection 2 of NRS 387.622, the school district is
6 exempt from its next 6-year review unless the Legislature
7 subsequently determines that the conditions or circumstances
8 occurring within the school district warrant another review pursuant
9 to NRS 387.602 to 387.644, inclusive. If a school district is exempt
10 pursuant to this subsection, the exemption is valid for only one
11 review and the school district must undergo a review at least once
12 every 12 years.

13 5. The preliminary report and the final report must be made
14 available to the general public.

15 **Sec. 70.** NRS 387.636 is hereby amended to read as follows:

16 387.636 1. Upon receipt of a final written report pursuant to
17 NRS 387.631, the board of trustees of the school district shall hold a
18 public meeting to review the findings and recommendations of the
19 consultant. The consultant or his designee must be present at the
20 meeting and available for discussion and questions.

21 2. Except as otherwise provided in subsection 3, not later than
22 90 days after the issuance of the final written report, the board of
23 trustees of the school district shall vote on whether to adopt the plan
24 for corrective action if such a plan is recommended by the
25 consultant. The superintendent of schools of the school district shall
26 provide written notice of the outcome of the vote to the State
27 ~~[Board,]~~ *Commission, the Department*, the Legislative Auditor and
28 the Director of the Legislative Counsel Bureau for transmission to
29 the Legislature. The board of trustees of a school district may vote
30 to reverse a decision not to adopt a plan for corrective action if
31 sufficient time remains, as determined by the board of trustees, to
32 carry out the management principles within 2 years after the
33 issuance of the final report.

34 3. If the board of trustees of a school district does not vote on
35 whether to adopt a plan for corrective action within 90 days after the
36 issuance of the final written report, the:

37 (a) Superintendent of schools of the school district shall provide
38 written notice to the State ~~[Board,]~~ *Commission, the Department*,
39 the Legislative Auditor and the Director of the Legislative Counsel
40 Bureau for transmission to the Legislature;

41 (b) Department may assess the situation and contact the
42 members of the board of trustees to urge the board to take a vote;
43 and

44 (c) ~~[State Board]~~ *Department* may allow an additional 30 days
45 for the board of trustees to vote on the plan.



4. If the board of trustees of the school district does not vote on a plan for corrective action or if the board of trustees votes not to adopt a plan for corrective action, the members of the board of trustees may be required to appear and present testimony before the Legislature or a standing committee of the Legislature to examine any justification of the failure of the board of trustees to vote on the plan or to adopt the plan, as applicable.

Sec. 71. NRS 387.639 is hereby amended to read as follows:

387.639 1. If the board of trustees of a school district adopts a plan for corrective action, the board of trustees of the school district shall prepare, on or before February 1:

(a) A written progress report for submission, in the even-numbered year after the plan is adopted, to the State ~~[Board,]~~ *Commission, the Department,* the Legislative Committee on Education and the Legislative Auditor.

(b) A final written report for submission, in the odd-numbered year after the plan is adopted, to the State ~~[Board,]~~ *Commission, the Department,* the Legislative Auditor and the Director of the Legislative Counsel Bureau for transmission to the Legislature.

2. The written progress report and the final written report must indicate the extent to which the plan has been carried out, the extent to which the plan has not been carried out and the reasons for any failure to carry out the plan.

3. Upon receipt of the final written report of the school district, the Legislative Auditor shall:

(a) Review the report and the plan for corrective action;

(b) Determine whether the school district successfully carried out the plan for corrective action and complies with the management principles for each of the areas set forth in subsection 2 of NRS 387.622; and

(c) Submit a written report of his determination to the Legislature, including a recommendation whether the school district should be granted an exemption from its next 6-year review.

4. The Legislature or a standing committee of the Legislature may:

(a) Review the reports submitted pursuant to this section and the written determination of the Legislative Auditor; and

(b) Conduct hearings to examine any justification for the failure of a school district to carry out successfully the management principles or to fully carry out the plan for corrective action.

5. The Legislature may, by concurrent resolution, determine that the school district complies with the management principles and grant an exemption to the school district from its next 6-year review. If a school district is exempt pursuant to this subsection, the



1 exemption is valid for only one review and the school district must
2 undergo a review at least once every 12 years.

3 **Sec. 72.** NRS 387.644 is hereby amended to read as follows:

4 387.644 1. If a school district is granted an exemption
5 pursuant to NRS 387.631 or 387.639, the board of trustees of the
6 school district shall provide written notice for each year that the
7 exemption applies which includes:

8 (a) A determination of whether the school district continues to
9 carry out the management principles; and

10 (b) Any changes in the policies or operations of the school
11 district or any other circumstances occurring in the school district
12 that do not conform to the management principles.

13 2. The written notice must be submitted on or before January 1
14 to:

15 (a) In even-numbered years, the State ~~[Board.]~~ *Commission, the*
16 *Department,* the Legislative Committee on Education and the
17 Legislative Auditor.

18 (b) In odd-numbered years, the State ~~[Board.]~~ *Commission, the*
19 *Department,* the Legislative Auditor and the Director of the
20 Legislative Counsel Bureau for transmission to the Legislature.

21 **Sec. 73.** NRS 388.020 is hereby amended to read as follows:

22 388.020 1. An elementary school is a public school in which
23 grade work is not given above that included in the eighth grade,
24 according to the regularly adopted state course of study.

25 2. A junior high or middle school is a public school in which
26 the sixth, seventh, eighth and ninth grades are taught under a course
27 of study prescribed and approved by the ~~[State-Board.]~~ *Department.*
28 The school is an elementary or secondary school for the purpose of
29 the licensure of teachers.

30 3. A high school is a public school in which subjects above the
31 eighth grade, according to the state course of study, may be taught.
32 The school is a secondary school for the purpose of the licensure of
33 teachers.

34 4. A special school is an organized unit of instruction operating
35 with approval of the ~~[State-Board.]~~ *Department.*

36 5. A charter school is a public school that is formed pursuant to
37 the provisions of NRS 386.500 to 386.610, inclusive.

38 6. A university school for profoundly gifted pupils is a public
39 school established pursuant to NRS 392A.010 to 392A.110,
40 inclusive.

41 **Sec. 74.** NRS 388.030 is hereby amended to read as follows:

42 388.030 The board of trustees of a school district may divide
43 the public schools within the school district into kindergarten,
44 elementary, high school and other permissible departments, and



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1 shall employ competent and legally qualified teachers for the
2 instruction of the different departments, if:

3 1. The division into departments is in accordance with the state
4 courses of study and regulations of the ~~[State Board of Education;]~~
5 *Department;* and

6 2. There is money for all of the departments, or if money is not
7 available for all of the departments, the division is made in the order
8 in which the departments are named in this section.

9 **Sec. 75.** NRS 388.090 is hereby amended to read as follows:

10 388.090 1. Except as otherwise provided in this section,
11 boards of trustees of school districts shall schedule and provide a
12 minimum of 180 days of free school in the districts under their
13 charge.

14 2. Except for an alternative schedule described in subsection 3,
15 the Superintendent of Public Instruction may, upon application by
16 the board of trustees of a school district, authorize the school district
17 to provide a program of instruction based on an alternative schedule
18 if the number of minutes of instruction to be provided is equal to or
19 greater than the number of minutes of instruction that would be
20 provided in a program of instruction consisting of 180 school days.
21 The Superintendent of Public Instruction shall notify the board of
22 trustees of the school district of the approval or denial of the
23 application not later than 30 days after the Superintendent of Public
24 Instruction receives the application. An alternative schedule
25 proposed pursuant to this subsection must be developed in
26 accordance with chapter 288 of NRS. If a school district is located
27 in a county whose population is 100,000 or more, the school district
28 may not submit an application pursuant to this subsection unless the
29 proposed alternative schedule of the school district will apply only
30 to a rural portion or a remote portion of the county in which the
31 school district is located, as defined by the ~~[State Board]~~
32 *Department* pursuant to subsection 9.

33 3. The Superintendent of Public Instruction may, upon
34 application by the board of trustees of a school district, authorize a
35 reduction of not more than 15 school days in that particular district
36 to establish or maintain an alternative schedule consisting of a
37 12-month school program if the board of trustees demonstrates that
38 the proposed alternative schedule for the program provides for a
39 number of minutes of instruction that is equal to or greater than that
40 which would be provided under a program consisting of 180 school
41 days. Before authorizing a reduction in the number of required
42 school days pursuant to this subsection, the Superintendent of Public
43 Instruction must find that the proposed alternative schedule will be
44 used to alleviate problems associated with a growth in enrollment or
45 overcrowding.



4. The Superintendent of Public Instruction may, upon application by a board of trustees, authorize the addition of minutes of instruction to any scheduled day of free school if days of free school are lost because of any interscholastic activity. Not more than 5 days of free school so lost may be rescheduled in this manner. The provisions of this subsection do not apply to an alternative schedule approved pursuant to subsection 2.

5. The number of minutes of instruction required for a particular group of pupils in a program of instruction based on an alternative schedule approved pursuant to this section must be determined by multiplying the appropriate minimum daily period of instruction established by the ~~{State-Board}~~ *Department* by regulation for that particular group of pupils by 180.

6. Each school district shall schedule at least 3 contingent days of school, or its equivalent if the school district operates under an alternative schedule authorized pursuant to this section, in addition to the number of days required by this section, which must be used if a natural disaster, inclement weather or an accident necessitates the closing of a majority of the facilities within the district. The 3 contingent days of school, or its equivalent, may be scheduled as:

(a) Full days of school;

(b) An equivalent number of minutes of instruction added to any scheduled day of instruction, except that the minutes added must not be less than 30 minutes per school day; or

(c) Any combination thereof.

7. If more than 3 days of free school or minutes of instruction equaling 3 days of free school, or the equivalent if the school district operates under an alternative schedule authorized pursuant to this section, are lost because a natural disaster, inclement weather or an accident necessitates the closing of a majority of the facilities within a school district, the Superintendent of Public Instruction, upon application by the school district, may permit the additional days or equivalent minutes of instruction lost to be counted as school days in session. The application must be submitted in the manner prescribed by the Superintendent of Public Instruction.

8. The Superintendent of Public Instruction may, upon application by the board of trustees of a school district, authorize additional days or minutes of instruction for a program of remedial education that is fully paid for through the school district, including, without limitation, the provision of transportation. If the Superintendent of Public Instruction authorizes such additional days or minutes, the board of trustees may adopt a policy prescribing the minimum number of days of attendance or the minimum number of minutes of attendance for a pupil who is determined to need such remedial education. If the board of trustees adopts such a policy, the



1 policy must include, without limitation, the criteria for determining
2 that a pupil be enrolled in the program of remedial education, the
3 procedure pursuant to which parents and guardians will be notified
4 of the pupil's progress throughout the school year and a process for
5 appealing a determination regarding a pupil's need for remedial
6 education.

7 9. The ~~{State Board}~~ *Department* shall adopt regulations:

8 (a) Providing procedures for changing schedules of instruction
9 to be used if a natural disaster, inclement weather or an accident
10 necessitates the closing of a particular school within a school
11 district.

12 (b) Defining a rural portion of a county and a remote portion of
13 a county for the purposes of subsection 2.

14 **Sec. 76.** NRS 388.330 is hereby amended to read as follows:

15 388.330 The State ~~{Board}~~ *Commission* for Career and
16 Technical Education consists of the members of the State ~~{Board of}~~
17 *Commission on Public* Education.

18 **Sec. 77.** NRS 388.340 is hereby amended to read as follows:

19 388.340 1. The Superintendent of Public Instruction shall
20 serve as Executive Officer of the State ~~{Board}~~ *Commission* for
21 Career and Technical Education.

22 2. The Executive Officer shall:

23 (a) Employ personnel for such positions as are approved by the
24 ~~{State Board for Career and Technical Education}~~ *Department* and
25 *as are* necessary to carry out properly the provisions of this title
26 relating to career and technical education.

27 (b) Carry into effect the regulations ~~{of the State Board for}~~
28 ~~*Career and Technical Education.*~~ *adopted pursuant to subsection 3.*

29 (c) Maintain an office for the ~~{Board.}~~ *State Commission for*
30 *Career and Technical Education.*

31 (d) Keep all records of the ~~{Board}~~ *State Commission for*
32 *Career and Technical Education* in the office of the ~~{Board.}~~ *State*
33 *Commission.*

34 *3. The Department shall establish policies and adopt*
35 *regulations recommended by the State Commission for Career and*
36 *Technical Education pursuant to NRS 388.360 and 388.380.*

37 **Sec. 78.** NRS 388.360 is hereby amended to read as follows:

38 388.360 The State ~~{Board}~~ *Commission* for Career and
39 Technical Education may:

40 1. Cooperate with any federal agency, board or department
41 designated to administer the Acts of Congress apportioning federal
42 money to the State of Nevada for career and technical education.

43 2. ~~{Establish}~~ *Recommend* policies and ~~{adopt}~~ regulations *to*
44 *the Executive Officer and the Department* for the administration of
45 any legislation enacted pursuant thereto by the State of Nevada.



3. ~~{Establish}~~ *Recommend* policies and ~~{adopt}~~ regulations *to the Executive Officer and the Department* for the administration of money provided by the Federal Government and the State of Nevada for the promotion, extension and improvement of career and technical education in Nevada.

4. ~~{Establish}~~ *Recommend* policies or regulations and ~~{formulate}~~ *suggest* plans *to the Executive Officer and the Department* for the promotion of career and technical education in such subjects as are an essential and integral part of the system of public education in the State of Nevada.

5. ~~{Establish}~~ *Recommend* policies to *the Executive Officer and the Department* to provide for the preparation of teachers of such programs and subjects.

6. ~~{Approve}~~ *Recommend the approval of* positions for such persons as may be necessary to administer the federal act and provisions of this title enacted pursuant thereto for the State of Nevada.

7. ~~{Direct}~~ *Request that* its Executive Officer ~~{to}~~ *and the Department* make studies and investigations relating to career and technical education.

8. ~~{Establish}~~ *Recommend* policies to *the Executive Officer and the Department* to promote and aid in the establishment by local communities of schools, departments or classes giving training in career and technical subjects.

9. Cooperate with local communities in the maintenance of such schools, departments or classes.

10. ~~{Prescribe}~~ *Recommend* qualifications for the teachers, directors and supervisors of career and technical subjects.

11. ~~{Provide for the}~~ *Recommend* certification of such teachers, directors and supervisors.

12. ~~{Establish}~~ *Recommend* policies or regulations *to the Executive Officer and the Department* to cooperate in the maintenance of classes supported and controlled by the public for the preparation of the teachers, directors and supervisors of career and technical subjects, or maintain such classes under its own direction and control.

13. ~~{Establish by regulation}~~ *Recommend regulations for* the qualifications required for persons engaged in the training of teachers for career and technical education.

Sec. 79. NRS 388.365 is hereby amended to read as follows:

388.365 1. All gifts of money which the *Executive Officer of the State* ~~{Board}~~ *Commission* for Career and Technical Education is authorized to accept must be deposited in a permanent trust fund in the State Treasury designated as the Gift Fund for Career and Technical Education.



2. The money available in the Fund must be used only for the purpose specified by the donor, within the scope of the ~~{Board's}~~ powers and duties ~~[-The Board]~~ *of the Executive Officer and the Department. The Department* may adopt regulations or establish policies for the disbursement of money from the Fund in accordance with the terms of the gift or bequest on warrants of the State Controller issued upon the orders of the Executive Officer of the State ~~{Board}~~ *Commission* for Career and Technical Education. Any expenditures pursuant to this section may include matching state and federal money available for career and technical education.

3. If all or part of the money accepted by the ~~{Board}~~ *Executive Officer of the State Commission* from a donor is not expended before the end of the fiscal year in which the gift was accepted, the remaining balance of the amount donated must remain in the Fund until needed for the purpose specified by the donor.

Sec. 80. NRS 388.380 is hereby amended to read as follows:

388.380 1. Except as otherwise provided in subsection 3, the board of trustees of a school district in a county whose population is 100,000 or more shall and any other board of trustees of a school district may:

(a) Establish and maintain a program of career and technical education giving instruction in the subjects approved by the ~~{State Board for Career and Technical Education.}~~ *Department.*

(b) Raise and expend money for the establishment and maintenance of a program of career and technical education.

2. A pupil who successfully completes a program of career and technical education and who otherwise satisfies the requirements for graduation from high school must be awarded a high school diploma with an endorsement indicating that the pupil has successfully completed the program of career and technical education. The provisions of this subsection do not preclude a pupil from receiving more than one endorsement on his diploma, if applicable.

3. The board of trustees of each school district shall incorporate into the curriculum:

(a) Guidance and counseling in career and technical education in accordance with NRS 389.180; and

(b) Technology.

4. The State ~~{Board}~~ *Commission* for Career and Technical Education shall ~~[adopt]~~ *recommend to the Executive Officer and to the Department* regulations prescribing the endorsement of career and technical education for a high school diploma.

Sec. 81. NRS 388.390 is hereby amended to read as follows:

388.390 If the board of trustees of a school district or the governing body of a charter school organizes a program of career and technical education in accordance with the regulations adopted



1 by the ~~{State Board for Career and Technical Education}~~
2 *Department* and the program has been approved by the Executive
3 Officer of the ~~{Board,}~~ *State Commission for Career and Technical*
4 *Education*, the school district or the charter school is entitled to
5 share in federal and state money available for the promotion of
6 career and technical education in the amount determined by the
7 Executive Officer of the ~~{Board,}~~ *Commission*, in accordance with
8 the regulations and policies of the ~~{Board,}~~ *Department*.

9 **Sec. 82.** NRS 388.405 is hereby amended to read as follows:

10 388.405 The ~~{State Board}~~ *Department* shall:

11 1. Establish a program to teach the English language to pupils
12 who are limited English proficient.

13 2. Adopt regulations to carry out the program. The regulations
14 must prescribe the procedure by which a school district may obtain a
15 waiver from the requirements of the program.

16 3. Submit all evaluations required pursuant to 20 U.S.C. §§
17 6801 et seq. and the regulations adopted pursuant thereto regarding
18 the programs for pupils who are limited English proficient carried
19 out pursuant to that provision of federal law to the:

20 (a) Governor;

21 (b) *Legislative* Committee ~~{;~~

22 ~~—(c) Bureau; and~~

23 ~~—(d)} on Education; and~~

24 (c) Board of trustees of each school district.

25 **Sec. 83.** NRS 388.450 is hereby amended to read as follows:

26 388.450 1. The Legislature declares that the basic support
27 guarantee for each special education program unit established by
28 law for each school year establishes financial resources sufficient to
29 ensure a reasonably equal educational opportunity to pupils with
30 disabilities and gifted and talented pupils residing in Nevada.

31 2. Subject to the provisions of NRS 388.440 to 388.520,
32 inclusive, the board of trustees of each school district shall make
33 such special provisions as may be necessary for the education of
34 pupils with disabilities and gifted and talented pupils.

35 3. The board of trustees of a school district shall establish
36 uniform criteria governing eligibility for instruction under the
37 special education programs provided for by NRS 388.440 to
38 388.520, inclusive. The criteria must prohibit the placement of a
39 pupil in a program for pupils with disabilities solely because the
40 pupil is a disciplinary problem in school. The criteria are subject to
41 such standards as may be prescribed by the ~~{State Board,}~~
42 *Department*.

43 **Sec. 84.** NRS 388.470 is hereby amended to read as follows:

44 388.470 1. Before any child is placed in a special program
45 for pupils with disabilities or gifted and talented pupils:



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1 (a) A consultation must be held with his parents or guardian.
2 (b) An examination must be conducted for the purpose of
3 finding the extent to which the child deviates from normal growth
4 and development patterns. The examination must be conducted in
5 accordance with standards prescribed by the ~~{State-Board.}~~
6 *Department.*

7 2. A psychiatrist may be consulted in any specific case when
8 the board of trustees of a school district deems it necessary.

9 3. The board of trustees of a school district or the governing
10 body of a charter school shall not place a child or authorize the
11 placement of a child in a program for pupils with disabilities solely
12 because the child is a disciplinary problem in school.

13 **Sec. 85.** NRS 388.520 is hereby amended to read as follows:

14 388.520 1. The Department shall:

15 (a) Prescribe a form that contains the basic information
16 necessary for the uniform development, review and revision of an
17 individualized education program for a pupil with a disability in
18 accordance with 20 U.S.C. § 1414(d); and

19 (b) Make the form available on a computer disc for use by
20 school districts and, upon request, in any other manner deemed
21 reasonable by the Department.

22 2. Except as otherwise provided in this subsection, each school
23 district shall ensure that the form prescribed by the Department is
24 used for the development, review and revision of an individualized
25 education program for each pupil with a disability who receives
26 special education in the school district. A school district may use an
27 expanded form that contains additions to the form prescribed by the
28 Department if the basic information contained in the expanded form
29 complies with the form prescribed by the Department.

30 3. The ~~{State-Board}~~ *Department* shall prescribe minimum
31 standards for the special education of pupils with disabilities and
32 gifted and talented pupils.

33 4. The minimum standards prescribed by the ~~{State-Board}~~
34 *Department* must include standards for programs of instruction or
35 special services maintained for the purpose of serving pupils with:

36 (a) Hearing impairments, including, but not limited to, deafness.

37 (b) Visual impairments, including, but not limited to, blindness.

38 (c) Orthopedic impairments.

39 (d) Speech and language impairments.

40 (e) Mental retardation.

41 (f) Multiple impairments.

42 (g) Serious emotional disturbances.

43 (h) Other health impairments.

44 (i) Specific learning disabilities.

45 (j) Autism.



(k) Traumatic brain injuries.

(l) Developmental delays.

(m) Gifted and talented abilities.

5. No apportionment of state money may be made to any school district or charter school for the instruction of pupils with disabilities and gifted and talented pupils until the program of instruction maintained therein for such pupils is approved by the Superintendent of Public Instruction as meeting the minimum standards prescribed by the ~~{State Board.}~~ *Department*.

6. The Department shall, upon the request of the board of trustees of a school district, provide information to the board of trustees concerning the identification and evaluation of pupils with disabilities in accordance with the standards prescribed by the ~~{State Board.}~~ *Department*.

7. As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

Sec. 86. NRS 388.532 is hereby amended to read as follows:

388.532 1. The ~~{State Board.}~~ *Department* in cooperation with the board of trustees of the various county school districts shall develop for pupils in the first through eighth grades:

(a) Programs designed to reduce the number of pupils who drop out of school; and

(b) Programs for the prevention of the abuse of alcohol and controlled substances.

2. The ~~{State Board.}~~ *Department* in cooperation with the board of trustees of the various county school districts may seek the cooperation of private industry in developing for pupils in all grades programs and activities designed to reduce the number of pupils who participate in the activities of criminal gangs, as defined in NRS 213.1263.

Sec. 87. NRS 388.537 is hereby amended to read as follows:

388.537 1. The board of trustees of a school district may, subject to the approval of the ~~{State Board.}~~ *Department*, operate an alternative program for the education of pupils at risk of dropping out of high school, including pupils who:

(a) Because of extenuating circumstances, such as their being pregnant, parents, chronically ill or self-supporting, are not able to attend the classes of instruction regularly provided in high school;

(b) Are deficient in the amount of academic credit necessary to graduate with pupils their same age;

(c) Are chronically absent from high school; or

(d) Require instruction on a more personal basis than that regularly provided in high school.

2. An alternative program may include:



(a) A shorter school day, and an opportunity for pupils to attend a longer school day, than that regularly provided in high school.

(b) An opportunity for pupils to attend classes of instruction during any part of the calendar year.

(c) A comprehensive curriculum that includes elective classes of instruction and career and technical education.

(d) An opportunity for pupils to obtain academic credit through experience gained at work or while engaged in other activities.

(e) An opportunity for pupils to satisfy either:

(1) The requirements for a regular high school diploma; or

(2) The requirements for a high school diploma for adults.

(f) The provision of child care for the children of pupils.

(g) The transportation of pupils to and from classes of instruction.

(h) The temporary placement of pupils for independent study, if there are extenuating circumstances which prevent those pupils from attending the alternative program on a daily basis.

3. The board of trustees of a school district may operate an alternative program pursuant to this section through a program of distance education pursuant to NRS 388.820 to 388.874, inclusive.

Sec. 88. NRS 388.560 is hereby amended to read as follows:

388.560 Only courses of instruction approved by the ~~{State Board}~~ Department may be given in such local, regional or state facilities for the detention of children, alternative programs or juvenile forestry camps. Necessary textbooks, equipment and supplies must be furnished by the school district.

Sec. 89. NRS 388.570 is hereby amended to read as follows:

388.570 1. The ~~{State Board}~~ Department shall establish regulations for the computation of enrollment and average daily attendance of children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of this section and NRS 388.550 and 388.560.

2. Boards of trustees of school districts providing such instruction shall report to the Superintendent of Public Instruction at such times and in such manner as he prescribes.

Sec. 90. NRS 388.577 is hereby amended to read as follows:

388.577 1. There is hereby created in the State Treasury the Fund for Programs of Education for Incarcerated Persons. The Fund is administered by the ~~{State Board}~~ Department. The Superintendent of Public Instruction may accept gifts and grants of money from any source for deposit in the Fund. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund.



2. Money in the Fund must be used for programs of education for incarcerated persons.

3. Money in the Fund must not be:

(a) Considered in negotiations between a recognized organization of employees of a school district and the school district; or

(b) Used to reduce the amount of money which would otherwise be made available for programs of education for incarcerated persons in the absence of this section.

4. The Department shall establish a formula for equitably allocating money from the Fund to each school district that operates a program of education for incarcerated persons.

5. The ~~[State Board]~~ *Department* shall establish annually, within the limits of money available in the Fund, a basic allocation to each school district that operates a program of education for incarcerated persons.

Sec. 91. NRS 388.585 is hereby amended to read as follows:

388.585 1. The board of trustees of each school district may:

(a) Establish a program of information concerning missing children for pupils, parents and other residents of the district; and

(b) Use materials prepared by the Attorney General in developing such a program.

2. The board of trustees may request the assistance of the Attorney General or the ~~[State Board of Education]~~ *Department* in establishing its program.

Sec. 92. NRS 388.700 is hereby amended to read as follows:

388.700 1. Except as otherwise provided in this section, after the last day of the first month of the school year, the ratio in each school district of pupils per licensed teacher designated to teach, on a full-time basis, in classes where core curriculum is taught:

(a) In kindergarten and grades 1, 2 and 3, must not exceed 15 to 1; or

(b) If a plan is approved pursuant to subsection 3 of NRS 388.720, must not exceed the ratio set forth in that plan for the grade levels specified in the plan.

➤ In determining this ratio, all licensed educational personnel who teach a grade level specified in paragraph (a) or a grade level specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable for the school district, must be counted except teachers of art, music, physical education or special education, counselors, librarians, administrators, deans and specialists.

2. A school district may, within the limits of any plan adopted pursuant to NRS 388.720, assign a pupil whose enrollment in a



1 grade occurs after the last day of the first month of the school year
2 to any existing class regardless of the number of pupils in the class.

3 3. Each school district that does not meet the ratio of pupils per
4 class:

5 (a) Set forth in subsection 1;

6 (b) Prescribed in conjunction with a legislative appropriation for
7 the support of the class-size reduction program; or

8 (c) Defined by a legislatively approved alternative class-size
9 reduction plan, if applicable to that school district,

10 ➔ must request a variance from the ~~[State Board]~~ **Department** by
11 providing a written statement that includes the reasons for the
12 request and the justification for exceeding the applicable prescribed
13 ratio of pupils per class.

14 4. The ~~[State Board]~~ **Department** may grant to a school district
15 a variance from the limitation on the number of pupils per class set
16 forth in paragraph (a), (b) or (c) of subsection 3 for good cause,
17 including the lack of available financial support specifically set
18 aside for the reduction of pupil-teacher ratios.

19 5. The ~~[State Board]~~ **Department** shall, on or before February 1
20 of each odd-numbered year, report to the Legislature on:

21 (a) Each variance granted by it during the preceding biennium,
22 including the specific justification for the variance.

23 (b) The data reported to it by the various school districts
24 pursuant to subsection 2 of NRS 388.710, including an explanation
25 of that data, and the current pupil-teacher ratios per class in the
26 grade levels specified in paragraph (a) of subsection 1 or the grade
27 levels specified in a plan that is approved pursuant to subsection 3
28 of NRS 388.720, as applicable for the school district.

29 6. The Department shall, on or before November 15 of each
30 year, report to the Chief of the Budget Division of the Department
31 of Administration and the Fiscal Analysis Division of the
32 Legislative Counsel Bureau:

33 (a) The number of teachers employed;

34 (b) The number of teachers employed in order to attain the ratio
35 required by subsection 1;

36 (c) The number of pupils enrolled; and

37 (d) The number of teachers assigned to teach in the same
38 classroom with another teacher or in any other arrangement other
39 than one teacher assigned to one classroom of pupils,

40 ➔ during the current school year in the grade levels specified in
41 paragraph (a) of subsection 1 or the grade levels specified in a plan
42 that is approved pursuant to subsection 3 of NRS 388.720, as
43 applicable, for each school district.



7. The provisions of this section do not apply to a charter school or to a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

Sec. 93. NRS 388.710 is hereby amended to read as follows:

388.710 1. The ~~{State Board,}~~ **Department**, in consultation with the trustees of the school districts and the recognized associations representing licensed educational personnel, after receiving comments from the general public, shall determine the data that must be monitored by each school district and used to measure the effectiveness of the implementation of a plan developed by each school district to reduce the pupil-teacher ratio pursuant to NRS 388.720.

2. Each school district shall report the data to the ~~{State Board}~~ **Department** as required by the ~~{State Board,}~~ **Department**.

Sec. 94. NRS 388.720 is hereby amended to read as follows:

388.720 1. Except as otherwise provided in subsection 2, each school district together with the recognized associations representing licensed educational personnel shall develop a plan to reduce the district's pupil-teacher ratio per class in kindergarten and grades 1, 2 and 3 within the limits of available financial support specifically set aside for this purpose and submit that plan to the ~~{State Board,}~~ **Department**.

2. In lieu of complying with the pupil-teacher ratio prescribed in paragraph (a) of subsection 1 of NRS 388.700, a school district in a county whose population is less than 100,000 may, in consultation with the recognized associations representing licensed educational personnel, develop a plan to reduce the district's pupil-teacher ratios per class for specified grade levels in elementary schools. Alternative ratios for grade 6 may only be approved for those school districts that include grade 6 in elementary school. The alternative pupil-teacher ratios must not:

(a) Exceed 22 to 1 in grades 1, 2 and 3; and

(b) Exceed 25 to 1 in grades 4 and 5 or grades 4, 5 and 6, as applicable.

3. The ~~{State Board}~~ **Department** shall approve a plan submitted pursuant to subsection 2 if the plan:

(a) Reduces the district's pupil-teacher ratio in the elementary schools within the school district; and

(b) Is fiscally neutral such that the plan will not cost more to carry out than a plan that complies with the ratios prescribed in paragraph (a) of subsection 1 of NRS 388.700.

Sec. 95. NRS 388.785 is hereby amended to read as follows:

388.785 ~~"Commission"~~ **"Advisory Commission"** means the **Advisory** Commission on Educational Technology created pursuant to NRS 388.790.



Sec. 96. NRS 388.790 is hereby amended to read as follows:

388.790 1. The **Advisory** Commission on Educational Technology, consisting of 2 members who serve ex officio and 11 members who are appointed, is hereby created. The Superintendent of Public Instruction and the Director of the Department of Information Technology shall serve ex officio as nonvoting members of the **Advisory** Commission.

2. The Governor shall appoint the following voting members to the **Advisory** Commission, at least two of whom must reside in a county whose population is less than 100,000:

(a) One administrator in a public school who possesses knowledge and experience in the general application of technology;

(b) One school teacher in a public elementary school who possesses knowledge and experience in the use of educational technology in the public schools;

(c) One school teacher in a public secondary school who possesses knowledge and experience in the use of educational technology in the public schools;

(d) One representative of public libraries who possesses knowledge and experience in the general application of technology;

(e) One representative of the Nevada System of Higher Education who possesses knowledge and experience in the use of educational technology in institutions of higher education;

(f) One representative of the private sector who possesses knowledge and experience in the use of technology; and

(g) One parent or legal guardian who possesses knowledge and experience in the general application of technology.

3. The Majority Leader of the Senate shall appoint two voting members to the **Advisory** Commission:

(a) One of whom is a member of the Senate; and

(b) One of whom is employed in the field of technology.

4. The Speaker of the Assembly shall appoint two voting members to the **Advisory** Commission:

(a) One of whom is a member of the Assembly; and

(b) One of whom is employed in the field of technology.

5. The Governor shall appoint a Chairman among the voting members of the **Advisory** Commission.

6. After the initial terms, the term of each member of the **Advisory** Commission is 2 years, commencing on January 1 of the year he is appointed and expiring on December 31 of the immediately following year. A member shall continue to serve on the **Advisory** Commission until his successor is appointed. Upon the expiration of a term of a member, he may be reappointed if he still possesses any requisite qualifications for appointment. There is no limit on the number of terms that a member may serve.



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7. The person or entity who appoints a member to the *Advisory* Commission may remove that member if the member neglects his duty or commits malfeasance in office, or for other just cause. Any vacancy in the membership of the *Advisory* Commission must be filled for the remainder of the unexpired term in the same manner as the original appointment.

8. The *Advisory* Commission shall hold at least four regular meetings each year and may hold special meetings at the call of the Chairman.

9. Members of the *Advisory* Commission who are not Legislators serve without compensation, except that for each day or portion of a day during which a member of the *Advisory* Commission attends a meeting of the *Advisory* Commission or is otherwise engaged in the business of the *Advisory* Commission, he is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

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

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

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

(c) Travel expenses provided pursuant to NRS 218.2207.

➔ The compensation, per diem allowances and travel expenses of the legislative members of the *Advisory* Commission must be paid from the Legislative Fund.

Sec. 97. NRS 388.795 is hereby amended to read as follows:

388.795 1. The ~~{Commission}~~ *Superintendent of Public Instruction* shall establish a plan for the use of educational technology in the public schools of this State. In preparing the plan, the ~~{Commission}~~ *Superintendent* shall consider:

(a) Plans that have been adopted by the Department and the school districts in this State;

(b) Plans that have been adopted in other states;

(c) The information reported pursuant to paragraph (t) of subsection 2 of NRS 385.347; ~~{and}~~

(d) *The advice and recommendations of the Advisory Commission; and*

(e) Any other information that the *Superintendent of Public Instruction, Advisory* Commission or the Committee deems relevant to the preparation of the plan.



2. *The Advisory Commission shall advise and make recommendations to the Superintendent of Public Instruction in carrying out the provisions of this section.*

3. The plan established by the ~~[Commission]~~ *Superintendent of Public Instruction* must include recommendations for methods to:

(a) Incorporate educational technology into the public schools of this State;

(b) Increase the number of pupils in the public schools of this State who have access to educational technology;

(c) Increase the availability of educational technology to assist licensed teachers and other educational personnel in complying with the requirements of continuing education, including, but not limited to, the receipt of credit for college courses completed through the use of educational technology;

(d) Facilitate the exchange of ideas to improve the achievement of pupils who are enrolled in the public schools of this State; and

(e) Address the needs of teachers in incorporating the use of educational technology in the classroom, including, but not limited to, the completion of training that is sufficient to enable the teachers to instruct pupils in the use of educational technology.

~~[3.]~~ 4. The Department shall provide:

(a) Administrative support;

(b) Equipment; and

(c) Office space,

↳ as is necessary for the *Advisory* Commission to carry out the provisions of this section.

~~[4.]~~ 5. The following entities shall cooperate with the *Superintendent of Public Instruction and the Advisory Commission* in carrying out the provisions of this section:

(a) The State ~~[Board.]~~ *Commission.*

(b) The board of trustees of each school district.

(c) The superintendent of schools of each school district.

(d) The Department.

~~[5.]~~ 6. The ~~[Commission shall:]~~ *Superintendent of Public Instruction shall, upon the advice and recommendation of the Advisory Commission:*

(a) Develop technical standards for educational technology and any electrical or structural appurtenances necessary thereto, including, without limitation, uniform specifications for computer hardware and wiring, to ensure that such technology is compatible, uniform and can be interconnected throughout the public schools of this State.

(b) Allocate money to the school districts from the Trust Fund for Educational Technology created pursuant to NRS 388.800 and



1 any money appropriated by the Legislature for educational
2 technology, subject to any priorities for such allocation established
3 by the Legislature.

4 (c) Establish criteria for the board of trustees of a school district
5 that receives an allocation of money from the ~~[Commission]~~
6 *Superintendent of Public Instruction* to:

7 (1) Repair, replace and maintain computer systems.

8 (2) Upgrade and improve computer hardware and software
9 and other educational technology.

10 (3) Provide training, installation and technical support related
11 to the use of educational technology within the district.

12 (d) Submit to the Governor, the *Advisory Commission, the*
13 *Committee* and the Department ~~[its]~~ *the Superintendent's* plan for
14 the use of educational technology in the public schools of this State
15 and any recommendations for legislation.

16 (e) Review the plan annually and make revisions as it deems
17 necessary or as directed by the Committee or the Department.

18 (f) In addition to the recommendations set forth in the plan
19 pursuant to subsection 2, make further recommendations to the
20 Committee and the Department as the ~~[Commission]~~
21 *Superintendent* deems necessary.

22 ~~[6-]~~ 7. The *Advisory* Commission may ~~[appoint]~~ *recommend to*
23 *the Superintendent of Public Instruction the appointment of* an
24 advisory committee composed of members of the *Advisory*
25 Commission or other qualified persons to provide recommendations
26 to the ~~[Commission]~~ *Superintendent of Public Instruction*
27 regarding standards for the establishment, coordination and use of a
28 telecommunications network in the public schools throughout the
29 various school districts in this State. ~~[The]~~ *Such an* advisory
30 committee serves at the pleasure of the ~~[Commission]~~
31 *Superintendent of Public Instruction* and without compensation
32 unless an appropriation or other money for that purpose is provided
33 by the Legislature.

34 ~~[7-]~~ 8. As used in this section, "public school" includes the
35 Caliente Youth Center, the Nevada Youth Training Center and any
36 other state facility for the detention of children that is operated
37 pursuant to title 5 of NRS.

38 **Sec. 98.** NRS 388.800 is hereby amended to read as follows:

39 388.800 1. The Trust Fund for Educational Technology is
40 hereby created in the State General Fund. The Trust Fund must be
41 administered by the Superintendent of Public Instruction. The
42 Superintendent may accept gifts and grants of money from any
43 source for deposit in the Trust Fund. Any such money may be
44 expended in accordance with the terms and conditions of the gift or
45 grant, or in accordance with subsection 3.



2. The interest and income earned on the money in the Trust Fund must be credited to the Trust Fund.

3. The money in the Trust Fund may be used only for the distribution of money to school districts to be used in kindergarten through 12th grade to obtain and maintain hardware and software for computer systems, equipment for transfer of data by modem through connection to telephone lines, and other educational technology as may be approved by the ~~[Commission]~~ *Superintendent of Public Instruction* for use in classrooms.

Sec. 99. NRS 388.805 is hereby amended to read as follows:

388.805 The Department shall, in consultation with the *Advisory* Commission, adopt regulations that establish a program whereby school districts may apply to the ~~[Commission on Educational Technology]~~ *Superintendent of Public Instruction* for money from the Trust Fund for Educational Technology.

Sec. 100. NRS 388.838 is hereby amended to read as follows:

388.838 1. The board of trustees of a school district or the governing body of a charter school may submit an application to the Department to provide a program of distance education. In addition, a committee to form a charter school may submit an application to the Department to provide a program of distance education if the application to form the charter school submitted by the committee pursuant to NRS 386.520 indicates that the charter school intends to provide a program of distance education.

2. An applicant to provide a program of distance education may seek approval to provide a program that is comprised of one or more courses of distance education included on the list of courses approved by the Department pursuant to NRS 388.834 or a program that is comprised of one or more courses of distance education which have not been reviewed by the Department before submission of the application.

3. An application to provide a program of distance education must include:

(a) All the information prescribed by the ~~[State Board]~~ *Department* by regulation.

(b) Except as otherwise provided in this paragraph, proof satisfactory to the Department that the program satisfies all applicable statutes and regulations. The proof required by this paragraph shall be deemed satisfied if the program is comprised only of courses of distance education approved by the Department pursuant to NRS 388.834 before submission of the application.

4. Except as otherwise provided in this subsection, the Department shall approve an application submitted pursuant to this section if the application satisfies the requirements of NRS 388.820 to 388.874, inclusive, and all other applicable statutes and



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1 regulations. The Department shall deny an application to provide
2 a program of distance education submitted by a committee to form a
3 charter school if the Department denies the application to form a
4 charter school submitted by that committee. The Department shall
5 provide written notice to the applicant of the Department's approval
6 or denial of the application.

7 5. If the Department denies an application, the Department
8 shall include in the written notice the reasons for the denial and the
9 deficiencies of the application. The applicant must be granted 30
10 days after receipt of the written notice to correct any deficiencies
11 identified in the written notice and resubmit the application. The
12 Department shall approve an application that has been resubmitted
13 pursuant to this subsection if the application satisfies the
14 requirements of NRS 388.820 to 388.874, inclusive, and all other
15 applicable statutes and regulations.

16 **Sec. 101.** NRS 388.850 is hereby amended to read as follows:

17 388.850 1. A pupil may enroll in a program of distance
18 education only if the pupil satisfies the requirements of any other
19 applicable statute and the pupil:

20 (a) Is participating in a program for pupils at risk of dropping
21 out of high school pursuant to NRS 388.537;

22 (b) Is participating in a program of independent study pursuant
23 to NRS 389.155;

24 (c) Is enrolled in a public school that does not offer certain
25 advanced or specialized courses that the pupil desires to attend;

26 (d) Has a physical or mental condition that would otherwise
27 require an excuse from compulsory attendance pursuant to
28 NRS 392.050;

29 (e) Would otherwise be excused from compulsory attendance
30 pursuant to NRS 392.080;

31 (f) Is otherwise prohibited from attending public school pursuant
32 to NRS 392.264, 392.4642 to 392.4648, inclusive, 392.466, 392.467
33 or 392.4675;

34 (g) Is otherwise permitted to enroll in a program of distance
35 education provided by the board of trustees of a school district if the
36 board of trustees determines that the circumstances warrant
37 enrollment for the pupil; or

38 (h) Is otherwise permitted to enroll in a program of distance
39 education provided by the governing body of a charter school if the
40 governing body of the charter school determines that the
41 circumstances warrant enrollment for the pupil.

42 2. In addition to the eligibility for enrollment set forth in
43 subsection 1, a pupil must satisfy the qualifications and conditions
44 for enrollment in a program of distance education adopted by the
45 ~~[State Board]~~ *Department* pursuant to NRS 388.874.



3. A child who is exempt from compulsory attendance and receiving equivalent instruction authorized by the ~~{State Board}~~ *Department* pursuant to subsection 1 of NRS 392.070 is not eligible to enroll in or otherwise attend a program of distance education, regardless of whether he is otherwise eligible for enrollment pursuant to subsection 1.

4. If a pupil who is prohibited from attending public school pursuant to NRS 392.264 enrolls in a program of distance education, the enrollment and attendance of that pupil must comply with all requirements of NRS 62F.100 to 62F.140, inclusive, and 392.251 to 392.271, inclusive.

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

Sec. 102. NRS 388.854 is hereby amended to read as follows:

388.854 1. Except as otherwise provided in this subsection, before a pupil may enroll full time or part time in a program of distance education that is provided by a school district other than the school district in which the pupil resides, the pupil must obtain the written permission of the board of trustees of the school district in which the pupil resides. Before a pupil who is enrolled in a public school of a school district may enroll part time in a program of distance education that is provided by a charter school, the pupil must obtain the written permission of the board of trustees of the school district in which the pupil resides. A pupil who enrolls full time in a program of distance education that is provided by a charter school is not required to obtain the approval of the board of trustees of the school district in which the pupil resides.

2. If the board of trustees of a school district grants permission pursuant to subsection 1, the board of trustees shall enter into a written agreement with the board of trustees or governing body, as applicable, that provides the program of distance education. A separate agreement must be prepared for each year that a pupil enrolls in a program of distance education. The written agreement must:

(a) Contain a statement prepared by the board of trustees of the school district in which the pupil resides indicating that the board of trustees understands that the Superintendent of Public Instruction will make appropriate adjustments in the apportionments to the school district pursuant to NRS 387.124 to account for the pupil's enrollment in the program of distance education;

(b) If the pupil plans to enroll part time in the program of distance education, contain a statement prepared by the board of



1 trustees of the school district in which the pupil resides and the
2 board of trustees or governing body that provides the program of
3 distance education setting forth the percentage of the total time
4 services will be provided to the pupil through the program of
5 distance education per school day in proportion to the total time
6 services are provided during a school day to pupils who are counted
7 pursuant to subparagraph (2) of paragraph (a) of subsection 1 of
8 NRS 387.1233 for the school district in which the pupil resides;

9 (c) Be signed by the board of trustees of the school district in
10 which the pupil resides and the board of trustees or governing body
11 that provides the program of distance education; and

12 (d) Include any other information required by the ~~[State Board]~~
13 *Department* by regulation.

14 3. On or before the last day of the first school month of each
15 school year or March 1 of each school year, as applicable for the
16 semester of enrollment, a written agreement must be filed with the
17 Superintendent of Public Instruction for each pupil who is enrolled
18 full time in a program of distance education provided by a school
19 district other than the school district in which the pupil resides. On
20 or before the last day of the first school month of each school year
21 or March 1 of each school year, as applicable for the semester of
22 enrollment, a written agreement must be filed with the
23 Superintendent of Public Instruction for each pupil who is enrolled
24 in a public school of the school district and who is enrolled part time
25 in a program of distance education provided by a charter school. If
26 an agreement is not filed for a pupil who is enrolled in a program of
27 distance education as required by this section, the Superintendent of
28 Public Instruction shall not apportion money for that pupil to the
29 board of trustees of the school district in which the pupil resides, or
30 the board of trustees or governing body that provides the program of
31 distance education.

32 **Sec. 103.** NRS 388.858 is hereby amended to read as follows:

33 388.858 1. If a pupil is enrolled in a charter school, he may
34 enroll full time in a program of distance education only if the charter
35 school in which he is enrolled provides the program of distance
36 education.

37 2. Before a pupil who is enrolled in a charter school may enroll
38 part time in a program of distance education that is provided by a
39 school district or another charter school, the pupil must obtain the
40 written permission of the governing body of the charter school in
41 which the pupil is enrolled.

42 3. If the governing body of a charter school grants permission
43 pursuant to subsection 2, the governing body shall enter into a
44 written agreement with the board of trustees or governing body, as
45 applicable, that provides the program of distance education. A



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1 separate agreement must be prepared for each year that a pupil
2 enrolls in a program of distance education. The written agreement
3 must:

4 (a) Contain a statement prepared by the governing body of the
5 charter school in which the pupil is enrolled indicating that the
6 governing body understands that the Superintendent of Public
7 Instruction will make appropriate adjustments in the apportionments
8 to the charter school pursuant to NRS 387.124 to account for the
9 pupil's enrollment in the program of distance education;

10 (b) Contain a statement prepared by the governing body of the
11 charter school in which the pupil is enrolled and the board of
12 trustees or governing body that provides the program of distance
13 education setting forth the percentage of the total time services will
14 be provided to the pupil through the program of distance education
15 per school day in proportion to the total time services are provided
16 during a school day to pupils who are counted pursuant to
17 subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233
18 for the school district in which the pupil resides;

19 (c) Be signed by the governing body of the charter school in
20 which the pupil is enrolled and the board of trustees or governing
21 body that provides the program of distance education; and

22 (d) Include any other information required by the ~~[State Board]~~
23 *Department* by regulation.

24 4. On or before the last day of the first school month of each
25 school year or March 1 of each school year, as applicable for the
26 semester of enrollment, a written agreement must be filed with the
27 Superintendent of Public Instruction for each pupil who is enrolled
28 in a charter school and who is enrolled part time in a program of
29 distance education provided by a school district or another charter
30 school. If an agreement is not filed for such a pupil, the
31 Superintendent of Public Instruction shall not apportion money for
32 that pupil to the governing body of the charter school in which the
33 pupil is enrolled, or the board of trustees or governing body that
34 provides the program of distance education.

35 **Sec. 104.** NRS 388.874 is hereby amended to read as follows:

36 388.874 1. The ~~[State Board]~~ *Department* shall adopt
37 regulations that prescribe:

38 (a) The process for submission of an application by a person or
39 entity for inclusion of a course of distance education on the list
40 prepared by the Department pursuant to NRS 388.834 and the
41 contents of the application;

42 (b) The process for submission of an application by the board of
43 trustees of a school district, the governing body of a charter school
44 or a committee to form a charter school to provide a program of
45 distance education and the contents of the application;



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(c) The qualifications and conditions for enrollment that a pupil must satisfy to enroll in a program of distance education, consistent with NRS 388.850;

(d) A method for reporting to the Department the number of pupils who are enrolled in a program of distance education and the attendance of those pupils;

(e) The requirements for assessing the achievement of pupils who are enrolled in a program of distance education, which must include, without limitation, the administration of the achievement and proficiency examinations required pursuant to NRS 389.015 and 389.550; and

(f) A written description of the process pursuant to which the ~~{State-Board}~~ Department may revoke its approval for the operation of a program of distance education.

2. The ~~{State-Board}~~ Department may adopt regulations as it determines are necessary to carry out the provisions of NRS 388.820 to 388.874, inclusive.

Sec. 105. NRS 389.011 is hereby amended to read as follows:

389.011 1. The board of trustees of each school district and the governing body of each charter school shall ensure that each pupil who is limited English proficient and is enrolled in the school district or charter school, as applicable, participates in the achievement and proficiency examinations administered pursuant to this chapter. The ~~{State-Board}~~ Department shall prescribe reasonable modifications and accommodations that must be used in the administration of an examination to a pupil who is limited English proficient and who is unable to take an examination under regular testing conditions. The results of each pupil who is limited English proficient and who takes an examination with modifications and accommodations must be reported and included within the determination of whether the school and the school district have made adequate yearly progress.

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

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

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

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



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

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

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

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

Sec. 106. NRS 389.0115 is hereby amended to read as follows:

389.0115 1. If a pupil with a disability is unable to take an examination administered pursuant to NRS 389.015 or 389.550 under regular testing conditions, the pupil may take the examination with modifications and accommodations that the pupil's individualized education program team determines, in consultation with the Department and in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq., are necessary to measure the progress of the pupil. If modifications or accommodations are made in the administration of an examination for a pupil with a disability, the modifications or accommodations must be set forth in the pupil's individualized education program. The results of each pupil with a disability who takes an examination with modifications or accommodations must be reported and must be included in the determination of whether the school and the school district have made adequate yearly progress.

2. The ~~{State Board}~~ Department shall prescribe an alternate examination for administration to a pupil with a disability if the pupil's individualized education program team determines, in



1 consultation with the Department, that the pupil cannot participate
2 in all or a portion of an examination administered pursuant to NRS
3 389.015 or 389.550 even with modifications and accommodations.

4 3. The ~~{State Board}~~ **Department** shall prescribe, in accordance
5 with the Individuals with Disabilities Education Act, 20 U.S.C. §§
6 1400 et seq., and the No Child Left Behind Act of 2001, 20 U.S.C.
7 §§ 6301 et seq., the modifications and accommodations that must be
8 used in the administration of an examination to a pupil with a
9 disability who is unable to take the examination under regular
10 testing conditions.

11 4. As used in this section:

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

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

16 **Sec. 107.** NRS 389.012 is hereby amended to read as follows:

17 389.012 1. The ~~{State Board}~~ **Department** shall:

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

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

27 (1) Governor;

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

29 (3) Legislative Committee on Education created pursuant to
30 NRS 218.5352 . ~~{; and~~

31 ~~— (4) Legislative Bureau of Educational Accountability and~~
32 ~~Program Evaluation created pursuant to NRS 218.5356.}~~

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

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

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

41 2. If the report required by subsection 1 indicates that the
42 percentage of pupils enrolled in the public schools in this State who
43 are proficient on the National Assessment of Educational Progress
44 differs by more than 10 percent of the pupils who are proficient on
45 the examinations administered pursuant to NRS 389.550 and the



1 high school proficiency examination administered pursuant to NRS
2 389.015, the Department shall prepare a written report describing
3 the discrepancy. The report must include, without limitation, a
4 comparison and evaluation of:

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

9 (b) The standards for proficiency established for the National
10 Assessment with the standards for proficiency established for the
11 examinations that are administered pursuant to NRS 389.550 and
12 the high school proficiency examination administered pursuant to
13 NRS 389.015.

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

16 (a) Governor;

17 (b) Legislative Committee on Education; *and*

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

20 ~~—(d)—~~ *Advisory* Council ~~[to Establish]~~ *for* Academic Standards
21 ~~[for]~~ *in the* Public Schools.

22 4. The *Advisory* Council ~~[to Establish]~~ *for* Academic Standards
23 ~~[for]~~ *in the* Public Schools shall review and evaluate the report
24 provided to the *Advisory* Council pursuant to subsection 3 to
25 identify any discrepancies in the standards of content and
26 performance established by the ~~Council~~ *Superintendent of Public*
27 *Instruction* that require revision and a timeline for carrying out the
28 revision, if necessary. The *Advisory* Council shall submit a written
29 report of its review and evaluation to the *Superintendent of Public*
30 *Instruction and the* Legislative Committee on Education . ~~and~~
31 ~~Legislative Bureau of Educational Accountability and Program~~
32 ~~Evaluation.]~~

33 **Sec. 108.** NRS 389.015 is hereby amended to read as follows:

34 389.015 1. The board of trustees of each school district shall
35 administer examinations in all public schools of the school district.
36 The governing body of a charter school shall administer the same
37 examinations in the charter school. The examinations administered
38 by the board of trustees and governing body must determine the
39 achievement and proficiency of pupils in:

40 (a) Reading;

41 (b) Mathematics; and

42 (c) Science.

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

44 (a) Administered before the completion of grades 4, 7, 10
45 and 11.



(b) Administered in each school district and each charter school at the same time during the spring semester. The time for the administration of the examinations must be prescribed by the ~~{State Board.}~~ **Department.**

(c) Administered in each school in accordance with uniform procedures adopted by the ~~{State Board.}~~ **Department.** The Department shall monitor the compliance of school districts and individual schools with the uniform procedures.

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

(1) The plan adopted by the Department; and

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

(e) Scored by a single private entity that has contracted with the ~~{State Board.}~~ **Department** to score the examinations. The private entity that scores the examinations shall report the results of the examinations in the form and by the date required by the Department.

3. Not more than 14 working days after the results of the examinations are reported to the Department by a private entity that scored the examinations, the Superintendent of Public Instruction shall certify that the results of the examinations have been transmitted to each school district and each charter school. Not more than 10 working days after a school district receives the results of the examinations, the superintendent of schools of each school district shall certify that the results of the examinations have been transmitted to each school within the school district. Except as otherwise provided in this subsection, not more than 15 working days after each school receives the results of the examinations, the principal of each school and the governing body of each charter school shall certify that the results for each pupil have been provided to the parent or legal guardian of the pupil:

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

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

➤ If a pupil fails the high school proficiency examination, the school shall notify the pupil and the parents or legal guardian of the



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pupil as soon as practicable but not later than 15 working days after the school receives the results of the examination.

4. If a pupil fails to demonstrate at least adequate achievement on the examination administered before the completion of grade 4, 7 or 10, he may be promoted to the next higher grade, but the results of his examination must be evaluated to determine what remedial study is appropriate. If such a pupil is enrolled at a school that has failed to make adequate yearly progress or in which less than 60 percent of the pupils enrolled in grade 4, 7 or 10 in the school who took the examinations administered pursuant to this section received an average score on those examinations that is at least equal to the 26th percentile of the national reference group of pupils to which the examinations were compared, the pupil must, in accordance with the requirements set forth in this subsection, complete remedial study that is determined to be appropriate for the pupil.

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

6. The ~~{State-Board}~~ *Department* shall prescribe standard examinations of achievement and proficiency to be administered pursuant to subsection 1. The high school proficiency examination must include the subjects of reading, mathematics and science and, except for the writing portion prescribed pursuant to NRS 389.550, must be developed, printed and scored by a nationally recognized testing company in accordance with the process established by the testing company. The examinations on reading, mathematics and science prescribed for grades 4, 7 and 10 must be selected from examinations created by private entities and administered to a national reference group, and must allow for a comparison of the achievement and proficiency of pupils in grades 4, 7 and 10 in this State to that of a national reference group of pupils in grades 4, 7 and 10. The questions contained in the examinations and the approved answers used for grading them are confidential, and disclosure is unlawful except:

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

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

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

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



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

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

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

Sec. 109. NRS 389.017 is hereby amended to read as follows:

389.017 1. The ~~{State-Board}~~ *Department* shall adopt regulations requiring that each board of trustees of a school district and each governing body of a charter school submit to the Superintendent of Public Instruction and the Department, in the form and manner prescribed by the Superintendent, the results of achievement and proficiency examinations administered pursuant to NRS 389.015 to public school pupils of the district and charter schools. The ~~{State-Board}~~ *Department* shall not include in the regulations any provision which would violate the confidentiality of the test scores of any individual pupil.

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

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

(b) The average score, as defined by the Department, of pupils who took the examinations with modifications or accommodations, if such reporting does not violate the confidentiality of the test scores of any individual pupil.

3. Not later than 10 days after the Department receives the results of the achievement and proficiency examinations, the Department shall transmit a copy of the results of the examinations administered pursuant to NRS 389.015 to the ~~{Legislative Bureau of Educational Accountability and Program Evaluation}~~ *Fiscal Analysis Division of the Legislative Counsel Bureau* in a manner that does not violate the confidentiality of the test scores of any individual pupil.

4. On or before July 1 of each year, each school district and each charter school shall report to the Department the following information for each examination administered in the public schools in the school district or charter school:

(a) The examination administered;

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



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

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

➔ On or before September 1 of each year, the Department shall transmit to the Budget Division of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau the information submitted to the Department pursuant to this subsection.

5. The superintendent of schools of each school district and the governing body of each charter school shall certify that the number of pupils who took the examinations required pursuant to NRS 389.015 is equal to the number of pupils who are enrolled in each school in the school district or in the charter school who are required to take the examinations.

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

(a) Report the number of pupils who were absent from school on the day that the examinations were administered; and

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

Sec. 110. NRS 389.018 is hereby amended to read as follows:

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

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

(b) Mathematics;

(c) Science; and

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

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

(a) The arts;

(b) Computer education and technology;

(c) Health; and

(d) Physical education.

➔ If the ~~[State Board]~~ **Department** requires the completion of course work in a subject area set forth in this subsection for



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1 graduation from high school or promotion to the next grade, a public
2 school shall offer the required course work. Unless a subject is
3 required for graduation from high school or promotion to the next
4 grade, a charter school is not required to comply with this
5 subsection.

6 **Sec. 111.** NRS 389.0185 is hereby amended to read as
7 follows:

8 389.0185 The ~~{State—Board}~~ *Department* shall adopt
9 regulations establishing courses of study and the grade levels for
10 which the courses of study apply for:

- 11 1. The academic subjects set forth in NRS 389.018.
- 12 2. Citizenship and physical training for pupils enrolled in high
13 school.
- 14 3. Physiology, hygiene and cardiopulmonary resuscitation.
- 15 4. The prevention of suicide.
- 16 5. Instruction relating to child abuse.
- 17 6. The economics of the American system of free enterprise.
- 18 7. American Sign Language.
- 19 8. Environmental education.
- 20 9. Adult roles and responsibilities.

21 ➔ A course of study established for subsection 1 may include one or
22 more of the subjects listed in subsections 2 to 9, inclusive.

23 **Sec. 112.** NRS 389.019 is hereby amended to read as follows:

24 389.019 Except as otherwise provided in NRS 389.180, boards
25 of trustees of school districts in this State shall enforce in schools:

- 26 1. The standards of content and performance established by the
27 ~~{Council to Establish Academic Standards for Public Schools}~~
28 *Superintendent of Public Instruction* and the courses of study
29 related to those standards; and

- 30 2. The courses of study prescribed and adopted by the ~~{State~~
31 *Board.}* *Department.*

32 **Sec. 113.** NRS 389.045 is hereby amended to read as follows:

33 389.045 1. The ~~{State—Board}~~ *Department* shall prescribe, by
34 regulation, a course of study that is designed to assist pupils enrolled
35 in high school with passing the high school proficiency
36 examination. The course of study must:

37 (a) Be consistent with the statewide program to prepare pupils
38 for the high school proficiency examination established pursuant to
39 NRS 389.0175; and

40 (b) Ensure the security and confidentiality of the high school
41 proficiency examination in accordance with the plan for test security
42 adopted by the Department pursuant to NRS 389.616.

- 43 2. The board of trustees of each school district may offer the
44 course of study prescribed by the ~~{State—Board}~~ *Department*



1 pursuant to subsection 1 as an elective to pupils enrolled in high
2 school in the school district.

3 **Sec. 114.** NRS 389.090 is hereby amended to read as follows:

4 389.090 1. The ~~[State—Board]~~ **Department** shall adopt
5 regulations governing the establishment, conduct and scope of
6 automobile drivers' education in the public schools of this State.
7 The regulations must set forth, without limitation:

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

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

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

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

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

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

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

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

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

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

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

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

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

43 5. Automobile drivers' education must be provided by boards
44 of trustees of school districts and governing bodies of charter
45 schools in accordance with the regulations of the ~~[State—Board]~~



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1 **Department** and may not be duplicated by any other agency,
2 department, commission or officer of the State of Nevada.

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

6 (a) Motor vehicle insurance.

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

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

12 **Sec. 115.** NRS 389.155 is hereby amended to read as follows:

13 389.155 1. The ~~{State—Board}~~ **Department** shall, by
14 regulation, establish a program pursuant to which a pupil enrolled
15 full time in high school or a pupil who has been suspended or
16 expelled from a public school may complete any required or elective
17 course by independent study outside of the normal classroom
18 setting. A program of independent study provided pursuant to this
19 section may be offered through a program of distance education
20 pursuant to NRS 388.820 to 388.874, inclusive.

21 2. The regulations must require that:

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

24 (b) The pupil and teacher meet or otherwise communicate with
25 each other at least once each week during the course to discuss the
26 pupil's progress.

27 3. Except as otherwise provided in this subsection, the board of
28 trustees of a school district may, in accordance with the regulations
29 adopted pursuant to subsections 1 and 2, provide for independent
30 study by pupils:

31 (a) Enrolled full time in high schools in its district. A board of
32 trustees that chooses to allow such study may provide that:

33 (1) The pupils participating in the independent study be
34 given instruction individually or in a group.

35 (2) The independent study be offered during the regular
36 school day.

37 (b) Who have been suspended or expelled from a public school.
38 A program of independent study offered pursuant to this paragraph
39 must not allow a pupil to attend that public school during the period
40 of his suspension or expulsion.

41 **Sec. 116.** NRS 389.160 is hereby amended to read as follows:

42 389.160 1. A pupil enrolled in high school, including,
43 without limitation, a pupil enrolled in grade 9, 10, 11 or 12 in a
44 charter school, who successfully completes a course of education
45 offered by a community college or university in this State which has



1 been approved pursuant to subsection 2, must be allowed to apply
2 the credit received for the course so completed to the total number
3 of credits required for graduation from high school or the charter
4 school in which the pupil is enrolled.

5 2. With the approval of the ~~[State Board,]~~ *Department*, the
6 board of trustees of each county school district and the governing
7 body of each charter school shall prescribe the courses for which
8 credits may be received pursuant to subsection 1, including
9 occupational courses for academic credit, and the amount of credit
10 allowed for the completion of those courses.

11 **Sec. 117.** NRS 389.165 is hereby amended to read as follows:

12 389.165 1. A pupil enrolled in high school who successfully
13 completes a community service project which has been approved
14 pursuant to this section must be allowed to apply not more than one
15 credit received for the completion of the project toward the total
16 number of credits required for graduation from high school. The
17 credit must be applied toward the pupil's elective course credits and
18 not toward a course that is required for graduation from high school.
19 A pupil may not receive credit for the completion of a community
20 service project if the project duplicates a course of study in which
21 the pupil has received instruction.

22 2. With the approval of the ~~[State Board,]~~ *Department*, the
23 board of trustees of each school district shall prescribe for the
24 district the:

- 25 (a) Community service projects for which credit will be granted;
26 (b) Amount of credit which will be granted upon completion of
27 each project;
28 (c) Rules regarding how a pupil may apply for such credit upon
29 completion of a community service project; and
30 (d) Procedures for obtaining the consent of a parent or legal
31 guardian of a pupil before the pupil may participate in a community
32 service project for which credit will be granted.

33 **Sec. 118.** NRS 389.180 is hereby amended to read as follows:

34 389.180 1. The ~~[State Board]~~ *Department* shall, by
35 regulation, establish a course of study in occupational guidance and
36 counseling.

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

- 43 (a) Promote normal growth and development.
44 (b) Promote positive mental and physical health.



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

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

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

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

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

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

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

Sec. 119. NRS 389.500 is hereby amended to read as follows:

389.500 As used in NRS 389.500 to 389.570, inclusive, ~~["Council"]~~ *"Advisory Council"* means the *Advisory* Council ~~to Establish~~ *for* Academic Standards ~~for~~ *in the* Public Schools.

Sec. 120. NRS 389.510 is hereby amended to read as follows:

389.510 1. The *Advisory* Council ~~to Establish~~ *for* Academic Standards ~~for~~ *in the* Public Schools, consisting of ~~eight~~ *six* members, is hereby created ~~to~~ *to advise the Superintendent of Public Instruction.*

2. The membership of the *Advisory* Council consists of ~~four~~ *six*:

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

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

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

~~2. The Governor shall ensure that:~~ *Superintendent of Public Instruction as follows:*

(a) Two ~~of the members whom he appoints to the Council~~ *members who* are parents or legal guardians of pupils who attend public schools. These members must not otherwise be affiliated with the public school system of this State.

(b) Two ~~of the members whom he appoints to the Council~~ *members who* are licensed educational personnel.

(c) *Two members who are representatives of a private business or industry that may be affected by actions taken by the Advisory Council or the Superintendent in carrying out the provisions of NRS 389.500 to 389.570, inclusive.*



1 ➤ Insofar as practicable, the *Superintendent of Public Instruction*
2 *shall ensure that the* members whom he appoints to the *Advisory*
3 Council reflect the ethnic and geographical diversity of this State.

4 ~~[3.—The Majority Leader of the Senate and the Speaker of the~~
5 ~~Assembly shall each ensure that:~~

6 ~~—(a) One of the members whom he appoints to the Council is a~~
7 ~~member of the House of the Legislature to which he belongs.~~

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

11 ~~—4.]~~ 3. Each member of the *Advisory* Council must be a resident
12 of this State.

13 ~~[5.]~~ 4. After the initial terms, the term of each member of the
14 *Advisory* Council is 4 years. The ~~[person who appoints a member to~~
15 ~~the Council]~~ *Superintendent of Public Instruction* may remove
16 ~~[that]~~ a member if the member neglects his duty or commits
17 malfeasance in office, or for other just cause. A vacancy in the
18 membership of the *Advisory* Council must be filled *by the*
19 *Superintendent* for the remainder of the unexpired term . ~~[in the~~
20 ~~same manner as the original appointment.]~~ A member shall continue
21 to serve on the *Advisory* Council until his successor is appointed.

22 ~~[6.]~~ 5. The ~~[Governor]~~ *Superintendent of Public Instruction*
23 shall select a Chairman from among the membership of the
24 *Advisory* Council in accordance with this subsection. The
25 ~~[Governor]~~ *Superintendent* shall not select as Chairman a member
26 of the *Advisory* Council who is affiliated with the public school
27 system in this State, except that this subsection does not preclude
28 the ~~[Governor]~~ *Superintendent* from selecting a parent or legal
29 guardian of a pupil as Chairman if the parent or legal guardian is not
30 otherwise affiliated with the public school system in this State. Once
31 selected by the ~~[Governor,]~~ *Superintendent*, the Chairman holds
32 that office for 2 years.

33 ~~[7.—For each day or portion of a day during which a member of~~
34 ~~the Council who is a Legislator attends a meeting of the Council or~~
35 ~~is otherwise engaged in the work of the Council, except during a~~
36 ~~regular or special session of the Legislature, he is entitled to receive~~
37 ~~the:~~

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

40 ~~—(b) Per diem allowance provided for state officers and~~
41 ~~employees generally; and~~

42 ~~—(c) Travel expenses provided pursuant to NRS 218.2207.~~

43 ➤ ~~The compensation, per diem allowances and travel expenses of~~
44 ~~the legislative members of the Council must be paid from the~~
45 ~~Legislative Fund.~~



~~—8.]~~ 6. Members of the *Advisory* Council ~~[who are not Legislators]~~ serve without salary, but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 121. NRS 389.520 is hereby amended to read as follows:

389.520 1. The ~~[Council]~~ *Superintendent of Public Instruction* shall:

(a) Establish standards of content and performance, including, without limitation, a prescription of the resulting level of achievement, for the grade levels set forth in subsection 2, based upon the content of each course, that is expected of pupils for the following courses of study:

- (1) English, including reading, composition and writing;
- (2) Mathematics;
- (3) Science;
- (4) Social studies, which includes only the subjects of history, geography, economics and government;
- (5) The arts;
- (6) Computer education and technology;
- (7) Health; and
- (8) Physical education.

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

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

2. The ~~[Council]~~ *Superintendent of Public Instruction* shall establish standards of content and performance for each grade level in kindergarten and grades 1 to 8, inclusive, for English and mathematics. The ~~[Council]~~ *Superintendent* shall establish standards of content and performance for the grade levels selected by the ~~[Council]~~ *Superintendent* for the other courses of study prescribed in subsection 1.

3. The ~~[State Board]~~ *Department* shall adopt the standards of content and performance established by the ~~[Council]~~ *Superintendent of Public Instruction*.

4. *The Superintendent of Public Instruction shall consider the advice and recommendations of the Advisory Council in carrying out the provisions of this section.*

5. The ~~[Council shall work in cooperation with the State Board to]~~ *Department shall, upon the advice and recommendations of the*



Advisory Council, prescribe the examinations required by NRS 389.550.

Sec. 122. NRS 389.540 is hereby amended to read as follows:

389.540 The board of trustees of each school district shall conduct a periodic review of the courses of study offered in the public schools of the school district to determine whether the courses of study comply with the standards of content and performance established by the ~~{Council}~~ *Superintendent of Public Instruction* pursuant to NRS 389.520 and if revision of the courses of study is necessary to ensure compliance.

Sec. 123. NRS 389.550 is hereby amended to read as follows:

389.550 1. The ~~{State—Board}~~ *Department* shall, in consultation with the *Advisory Council*, prescribe examinations that comply with 20 U.S.C. § 6311(b)(3) and that measure the achievement and proficiency of pupils:

(a) For grades 3 ~~{, 4, 5, 6, 7 and}~~ to 8, *inclusive*, in the standards of content established by the ~~{Council}~~ *Superintendent of Public Instruction* for the subjects of English and mathematics.

(b) For grades 5 and 8, in the standards of content established by the ~~{Council}~~ *Superintendent of Public Instruction* for the subject of science.

➔ The examinations prescribed pursuant to this subsection must be written, developed, printed and scored by a nationally recognized testing company.

2. In addition to the examinations prescribed pursuant to subsection 1, the ~~{State—Board}~~ *Department* shall, in consultation with the *Advisory Council*, prescribe a writing examination for grades 5 and 8 and for the high school proficiency examination.

3. The board of trustees of each school district and the governing body of each charter school shall administer the examinations prescribed by the ~~{State—Board—}~~ *Department*. The examinations must be:

(a) Administered to pupils in each school district and each charter school at the same time during the spring semester, as prescribed by the ~~{State—Board—}~~ *Department*.

(b) Administered in each school in accordance with uniform procedures adopted by the ~~{State—Board—}~~ *Department*. The Department shall monitor the school districts and individual schools to ensure compliance with the uniform procedures.

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



- 1 (1) The plan adopted by the Department; and
- 2 (2) The plan adopted by the board of trustees of the
- 3 applicable school district, to the extent that the plan adopted by the
- 4 board of trustees of the school district is consistent with the plan
- 5 adopted by the Department.

6 **Sec. 124.** NRS 389.560 is hereby amended to read as follows:

7 389.560 1. The ~~{State—Board}~~ *Department* shall adopt

8 regulations that require the board of trustees of each school district

9 and the governing body of each charter school to submit to

10 the Superintendent of Public Instruction, the Department and the

11 *Advisory* Council, in the form and manner prescribed by the

12 Superintendent, the results of the examinations administered

13 pursuant to NRS 389.550. The ~~{State—Board}~~ *Department* shall not

14 include in the regulations any provision that would violate the

15 confidentiality of the test scores of an individual pupil.

16 2. The results of the examinations must be reported for each

17 school, including, without limitation, each charter school, school

18 district and this State, as follows:

19 (a) The percentage of pupils who have demonstrated

20 proficiency, as defined by the Department, and took the

21 examinations under regular testing conditions; and

22 (b) The percentage of pupils who have demonstrated

23 proficiency, as defined by the Department, and took the

24 examinations with modifications or accommodations, if such

25 reporting does not violate the confidentiality of the test scores of any

26 individual pupil.

27 3. Not later than 10 days after the Department receives the

28 results of the examinations, the Department shall transmit a copy of

29 the results to the ~~[Legislative Bureau of Educational Accountability~~

30 ~~and—Program—Evaluation]~~ *Fiscal Analysis Division of the*

31 *Legislative Counsel Bureau* in a manner that does not violate the

32 confidentiality of the test scores of any individual pupil.

33 4. On or before July 1 of each year, each school district and

34 each charter school shall report to the Department the following

35 information for each examination administered in the public schools

36 in the school district or charter school:

37 (a) The examination administered;

38 (b) The grade level or levels of pupils to whom the examination

39 was administered;

40 (c) The costs incurred by the school district or charter school in

41 administering each examination; and

42 (d) The purpose, if any, for which the results of the examination

43 are used by the school district or charter school.

44 ➔ On or before September 1 of each year, the Department shall

45 transmit to the Budget Division of the Department of



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1 Administration and the Fiscal Analysis Division of the Legislative
2 Counsel Bureau the information submitted to the Department
3 pursuant to this subsection.

4 5. The superintendent of schools of each school district and the
5 governing body of each charter school shall certify that the number
6 of pupils who took the examinations is equal to the number of pupils
7 who are enrolled in each school in the school district or in the
8 charter school who are required to take the examinations.

9 6. In addition to the information required by subsection 4, the
10 Superintendent of Public Instruction shall:

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

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

18 **Sec. 125.** NRS 389.570 is hereby amended to read as follows:

19 389.570 1. The *Advisory Council and the Superintendent of*
20 *Public Instruction* shall review the results of pupils on the
21 examinations administered pursuant to NRS 389.550, including,
22 without limitation, for each school in a school district and each
23 charter school that is located within a school district, a review of the
24 results for the current school year and a comparison of the progress,
25 if any, made by the pupils enrolled in the school from preceding
26 school years.

27 2. After the completion of the review pursuant to subsection 1,
28 the ~~{Council}~~ *Superintendent of Public Instruction* shall , *in*
29 *consultation with the Advisory Council*, evaluate:

30 (a) Whether the standards of content and performance
31 established by the ~~{Council}~~ *Superintendent* require revision; and

32 (b) The success of pupils, as measured by the results of the
33 examinations, in achieving the standards of performance established
34 by the ~~{Council}~~ *Superintendent*.

35 3. The ~~{Council}~~ *Superintendent of Public Instruction* shall
36 report the results of the evaluation conducted pursuant to subsection
37 2 to *the Advisory Council*, the State ~~{Board}~~ *Commission* and the
38 Legislative Committee on Education.

39 **Sec. 126.** NRS 389.620 is hereby amended to read as follows:

40 389.620 1. The board of trustees of each school district shall,
41 for each public school in the district, including, without limitation,
42 charter schools, adopt and enforce a plan setting forth procedures to
43 ensure the security of examinations.

44 2. A plan adopted pursuant to subsection 1 must include,
45 without limitation:



(a) Procedures pursuant to which pupils, school officials and other persons may, and are encouraged to, report irregularities in testing administration and testing security.

(b) Procedures necessary to ensure the security of test materials and the consistency of testing administration.

(c) With respect to secondary schools, procedures pursuant to which the school district or charter school, as appropriate, will verify the identity of pupils taking an examination.

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

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

3. A copy of each plan adopted pursuant to this section and the procedures set forth therein must be submitted on or before September 1 of each year to:

(a) The State ~~[Board; and]~~ *Commission;*

(b) *The Department; and*

(c) The Legislative Committee on Education, created pursuant to NRS 218.5352.

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

(a) Plan adopted pursuant to this section; and

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

5. As used in this section:

(a) "Examination" means:

(1) Achievement and proficiency examinations that are administered to pupils pursuant to NRS 389.015 or 389.550; and



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

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

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

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

(2) The disclosure of questions or answers to questions on an examination in a manner not otherwise approved by law; and

(3) Other breaches in the security or confidentiality of the questions or answers to questions on an examination.

Sec. 127. NRS 389.810 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

(a) Holds a general educational development credential or its equivalent; or

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

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



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

Sec. 128. NRS 390.140 is hereby amended to read as follows:

390.140 1. The ~~{State Board}~~ *Department* shall make the final selection of all textbooks to be used in the public schools in this State, except for charter schools. If a textbook proposed for selection is in a subject area for which standards of content have been established by the ~~{Council to Establish Academic Standards for Public Schools}~~ *Superintendent of Public Instruction* pursuant to NRS 389.520, the ~~{State Board}~~ *Department* shall not select the textbook unless the ~~{State Board}~~ *Department* determines that the textbook adequately supports the standards for that subject area.

2. A textbook must not be selected by the ~~{State Board}~~ *Department* pursuant to subsection 1 for use in the public schools in classes in literature, history or social sciences unless it accurately portrays the cultural and racial diversity of our society, including lessons on the contributions made to our society by men and women from various racial and ethnic backgrounds.

Sec. 129. NRS 390.160 is hereby amended to read as follows:

390.160 1. The ~~{State Board}~~ *Department* may make such contracts for the purchase and use of textbooks in the name of the State as it deems necessary for the interests of the public schools.

2. Contracts must:

(a) Set forth the introductory, exchange and retail price of each textbook, which must not exceed the lowest price the publisher has charged for the same textbook anywhere in the continental United States for similar quantities exclusive of shipping costs.

(b) Guarantee that there is no subversive or sectarian doctrine, as determined by the laws of Nevada and the United States, in any of the textbooks covered by the contract.

Sec. 130. NRS 390.220 is hereby amended to read as follows:

390.220 Boards of trustees of school districts in this State shall enforce in the public schools, excluding charter schools, the use of textbooks prescribed and adopted by the ~~{State Board}~~ *Department*.

Sec. 131. NRS 390.230 is hereby amended to read as follows:

390.230 1. Except as otherwise provided in subsection 2, the textbooks adopted by the ~~{State Board}~~ *Department* must be used in the public schools in this State, and no other books may be used as basic textbooks.

2. This section does not prohibit:

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



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

(c) After approval by the ~~{State Board,}~~ *Department*, the temporary use of textbooks for tryout purposes.

(d) A charter school from using textbooks other than those adopted for use by the ~~{State Board,}~~ *Department*.

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

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

Sec. 132. NRS 391.027 is hereby amended to read as follows:

391.027 1. The ~~{State Board,}~~ *Department* may disapprove any regulation adopted by the Commission if the regulation:

(a) Threatens the efficient operation of the public schools in this State; or

(b) Creates an undue financial hardship for any teacher, administrator or other educational personnel or any county school district.

2. A regulation shall be deemed approved if the ~~{State Board,}~~ *Department* does not disapprove the regulation within 90 days after it is adopted by the Commission.

Sec. 133. NRS 391.037 is hereby amended to read as follows:

391.037 1. The ~~{State Board,}~~ *Department* 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. Except for an applicant who submits an application for the issuance of a license pursuant to subparagraph (7) or (10) of paragraph (a) of subsection 1 of NRS 391.019, an 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,}~~ *Department* pursuant to subsection 1.

Sec. 134. NRS 391.038 is hereby amended to read as follows:

391.038 1. The ~~{State Board,}~~ *Department*, in consultation with educational institutions in this State which offer courses of



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

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

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

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

10 ➔ If the course of study and training meets the requirements
11 established by the ~~{State Board,}~~ *Department*, it must be approved
12 by the ~~{State Board,}~~ *Department*. The ~~{State Board}~~ *Department*
13 shall not approve a course of study or training unless the course of
14 study and training provides instruction, to the extent deemed
15 necessary by the ~~{State Board,}~~ *Department*, in the standards of
16 content and performance prescribed by the ~~{Council to Establish~~
17 ~~Academic Standards for Public Schools}~~ *Superintendent of Public*
18 *Instruction* pursuant to NRS 389.520.

19 2. The ~~{State Board}~~ *Department* may review and evaluate
20 such courses of study and training itself or may recognize a course
21 of study and training approved by a national agency for
22 accreditation acceptable to the ~~{Board,}~~ *Department*.

23 3. The ~~{State Board}~~ *Department* shall adopt regulations
24 establishing fees for the review by the ~~{Board}~~ *Department* of a
25 course of study and training submitted to the ~~{Board}~~ *Department*
26 by an educational institution.

27 4. The ~~{State Board,}~~ *Department*, in consultation with
28 educational institutions in this State which offer courses of study
29 and training for the education of teachers and other educational
30 personnel, and the Nevada Association of Colleges for Teacher
31 Education and the Nevada Association of Teacher Educators, shall
32 adopt regulations governing the approval by the ~~{State Board}~~
33 *Department* of courses of study and training which are accredited
34 by the National Council for Accreditation of Teacher Education, and
35 those which are not so accredited.

36 5. If the ~~{State Board}~~ *Department* denies or withdraws its
37 approval of a course of study or training, the educational institution
38 is entitled to a hearing and judicial review of the decision of the
39 ~~{State Board,}~~ *Department*.

40 **Sec. 135.** NRS 391.092 is hereby amended to read as follows:

41 391.092 1. The board of trustees of each school district:

42 (a) Shall establish a plan for the teachers and other licensed
43 educational personnel in the school district who teach or supervise
44 pupils in physical education; and



(b) May establish a plan for the teachers and other licensed educational personnel in the school district who teach or supervise pupils in courses of study or activities other than physical education which involve a high risk that cardiopulmonary resuscitation will need to be administered during the course of study or activity, to receive the training which is necessary for certification in the administration of cardiopulmonary resuscitation.

2. A plan established by the board of trustees pursuant to subsection 1 must:

(a) Comply with the guidelines established by the American National Red Cross or the American Heart Association for the certification of persons in the administration of cardiopulmonary resuscitation;

(b) Set forth the courses of study and activities offered at schools within the district other than physical education which involve a high risk that cardiopulmonary resuscitation will need to be administered during the course of study or activity, including, without limitation, laboratory sciences, vocational education, special education, competitive sports and the transportation of pupils; and

(c) Set forth an estimation of the time and resources necessary for all personnel of the district to obtain certification in the administration of cardiopulmonary resuscitation.

3. The board of trustees of each school district shall submit to the ~~[State Board]~~ *Department* any plan that it establishes pursuant to subsection 1.

4. A teacher or other person who:

(a) Is licensed pursuant to this chapter; and

(b) Teaches or supervises:

(1) Physical education; or

(2) A course of study or an activity that the board of trustees of the school district in which the person is employed has identified as involving a high risk that cardiopulmonary resuscitation will need to be administered during the course of study or activity and for which the board of trustees has established a plan pursuant to subsection 1,

shall establish and maintain current certification in the administration of cardiopulmonary resuscitation in accordance with the plan established by the board of trustees.

5. The board of trustees of a school district may enter into an agreement with a local fire department, a local law enforcement agency or a nonprofit organization to provide the training and certification required by the plan.

Sec. 136. NRS 391.094 is hereby amended to read as follows:

391.094 The ~~[State Board]~~ *Department* shall prescribe by regulation at least one examination for those paraprofessionals who



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1 desire to satisfy the requirements of 20 U.S.C. § 6319(c) by passing
2 an examination prescribed by this State. The regulations must
3 include the passing score required to demonstrate satisfaction of the
4 requirements of 20 U.S.C. § 6319(c).

5 **Sec. 137.** NRS 391.095 is hereby amended to read as follows:

6 391.095 1. A school district may enter into an agreement
7 with a branch of the Nevada System of Higher Education or an
8 accredited postsecondary educational institution which is licensed
9 by the Commission on Postsecondary Education and which offers
10 courses of study and training for the education of teachers which are
11 approved or recognized by the ~~{State-Board}~~ **Department** pursuant
12 to NRS 391.038, for the assignment of students for training
13 purposes as student teachers, counselors or trainees in a library, or
14 for experience in a teaching laboratory. Students so assigned within
15 the school district for training purposes may, under the direction and
16 supervision of a licensed teacher, instruct and supervise pupils in the
17 school, on the school grounds or on authorized field trips. The
18 students so assigned are employees of the school district for
19 purposes of NRS 41.038 and 41.039, while performing such
20 authorized duties, whether or not the duties are performed entirely in
21 the presence of the licensed teacher.

22 2. As used in this section:

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

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

26 **Sec. 138.** NRS 391.097 is hereby amended to read as follows:

27 391.097 1. Upon the request of a parent or legal guardian of a
28 pupil who is enrolled in a public school, the board of trustees of the
29 school district in which the school is located or the governing body
30 of the charter school, as applicable, shall provide to the parent or
31 guardian information regarding the professional qualifications of the
32 pupil's teachers. The ~~{State-Board}~~ **Department** shall prescribe the
33 time by which such information must be provided after receipt of
34 the request by the school district or charter school. The information
35 provided must include, without limitation:

36 (a) For each teacher who provides instruction to the pupil:

37 (1) Whether the teacher holds a license for the grade level
38 and subject area in which the teacher provides instruction;

39 (2) Whether the teacher is:

40 (I) Providing instruction pursuant to NRS 391.125;

41 (II) Providing instruction pursuant to a waiver of the
42 requirements for licensure for the grade level or subject area in
43 which the teacher is employed; or



(III) Otherwise providing instruction without an endorsement for the subject area in which the teacher is employed; and

(3) The degree held by the teacher and any other graduate certification or degree held by the teacher, including, without limitation, the field in which each degree or certification was obtained; and

(b) If a paraprofessional, as defined in NRS 391.008, provides services to the pupil, the qualifications of the paraprofessional.

2. At the beginning of each school year, the board of trustees of each school district and the governing body of each charter school shall provide written notice to the parents and guardians of each pupil enrolled in a school within the school district or enrolled in the charter school, as applicable, that a parent or guardian may request information pursuant to subsection 1. The ~~[State Board]~~ *Department* shall prescribe the date by which the notice required by this subsection must be provided.

3. The information required pursuant to subsection 1 and the notice required pursuant to subsection 2 must be provided in a uniform and understandable format and, to the extent practicable, in a language that parents and guardians can understand.

Sec. 139. NRS 391.098 is hereby amended to read as follows:

391.098 1. If a pupil enrolled in a Title I school or a school that is designated as needing improvement pursuant to NRS 385.3623:

(a) Is assigned to a teacher, as his regular classroom teacher, who is not highly qualified; or

(b) Has been taught for 4 consecutive weeks or more by a teacher who is not the pupil's regular classroom teacher and who is not highly qualified,

➤ the principal of the school or the administrative head of the charter school, as applicable, shall provide notice of that fact to the parent or legal guardian of the pupil.

2. The ~~[State Board]~~ *Department* shall prescribe the date on which the notice required by subsection 1 must be provided. The notice must be provided in a uniform and understandable format and, to the extent practicable, in a language that parents and guardians can understand.

3. As used in this section, "highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

Sec. 140. NRS 391.295 is hereby amended to read as follows:

391.295 A board of trustees of a school district may authorize the use of school buses to transport teachers, school administrators and other school employees to educational conferences convened by



1 the ~~[State Board of Education.]~~ *Superintendent of Public*
2 *Instruction.*

3 **Sec. 141.** NRS 391.3161 is hereby amended to read as
4 follows:

5 391.3161 1. Each request for the appointment of a person to
6 serve as a hearing officer must be submitted to the Superintendent of
7 Public Instruction.

8 2. Within 10 days after receipt of such a request, the
9 Superintendent of Public Instruction shall request that the Hearings
10 Division of the Department of Administration appoint a hearing
11 officer.

12 3. The ~~[State Board]~~ *Department* shall prescribe the
13 procedures for exercising challenges to a hearing officer, including,
14 without limitation, the number of challenges that may be exercised
15 and the time limits in which the challenges must be exercised.

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

19 5. This section does not preclude the employee and the
20 superintendent from mutually selecting an attorney who is a resident
21 of this State, an arbitrator provided by the American Arbitration
22 Association or a representative of an agency or organization that
23 provides alternative dispute resolution services to serve as a hearing
24 officer to conduct a particular hearing.

25 **Sec. 142.** NRS 391.3192 is hereby amended to read as
26 follows:

27 391.3192 1. As soon as possible after the time of his
28 designation, the hearing officer shall hold a hearing to determine
29 whether the grounds for the recommendation are substantiated.

30 2. The Superintendent of Public Instruction shall furnish the
31 hearing officer with any assistance which is reasonably required to
32 conduct the hearing, and the hearing officer may require witnesses
33 to give testimony under oath and produce evidence relevant to the
34 investigation.

35 3. The licensed employee and superintendent are entitled to be
36 heard, to be represented by an attorney and to call witnesses in their
37 behalf.

38 4. The hearing officer is entitled to be reimbursed for his
39 reasonable actual expenses.

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

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



7. The ~~{State Board}~~ Department 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. 143. NRS 391.320 is hereby amended to read as follows:

391.320 The ~~{State Board of Education}~~ Department may suspend or revoke the license of any teacher for any cause specified by law.

Sec. 144. NRS 391.321 is hereby amended to read as follows:

391.321 1. If the ~~{State Board}~~ Department receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license issued pursuant to this chapter, the ~~{State Board}~~ Department shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the ~~{State Board}~~ Department receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The ~~{State Board}~~ Department shall reinstate a license issued pursuant to this chapter that has been suspended by a district court pursuant to NRS 425.540 if the ~~{State Board}~~ Department receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 145. NRS 391.322 is hereby amended to read as follows:

391.322 1. If the board of trustees of a school district or the Superintendent of Public Instruction or his designee submits a recommendation to the ~~{State Board}~~ Department for the suspension or revocation of a license issued pursuant to this chapter, the ~~{State Board}~~ Department shall give written notice of the recommendation to the person to whom the license has been issued.

2. A notice given pursuant to subsection 1 must contain:

(a) A statement of the charge upon which the recommendation is based;

(b) A copy of the recommendation received by the ~~{State Board};~~ Department;

(c) A statement that the licensee is entitled to a hearing before a hearing officer if the licensee makes a written request for the hearing as provided by subsection 3; and



(d) A statement that the grounds and procedure for the suspension or revocation of a license are set forth in NRS 391.320 to 391.361, inclusive.

3. A licensee to whom notice has been given pursuant to this section may request a hearing before a hearing officer selected pursuant to subsection 4. Such a request must be in writing and must be filed with the Superintendent of Public Instruction within 15 days after receipt of the notice by the licensee.

4. Upon receipt of a request filed pursuant to subsection 3, the Superintendent of Public Instruction shall request from the Hearings Division of the Department of Administration a list of potential hearing officers. The licensee requesting a hearing and the Superintendent of Public Instruction shall select a person to serve as hearing officer from the list provided by the Hearings Division of the Department of Administration by alternately striking one name until the name of only one hearing officer remains. The Superintendent of Public Instruction shall strike the first name.

5. If no request for a hearing is filed within the time specified in subsection 3, the ~~{State-Board}~~ **Department** may suspend or revoke the license or take no action on the recommendation.

Sec. 146. NRS 391.323 is hereby amended to read as follows:

391.323 1. Within 30 days after his selection as hearing officer pursuant to NRS 391.322, a hearing officer shall conduct a hearing. Within 15 days after the conclusion of the hearing, the hearing officer shall prepare and file with the Superintendent of Public Instruction a report containing:

(a) A recommendation as to whether the license of the licensee should be suspended or revoked; and

(b) Findings of fact and conclusions of law which support the recommendation.

2. The ~~{State-Board}~~ **Department** may accept or reject the recommendation or refer the report back to the hearing officer for further evidence and recommendation, and shall notify the teacher, administrator or other licensed employee in writing of its decision. The decision of the ~~{State-Board}~~ **Department** is a final decision in a contested case.

Sec. 147. NRS 391.330 is hereby amended to read as follows:

391.330 The ~~{State-Board}~~ **Department** may suspend or revoke the license of any teacher, administrator or other licensed employee, after notice and an opportunity for hearing have been provided pursuant to NRS 391.322 and 391.323, for:

1. Immoral or unprofessional conduct.

2. Evident unfitness for service.

3. Physical or mental incapacity which renders the teacher, administrator or other licensed employee unfit for service.



- 1 4. Conviction of a felony or crime involving moral turpitude.
- 2 5. Conviction of a sex offense under NRS 200.366, 200.368,
- 3 201.190, 201.220, 201.230, 201.540 or 201.560 in which a pupil
- 4 enrolled in a school of a county school district was the victim.
- 5 6. Knowingly advocating the overthrow of the Federal
- 6 Government or of the State of Nevada by force, violence or
- 7 unlawful means.
- 8 7. Persistent defiance of or refusal to obey the regulations of
- 9 the ~~[State—Board,]~~ *Department*, the Commission or the
- 10 Superintendent of Public Instruction, defining and governing the
- 11 duties of teachers, administrators and other licensed employees.
- 12 8. Breaches in the security or confidentiality of the questions
- 13 and answers of the achievement and proficiency examinations that
- 14 are administered pursuant to NRS 389.015.
- 15 9. Intentional failure to observe and carry out the requirements
- 16 of a plan to ensure the security of examinations adopted pursuant to
- 17 NRS 389.616 or 389.620.
- 18 10. An intentional violation of NRS 388.5265 or 388.527.
- 19 **Sec. 148.** NRS 391.350 is hereby amended to read as follows:
- 20 391.350 1. Any teacher or other licensed employee employed
- 21 by any board for a specified time who willfully refuses or fails to
- 22 fulfill his employment obligations after he has notified the board of
- 23 his acceptance of employment under subsection 3 of NRS 391.3196
- 24 or subsection 2 of NRS 391.3197 or to comply with the provisions
- 25 of his contract after it has been signed without first obtaining the
- 26 written consent of the board may be found guilty of unprofessional
- 27 conduct. The board shall not unreasonably withhold its consent. Any
- 28 administrator who willfully secures the signature on a statement of
- 29 intent to accept employment of any teacher or other licensed
- 30 employee who has notified the board of another school district in
- 31 this State of his acceptance of employment is guilty of
- 32 unprofessional conduct, unless the employee has first obtained the
- 33 written consent of the board to which he has given notice of
- 34 acceptance. If the failure or refusal to comply with the provisions of
- 35 the contract is the result of having subsequently executed an
- 36 employment contract with another board in this State without the
- 37 written consent of the board first employing him, the second
- 38 contract is void.
- 39 2. Upon receiving a formal complaint from the board,
- 40 substantiated by conclusive evidence of a teacher's failure or refusal
- 41 under subsection 1 or that an administrator has willfully secured
- 42 such a signature, the ~~[State—Board]~~ *Department* may suspend or
- 43 revoke the license of the teacher or administrator after notice and
- 44 opportunity for a hearing have been provided pursuant to NRS
- 45 391.322 and 391.323.



3. The Superintendent of Public Instruction shall notify state agencies for education in other states of any revocation pursuant to this section.

Sec. 149. NRS 391.355 is hereby amended to read as follows:

391.355 1. The ~~{State Board}~~ *Department* shall adopt rules of procedure for the conduct of hearings conducted pursuant to NRS 391.323.

2. The rules of procedure must provide for boards of trustees of school districts or the Superintendent of Public Instruction or his designee to bring charges, when cause exists.

3. A hearing officer selected pursuant to NRS 391.322 shall, upon the request of a party, issue subpoenas to compel the attendance of witnesses and the production of books, records, documents or other pertinent information to be used as evidence in hearings conducted pursuant to NRS 391.323.

Sec. 150. NRS 391.361 is hereby amended to read as follows:

391.361 If charges are brought against a teacher, administrator or other educational personnel for the suspension or revocation of his license and the ~~{State Board of Education}~~ *Department* determines that there is not sufficient evidence to suspend or revoke the license, the complaint and any related documents must not be made a part of that person's permanent employment record.

Sec. 151. NRS 391.512 is hereby amended to read as follows:

391.512 1. There are hereby created ~~{the Southern Nevada Regional Training Program, the Western Nevada Regional Training Program, the Northeastern Nevada Regional Training Program and the Northwestern Nevada Regional Training Program.}~~ *four regional training programs in this State.* The governing body of each regional training program shall establish and operate a:

(a) Regional training program for the professional development of teachers and administrators.

(b) Nevada Early Literacy Intervention Program through the regional training program established pursuant to paragraph (a).

2. ~~{Except as otherwise provided in subsection 6, the Southern Nevada Regional Training Program}~~ *The Superintendent of Public Instruction shall establish the geographical boundaries of each regional training program, which* must primarily provide services to teachers and administrators who are employed by school districts ~~fin:~~

- ~~—(a) Clark County;~~
- ~~—(b) Esmeralda County;~~
- ~~—(c) Lincoln County; and~~
- ~~—(d) Nye County.~~

~~3. Except as otherwise provided in subsection 6, the Western Nevada Regional Training Program must primarily provide services~~



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~~to teachers and administrators who are employed by school districts in:~~

- ~~—(a) Carson City;~~
- ~~—(b) Churchill County;~~
- ~~—(c) Douglas County;~~
- ~~—(d) Lyon County; and~~
- ~~—(e) Mineral County.~~

~~4. Except as otherwise provided in subsection 6, the Northeastern Nevada Regional Training Program must primarily provide services to teachers and administrators who are employed by school districts in:~~

- ~~—(a) Elko County;~~
- ~~—(b) Eureka County;~~
- ~~—(c) Lander County;~~
- ~~—(d) Humboldt County; and~~
- ~~—(e) White Pine County.~~

~~5. Except as otherwise provided in subsection 6, the Northwestern Nevada Regional Training Program must primarily provide services to teachers and administrators who are employed by school districts in:~~

- ~~—(a) Pershing County;~~
- ~~—(b) Storey County; and~~
- ~~—(c) Washoe County.~~

~~6.]~~ *which are located within the geographical boundaries established by the Superintendent.* Each regional training program shall, when practicable, make reasonable accommodations for the attendance of teachers and administrators who are employed by school districts outside the primary jurisdiction of the regional training program.

~~[7.]~~ **3.** The *Superintendent of Public Instruction shall determine which* board of trustees ~~[of the:~~

~~—(a) Clark County School District] of a school district located within each regional training program shall serve as the fiscal agent for [the Southern Nevada Regional Training Program.~~

~~—(b) Douglas County School District shall serve as the fiscal agent for the Western Nevada Regional Training Program.~~

~~—(c) Elko County School District shall serve as the fiscal agent for the Northeastern Nevada Regional Training Program.~~

~~—(d) Washoe County School District shall serve as the fiscal agent for the Northwestern Nevada Regional Training Program.]~~

that regional training program. As fiscal agent, each school district is responsible for the payment, collection and holding of all money received from this State for the maintenance and support of the regional training program and Nevada Early Intervention Program established and operated by the applicable governing body.



Sec. 152. NRS 391.544 is hereby amended to read as follows:

391.544 1. Based upon the assessment of needs for training within the region and priorities of training adopted by the governing body pursuant to NRS 391.540, each regional training program must provide:

(a) Training for teachers in the standards established by the ~~[Council to Establish Academic Standards for Public Schools]~~ *Superintendent of Public Instruction* pursuant to NRS 389.520.

(b) Through the Nevada Early Literacy Intervention Program established for the regional training program, training for teachers who teach kindergarten and grades 1, 2 or 3 on methods to teach fundamental reading skills, including, without limitation:

- (1) Phonemic awareness;
- (2) Phonics;
- (3) Vocabulary;
- (4) Fluency;
- (5) Comprehension; and
- (6) Motivation.

(c) At least one of the following types of training:

(1) Training for teachers and school administrators in the assessment and measurement of pupil achievement and the effective methods to analyze the test results and scores of pupils to improve the achievement and proficiency of pupils.

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

(3) In addition to the training provided pursuant to paragraph (b) of subsection 1, training for teachers in the methods to teach basic skills to pupils, such as providing instruction in reading with the use of phonics and providing instruction in basic skills of mathematics computation.

2. The training required pursuant to subsection 1 must:

(a) Include the activities set forth in 20 U.S.C. § 7801(34), as deemed appropriate by the governing body for the type of training offered.

(b) Include appropriate procedures to ensure follow-up training for teachers and administrators who have received training through the program.

(c) Incorporate training that addresses the educational needs of:

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

(2) Pupils who are limited English proficient.



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3. The governing body of each regional training program shall prepare and maintain a list that identifies programs for the professional development of teachers and administrators that successfully incorporate:

(a) The standards of content and performance established by the ~~[Council to Establish Academic Standards for Public Schools]~~ *Superintendent of Public Instruction* pursuant to NRS 389.520;

(b) Fundamental reading skills; and

(c) Other training listed in subsection 1.

➔ The governing body shall provide a copy of the list on an annual basis to school districts for dissemination to teachers and administrators.

4. A regional training program may include model classrooms that demonstrate the use of educational technology for teaching and learning.

5. A regional training program may contract with the board of trustees of a school district that is served by the regional training program as set forth in NRS 391.512 to provide professional development to the teachers and administrators employed by the school district that is in addition to the training required by this section. Any training provided pursuant to this subsection must include the activities set forth in 20 U.S.C. § 7801(34), as deemed appropriate by the governing body for the type of training offered.

6. To the extent money is available from legislative appropriation or otherwise, a regional training program may provide training to paraprofessionals.

Sec. 153. NRS 391.552 is hereby amended to read as follows:

391.552 The governing body of each regional training program shall:

1. Establish a method for the evaluation of the success of the regional training program, including, without limitation, the Nevada Early Literacy Intervention Program. The method must be consistent with the uniform procedures adopted by the Statewide Council pursuant to NRS 391.520.

2. On or before September 1 of each year, submit an annual report to the State ~~[Board,]~~ *Commission, the Department and the Commission* ~~[, the Legislative Committee on Education and the Legislative Bureau of Educational Accountability and Program Evaluation]~~ *on Professional Standards in Education* that includes:

(a) The priorities for training adopted by the governing body pursuant to NRS 391.540.

(b) The type of training offered through the program in the immediately preceding year.

(c) The number of teachers and administrators who received training through the program in the immediately preceding year.



(d) The number of paraprofessionals, if any, who received training through the program in the immediately preceding year.

(e) An evaluation of the success of the program, including, without limitation, the Nevada Early Literacy Intervention Program, in accordance with the method established pursuant to subsection 1.

(f) A description of the gifts and grants, if any, received by the governing body in the immediately preceding year and the gifts and grants, if any, received by the Statewide Council during the immediately preceding year on behalf of the regional training program. The description must include the manner in which the gifts and grants were expended.

(g) The 5-year plan for the program prepared pursuant to NRS 391.540 and any revisions to the plan made by the governing body in the immediately preceding year.

Sec. 154. NRS 391.556 is hereby amended to read as follows:

391.556 The board of trustees of each school district shall submit an annual report to the State ~~[Board,]~~ *Commission, the Department and* the Commission ~~[, the Legislative Committee on Education and the Legislative Bureau of Educational Accountability and Program Evaluation]~~ *on Professional Standards in Education* that includes for the immediately preceding year:

1. The number of teachers and administrators employed by the school district who received training through the program; and

2. An evaluation of whether that training included the standards of content and performance established by the ~~[Council to Establish Academic Standards for Public Schools]~~ *Superintendent of Public Instruction* pursuant to NRS 389.520.

Sec. 155. NRS 391.632 is hereby amended to read as follows:

391.632 1. If any reprisal or retaliatory action is taken against a school official who discloses information concerning irregularities in testing administration or testing security within 2 years after the information is disclosed, the school official may file a written appeal with the ~~[State Board]~~ *Department* for a hearing on the matter and determination of whether the action taken was a reprisal or retaliatory action. The written appeal must be accompanied by a statement that sets forth with particularity:

(a) The facts and circumstances pursuant to which the disclosure of information concerning irregularities in testing administration or testing security was made; and

(b) The reprisal or retaliatory action that is alleged to have been taken against the school official.

➔ The hearing must be conducted in accordance with the rules of procedure adopted by the ~~[State Board]~~ *Department* pursuant to subsection 4.



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2. If the ~~{State-Board}~~ *Department* determines that the action taken was a reprisal or retaliatory action, it may issue an order directing the proper person to desist and refrain from engaging in such action.

3. The ~~{State-Board}~~ *Department* may not rule against the school official based on the identity of the person or persons to whom the information concerning irregularities in testing administration or testing security was disclosed.

4. The ~~{State-Board}~~ *Department* shall adopt rules of procedure for conducting a hearing pursuant to this section.

Sec. 156. NRS 391.636 is hereby amended to read as follows:

391.636 1. During any stage of an investigation or hearing concerning allegations of reprisal or retaliatory action, the ~~{State-Board}~~ *Department* may issue a subpoena to compel the attendance or testimony of a witness or the production of any relevant materials, including, but not limited to, books, papers, documents, records, photographs, recordings, reports and tangible objects.

2. If a witness refuses to attend, testify or produce materials as required by the subpoena, the ~~{State-Board}~~ *Department* may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of attendance or testimony of the witness or the production of materials;

(b) The witness has been subpoenaed by the ~~{State-Board}~~ *Department* pursuant to this section; and

(c) The witness has failed or refused to attend, testify or produce materials as required by the subpoena before the ~~{State-Board,}~~ *Department*, or has refused to answer questions propounded to him, and asking for an order of the court compelling the witness to attend, testify or produce materials before the ~~{State-Board,}~~ *Department*.

3. Upon receipt of such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why he has not attended, testified or produced materials before the ~~{State-Board,}~~ *Department*. A certified copy of the order must be served upon the witness.

4. If it appears to the court that the subpoena was regularly issued by the ~~{State-Board,}~~ *Department*, the court shall enter an order that the witness appear before the ~~{State-Board}~~ *Department* at a time and place fixed in the order and testify or produce materials, and that upon failure to obey the order the witness must be dealt with as for contempt of court.



1 **Sec. 157.** NRS 392.017 is hereby amended to read as follows:
2 392.017 The ~~[State Board]~~ **Department** shall adopt regulations
3 to carry out the provisions of 20 U.S.C. § 7912 concerning the
4 choice that must be offered to a pupil to attend another public
5 school, including, without limitation, a charter school, if the pupil is
6 enrolled in a persistently dangerous school or is the victim of a
7 violent offense while at school or on the grounds of the school in
8 which he is enrolled. The regulations must include the criteria for
9 identifying a school as persistently dangerous.

10 **Sec. 158.** NRS 392.029 is hereby amended to read as follows:
11 392.029 1. If a parent or legal guardian of a pupil requests
12 the education records of the pupil, a public school shall comply with
13 the provisions of 20 U.S.C. § 1232g(a) and 34 C.F.R. Part 99.

14 2. If a parent or legal guardian of a pupil reviews the education
15 records of the pupil and requests an amendment or other change to
16 the education records, a public school shall comply with the
17 provisions of 20 U.S.C. § 1232g(a) and 34 C.F.R. Part 99.

18 3. Except as otherwise provided in 20 U.S.C. § 1232g(b), a
19 public school shall not release the education records of a pupil to a
20 person, agency or organization without the written consent of the
21 parent or legal guardian of the pupil.

22 4. If a public school administers a program which includes a
23 survey, analysis or evaluation that is designed to elicit the
24 information described in 20 U.S.C. § 1232h, it must comply with
25 the provisions of that section.

26 5. A right accorded to a parent or legal guardian of a pupil
27 pursuant to the provisions of this section devolves upon the pupil on
28 the date on which he attains the age of 18 years.

29 6. A public school shall, at least annually, provide to each pupil
30 who is at least 18 years of age and to a parent or legal guardian of
31 each pupil who is not at least 18 years of age, written notice of his
32 rights pursuant to this section.

33 7. The provisions of this section:

34 (a) Are intended to ensure that each public school complies with
35 the provisions of 20 U.S.C. §§ 1232g and 1232h;

36 (b) Must, to the extent possible, be construed in a manner that is
37 consistent with 20 U.S.C. §§ 1232g and 1232h, and the regulations
38 adopted pursuant thereto;

39 (c) Apply to a public school regardless of whether the school
40 receives money from the Federal Government; and

41 (d) Do not impair any right, obligation or prohibition established
42 pursuant to chapter 432B of NRS.

43 8. The ~~[State Board]~~ **Department** may adopt such regulations
44 as are necessary to ensure that public schools comply with the
45 provisions of this section.



9. As used in this section, unless the context otherwise requires, "education records" has the meaning ascribed to it in 20 U.S.C. § 1232g(a)(4).

Sec. 159. NRS 392.033 is hereby amended to read as follows:

392.033 1. The ~~{State Board}~~ **Department** shall adopt regulations which prescribe the courses of study required for promotion to high school, which may include the credits to be earned.

2. The board of trustees of a school district shall not promote a pupil to high school if the pupil does not complete the course of study or credits required for promotion. The board of trustees of the school district in which the pupil is enrolled may provide programs to complete the courses of study required for promotion to high school.

3. The board of trustees of each school district shall adopt a procedure for evaluating the course of study or credits completed by a pupil who transfers to a junior high or middle school from a junior high or middle school in this State or from a school outside of this State.

Sec. 160. NRS 392.070 is hereby amended to read as follows:

392.070 1. Attendance required by the provisions of NRS 392.040 must be excused when satisfactory written evidence is presented to the board of trustees of the school district in which the child resides that the child is receiving at home or in some other school equivalent instruction of the kind and amount approved by the ~~{State Board}~~ **Department**.

2. The board of trustees of each school district shall provide programs of special education and related services for homeschooled children. The programs of special education and related services required by this section must be made available:

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

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

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

3. Except as otherwise provided in subsection 2 for programs of special education and related services, upon the request of a parent or legal guardian of a child who is enrolled in a private school or a parent or legal guardian of a homeschooled child, the



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1 board of trustees of the school district in which the child resides
2 shall authorize the child to participate in a class that is not available
3 to the child at the private school or home school or to participate in
4 an extracurricular activity, excluding sports, at a public school
5 within the school district if:

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

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

11 ➔ If the board of trustees of a school district authorizes a child to
12 participate in a class or extracurricular activity, excluding sports,
13 pursuant to this subsection, the board of trustees is not required to
14 provide transportation for the child to attend the class or activity. A
15 homeschooled child must be allowed to participate in interscholastic
16 activities and events governed by an association pursuant to NRS
17 386.420 to 386.470, inclusive, and interscholastic activities and
18 events, including sports, pursuant to subsection 5.

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

27 5. In addition to those interscholastic activities and events
28 governed by an association pursuant to NRS 386.420 to 386.470,
29 inclusive, homeschooled children must be allowed to participate in
30 interscholastic activities and events, including sports. A
31 homeschooled child who participates in interscholastic activities and
32 events at a public school pursuant to this subsection must participate
33 within the school district of the child's residence through the public
34 school which the child is otherwise zoned to attend. Any rules or
35 regulations that apply to pupils enrolled in public schools who
36 participate in interscholastic activities and events, including sports,
37 apply in the same manner to homeschooled children who participate
38 in interscholastic activities and events, including, without limitation,
39 provisions governing:

- 40 (a) Eligibility and qualifications for participation;
41 (b) Fees for participation;
42 (c) Insurance;
43 (d) Transportation;
44 (e) Requirements of physical examination;
45 (f) Responsibilities of participants;



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- (g) Schedules of events;
- (h) Safety and welfare of participants;
- (i) Eligibility for awards, trophies and medals;
- (j) Conduct of behavior and performance of participants; and
- (k) Disciplinary procedures.

6. If a homeschooled child participates in interscholastic activities and events pursuant to subsection 5:

(a) No challenge may be brought by an association, a school district, a public school or a private school, a parent or guardian of a pupil enrolled in a public school or a private school, a pupil enrolled in a public school or a private school, or any other entity or person claiming that an interscholastic activity or event is invalid because the homeschooled child is allowed to participate.

(b) Neither the school district nor a public school may prescribe any regulations, rules, policies, procedures or requirements governing the eligibility or participation of the homeschooled child that are more restrictive than the provisions governing the eligibility and participation of pupils enrolled in public schools.

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

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

9. As used in this section, "related services" has the meaning ascribed to it in 20 U.S.C. § 1401(22).

Sec. 161. NRS 392.300 is hereby amended to read as follows:

392.300 1. As provided in this title, the board of trustees of any school district may furnish transportation for all resident children of school age in the school district attending a public school, including pupils assigned to special schools or programs pursuant to NRS 388.440 to 388.520, inclusive:

(a) Who are not excused from school attendance by the provisions of this title; and

(b) Who reside within the school district at such a distance from the school as to make transportation necessary and desirable.

2. When the board of trustees of a school district whose population is less than 100,000 furnishes transportation for pupils attending public schools pursuant to subsection 1, the board may also provide transportation for all resident children of school age in the school district attending private schools not operated for profit, over bus routes established for pupils attending public schools. If such transportation is provided, the pupils attending such private schools must be transported, if space is available, to and from the



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1 points on the established routes nearest to the schools which they
2 attend.

3 3. The board of trustees of any school district may:

4 (a) Establish bus routes.

5 (b) Make regulations governing the conduct of pupils while
6 being transported.

7 (c) For the safety of pupils being transported, govern the
8 conduct of drivers by making and enforcing regulations not
9 inconsistent with *the* regulations of the ~~[State Board of Education]~~
10 *Department* or with ~~[law.]~~ *other laws.*

11 **Sec. 162.** NRS 392.320 is hereby amended to read as follows:

12 392.320 1. As used in this section, "vehicles" means the
13 school buses, station wagons, automobiles and other motor or
14 mechanically propelled vehicles required by the school district for
15 the transportation of pupils.

16 2. The board of trustees of a school district shall use
17 transportation funds of the school district for:

18 (a) The purchase, rent, hire and use of vehicles, and for
19 necessary equipment, supplies and articles therefor.

20 (b) Necessary repairs of vehicles to keep them in safe and
21 workable condition.

22 (c) The employment and compensation of capable and reliable
23 drivers of vehicles and other employees necessary for the
24 transportation of pupils and other authorized persons.

25 (d) Insuring vehicles owned, rented, hired, used or operated by
26 or under the direction or supervision of the board of trustees. Such
27 insurance shall:

28 (1) Be of such an amount as the board of trustees may be
29 able to obtain and the regulations of the ~~[State Board of Education]~~
30 *Department* require as sufficient to protect the board of trustees, the
31 pupils being transported, and their parents, guardians or legal
32 representatives from loss or damage resulting from acts covered by
33 the insurance.

34 (2) Especially insure against loss and damage resulting from
35 or on account of injury or death of any pupil being transported,
36 caused by collision or any accident during the operation of any such
37 vehicle.

38 **Sec. 163.** NRS 392.330 is hereby amended to read as follows:

39 392.330 1. In addition to the purposes authorized by NRS
40 392.320, a board of trustees may use transportation funds of the
41 school district for:

42 (a) Arranging and paying for transportation, in accordance with
43 subsection 2, by motor vehicles or otherwise, by contract or such
44 other arrangement as the board of trustees finds most economical,



expedient and feasible and for the best interests of the school district.

(b) Purchasing tickets at reduced rates for the transportation of pupils, including, without limitation, homeless pupils, on public buses for use by pupils enrolled in middle school, junior high school and high school to travel to and from school.

2. Transportation may be arranged and contracted for by a board of trustees with:

(a) Any railroad company holding a certificate of public convenience and necessity issued by the Public Utilities Commission of Nevada or bus company or other licensed common carrier holding a certificate of public convenience and necessity issued by the Transportation Services Authority.

(b) The owners and operators of private automobiles or other private motor vehicles, including parents of pupils who attend school and are entitled to transportation. When required by the board of trustees, every such private automobile or other private motor vehicle regularly transporting pupils must be insured in the amount required by regulation of the ~~[State Board]~~ **Department** against the loss and damage described in subsection 2 of NRS 392.320.

Sec. 164. 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 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.]~~ **Department.**

Sec. 165. NRS 392.360 is hereby amended to read as follows:

392.360 1. A board of trustees of a school district may permit school buses or vehicles belonging to the school district to be used for the transportation of public school pupils to and from:



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- (a) Interscholastic contests;
- (b) School festivals; or
- (c) Other activities properly a part of a school program.

2. In addition to the use of school buses and vehicles authorized pursuant to subsection 1, the board of trustees of a school district may permit school buses and vehicles belonging to the school district to be used for the transportation of children to and from:

(a) Programs for the supervision of children before and after school; and

(b) Other programs or activities that the board of trustees deems appropriate,

↪ regardless of whether such programs or activities are part of a school program.

3. The use of school buses or vehicles belonging to the school district for the purposes enumerated in subsections 1 and 2 is governed by regulations made by the board of trustees, which must not conflict with regulations of the ~~[State Board.]~~ **Department.** Proper supervision for each vehicle so used must be furnished by school authorities, and each school bus must be operated by a driver qualified under the provisions of NRS 392.300 to 392.410, inclusive.

4. A driver shall not operate a vehicle for the purposes enumerated in subsections 1 and 2 for more than 10 hours in a 15-hour period. The time spent operating, inspecting, loading, unloading, repairing and servicing the vehicle and waiting for passengers must be included in determining the 15-hour period. After 10 hours of operating a vehicle, the driver must rest for 10 hours before he again operates a vehicle for such purposes.

5. ~~[Before January 1, 1984, the State Board]~~ **The Department** shall adopt regulations to carry out the provisions of subsection 4.

Sec. 166. NRS 392.380 is hereby amended to read as follows:

392.380 1. No person may be employed by a board of trustees of a school district as a driver of a school bus, station wagon, automobile or other motor vehicle, or mechanically or self-propelled vehicle of any kind which transports pupils to and from school or any other place in connection with school activities unless:

(a) He is of good, reputable and sober character.

(b) He is competent and qualified by experience and disposition to operate the particular type of vehicle in a safe and dependable manner.

(c) He is licensed under the laws of this State to operate the particular type of vehicle.

2. Each driver of a school bus or a bus used to transport pupils for extracurricular activities must complete a training course



1 approved by the ~~{State Board of Education}~~ *Department* which
2 includes at least 10 hours of training while operating the vehicle,
3 and 10 hours of training in:

- 4 (a) The responsibilities of drivers;
- 5 (b) The requirements for drivers of school vehicles;
- 6 (c) The laws affecting the operation of a school bus or a vehicle
7 belonging to a school district;
- 8 (d) Defensive driving;
- 9 (e) Emergency procedures; and
- 10 (f) First aid.

11 3. Each driver must pass a written test each year approved by
12 the Superintendent of Public Instruction and administered by the
13 local school district.

14 4. A board of trustees may employ a pupil attending a school
15 under the supervision of the board as a driver when he possesses the
16 qualifications stated in subsection 1 and his guardian or parents first
17 consent to his employment. The board of trustees may arrange or
18 contract, in writing, with the pupil, and with his parents or guardian
19 if he is under the age of 18 years, for his services as a driver upon
20 such terms, conditions and provisions and for such compensation as
21 the board deems most economical and for the best interests of the
22 school district, pupils and other persons.

23 5. ~~{Before January 1, 1984, the State Board of Education}~~ *The*
24 *Department* shall adopt regulations to carry out the provisions of
25 this section.

26 **Sec. 167.** NRS 392.400 is hereby amended to read as follows:

27 392.400 1. All vehicles used in the transportation of pupils
28 must be:

- 29 (a) In good condition and state of repair.
- 30 (b) Well equipped, and must contain sufficient room and seats
31 so that the driver and each pupil being transported have a seat inside
32 the vehicle. Each pupil shall remain seated when the vehicle is in
33 motion.

34 (c) Inspected semiannually by the Department of Public Safety
35 to ensure that the vehicles are mechanically safe and meet the
36 minimum specifications established by the ~~{State Board.}~~
37 *Department of Education*. The Department of Public Safety shall
38 make written recommendations to the superintendent of schools of
39 the school district wherein any such vehicle is operating for the
40 correction of any defects discovered thereby.

41 2. If the superintendent of schools fails or refuses to take
42 appropriate action to have the defects corrected within 10 days after
43 receiving notice of them from the Department of Public Safety, he is
44 guilty of a misdemeanor, and upon conviction thereof may be
45 removed from office.



3. Except as otherwise provided in subsection 4, all vehicles used for transporting pupils must meet the specifications established by regulation of the ~~[State Board]~~ *Department of Education*.

4. Any bus which is purchased and used by a school district to transport pupils to and from extracurricular activities is exempt from the specifications adopted by the ~~[State Board]~~ *Department of Education* if the bus meets the federal safety standards for motor vehicles which were applicable at the time the bus was manufactured and delivered for introduction in interstate commerce.

5. Any person violating any of the requirements of this section is guilty of a misdemeanor.

Sec. 168. NRS 392.410 is hereby amended to read as follows:

392.410 1. Except as otherwise provided in this subsection, every school bus operated for the transportation of pupils to or from school must be equipped with:

(a) A system of flashing red lights of a type approved by the ~~[State Board]~~ *Department* and installed at the expense of the school district or operator. Except as otherwise provided in subsection 2, the driver shall operate this signal:

(1) When the bus is stopped to unload pupils.

(2) When the bus is stopped to load pupils.

(3) In times of emergency or accident, when appropriate.

(b) A mechanical device, attached to the front of the bus which, when extended, causes persons to walk around the device. The device must be approved by the ~~[State Board]~~ *Department* and installed at the expense of the school district or operator. The driver shall operate the device when the bus is stopped to load or unload pupils. The installation of such a mechanical device is not required for a school bus which is used solely to transport pupils with special needs who are individually loaded and unloaded in a manner which does not require them to walk in front of the bus. The provisions of this paragraph do not prohibit a school district from upgrading or replacing such a mechanical device with a more efficient and effective device that is approved by the ~~[State Board]~~ *Department*.

2. A driver may stop to load and unload pupils in a designated area without operating the system of flashing red lights required by subsection 1 if the designated area:

(a) Has been designated by a school district and approved by the Department;

(b) Is of sufficient depth and length to provide space for the bus to park at least 8 feet off the traveled portion of the roadway;

(c) Is not within an intersection of roadways;

(d) Contains ample space between the exit door of the bus and the parking area to allow safe exit from the bus;



(e) Is located so as to allow the bus to reenter the traffic from its parked position without creating a traffic hazard; and

(f) Is located so as to allow pupils to enter and exit the bus without crossing the roadway.

3. In addition to the equipment required by subsection 1 and except as otherwise provided in subsection 4 of NRS 392.400, each school bus must be equipped and identified as required by the regulations of the ~~[State Board]~~ *Department*.

4. The agents and employees of the Department of Motor Vehicles shall inspect school buses to determine whether the provisions of this section concerning equipment and identification of the school buses have been complied with, and shall report any violations discovered to the superintendent of schools of the school district wherein the vehicles are operating.

5. If the superintendent of schools fails or refuses to take appropriate action to correct any such violation within 10 days after receiving notice of it from the Department of Motor Vehicles, he is guilty of a misdemeanor, and upon conviction must be removed from office.

6. Any person who violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 169. NRS 392.457 is hereby amended to read as follows:

392.457 1. The ~~[State Board]~~ *Department* shall, in consultation with the boards of trustees of school districts, educational personnel, local associations and organizations of parents whose children are enrolled in public schools throughout this State and individual parents and legal guardians whose children are enrolled in public schools throughout this State, adopt a policy to encourage effective involvement by parents and families in support of their children and the education of their children. The policy adopted by the ~~[State Board]~~ *Department* must be considered when the ~~[Board]~~ *Department*:

(a) Consults with the boards of trustees of school districts in the adoption of policies pursuant to subsection 3; and

(b) Interacts with school districts, public schools, educational personnel, parents and legal guardians of pupils, and members of the general public in carrying out its duties pursuant to this title.

2. The policy adopted by the ~~[State Board]~~ *Department* pursuant to subsection 1 must include the following elements and goals:

(a) Promotion of regular, two-way, meaningful communication between home and school.

(b) Promotion and support of responsible parenting.

(c) Recognition of the fact that parents and families play an integral role in assisting their children to learn.



(d) Promotion of a safe and open atmosphere for parents and families to visit the school that their children attend and active solicitation of parental and familial support and assistance for school programs.

(e) Inclusion of parents as full partners in decisions affecting their children and families.

(f) Availability of community resources to strengthen and promote school programs, family practices and the achievement of pupils.

3. The board of trustees of each school district shall, in consultation with the ~~{State-Board,}~~ *Department*, educational personnel, local associations and organizations of parents whose children are enrolled in public schools of the school district and individual parents and legal guardians whose children are enrolled in public schools of the school district, adopt policies to encourage effective involvement by parents and families in support of their children and the education of their children. The policies adopted pursuant to this subsection must:

(a) Be consistent, to the extent applicable, with the policy adopted by the ~~{State-Board}~~ *Department* pursuant to subsection 1;

(b) Include the elements and goals specified in subsection 2; and

(c) Comply with the parental involvement policy required by the federal No Child Left Behind Act of 2001, as set forth in 20 U.S.C. § 6318.

4. The ~~{State-Board}~~ *Department* and the board of trustees of each school district shall, at least once each year, review and amend their respective policies as necessary.

Sec. 170. NRS 392.4575 is hereby amended to read as follows:

392.4575 1. The Department shall prescribe a form for educational involvement accords to be used by all public schools in this State. The educational involvement accord must comply with the parental involvement policy:

(a) Required by the federal No Child Left Behind Act of 2001, as set forth in 20 U.S.C. § 6318.

(b) Adopted by the ~~{State-Board}~~ *Department* pursuant to NRS 392.457.

2. Each educational involvement accord must include, without limitation:

(a) A description of how the parent or legal guardian will be involved in the education of the pupil, including, without limitation:

(1) Reading to the pupil, as applicable for the grade or reading level of the pupil;

(2) Reviewing and checking the pupil's homework; and



(3) Contributing 5 hours of time each school year, including, without limitation, by attending school-related activities, parent-teacher association meetings, parent-teacher conferences, volunteering at the school and chaperoning school-sponsored activities.

(b) The responsibilities of a pupil in a public school, including, without limitation:

(1) Reading each day before or after school, as applicable for the grade or reading level of the pupil;

(2) Using all school equipment and property appropriately and safely;

(3) Following the directions of any adult member of the staff of the school;

(4) Completing and submitting homework in a timely manner; and

(5) Respecting himself, others and all property.

(c) The responsibilities of a public school and the administrators, teachers and other personnel employed at a school, including, without limitation:

(1) Ensuring that each pupil is provided proper instruction, supervision and interaction;

(2) Maximizing the educational and social experience of each pupil;

(3) Carrying out the professional responsibility of educators to seek the best interest of each pupil; and

(4) Making staff available to the parents and legal guardians of pupils to discuss the concerns of parents and legal guardians regarding the pupils.

3. Each educational involvement accord must be accompanied by, without limitation:

(a) Information describing how the parent or legal guardian may contact the pupil's teacher and the principal of the school in which the pupil is enrolled;

(b) The curriculum of the course or standards for the grade in which the pupil is enrolled, as applicable, including, without limitation, a calendar that indicates the dates of major examinations and the due dates of significant projects, if those dates are known by the teacher at the time that the information is distributed;

(c) The homework and grading policies of the pupil's teacher or school;

(d) Directions for finding resource materials for the course or grade in which the pupil is enrolled, as applicable;

(e) Suggestions for parents and legal guardians to assist pupils in their schoolwork at home;



(f) The dates of scheduled conferences between teachers or administrators and the parents or legal guardians of the pupil;

(g) The manner in which reports of the pupil's progress will be delivered to the parent or legal guardian and how a parent or legal guardian may request a report of progress;

(h) The classroom rules and policies;

(i) The dress code of the school, if any;

(j) The availability of assistance to parents who have limited proficiency in the English language;

(k) Information describing the availability of free and reduced-price meals, including, without limitation, information regarding school breakfast, school lunch and summer meal programs;

(l) Opportunities for parents and legal guardians to become involved in the education of their children and to volunteer for the school or class; and

(m) The code of honor relating to cheating prescribed pursuant to NRS 392.461.

4. The board of trustees of each school district shall adopt a policy providing for the development and distribution of the educational involvement accord. The policy adopted by a board of trustees must require each classroom teacher to:

(a) Distribute the educational involvement accord to the parent or legal guardian of each pupil in his class at the beginning of each school year or upon a pupil's enrollment in the class, as applicable; and

(b) Provide the parent or legal guardian with a reasonable opportunity to sign the educational involvement accord.

5. Except as otherwise provided in this subsection, the board of trustees of each school district shall ensure that the form prescribed by the Department is used for the educational involvement accord of each public school in the school district. The board of trustees of a school district may authorize the use of an expanded form that contains additions to the form prescribed by the Department if the basic information contained in the expanded form complies with the form prescribed by the Department.

6. The Department and the board of trustees of each school district shall, at least once each year, review and amend their respective educational involvement accords.

Sec. 171. NRS 392.466 is hereby amended to read as follows:

392.466 1. Except as otherwise provided in this section, any pupil who commits a battery which results in the bodily injury of an employee of the school or who sells or distributes any controlled substance while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be suspended or expelled from that school, although he



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1 may be placed in another kind of school, for at least a period equal
2 to one semester for that school. For a second occurrence, the pupil
3 must be permanently expelled from that school and:

4 (a) Receive equivalent instruction authorized by the ~~[State~~
5 ~~Board]~~ **Department** pursuant to subsection 1 of NRS 392.070; or

6 (b) Enroll in a program of independent study provided pursuant
7 to paragraph (b) of subsection 3 of NRS 389.155 or a program of
8 distance education provided pursuant to NRS 388.820 to 388.874,
9 inclusive, if he qualifies for enrollment and is accepted for
10 enrollment in accordance with the applicable requirements.

11 2. Except as otherwise provided in this section, any pupil who
12 is found in possession of a firearm or a dangerous weapon while on
13 the premises of any public school, at an activity sponsored by a
14 public school or on any school bus must, for the first occurrence, be
15 expelled from the school for a period of not less than 1 year,
16 although he may be placed in another kind of school for a period not
17 to exceed the period of the expulsion. For a second occurrence, the
18 pupil must be permanently expelled from the school and:

19 (a) Receive equivalent instruction authorized by the ~~[State~~
20 ~~Board]~~ **Department** pursuant to subsection 1 of NRS 392.070; or

21 (b) Enroll in a program of independent study provided pursuant
22 to paragraph (b) of subsection 3 of NRS 389.155 or a program of
23 distance education provided pursuant to NRS 388.820 to 388.874,
24 inclusive, if he qualifies for enrollment and is accepted for
25 enrollment in accordance with the applicable requirements.

26 ➤ The superintendent of schools of a school district may, for good
27 cause shown in a particular case in that school district, allow a
28 modification to the expulsion requirement of this subsection if such
29 modification is set forth in writing.

30 3. Except as otherwise provided in this section, if a pupil is
31 deemed a habitual disciplinary problem pursuant to NRS 392.4655,
32 the pupil must be suspended or expelled from the school for a period
33 equal to at least one semester for that school. For the period of his
34 suspension or expulsion, the pupil must:

35 (a) Receive equivalent instruction authorized by the ~~[State~~
36 ~~Board]~~ **Department** pursuant to subsection 1 of NRS 392.070; or

37 (b) Enroll in a program of independent study provided pursuant
38 to paragraph (b) of subsection 3 of NRS 389.155 or a program of
39 distance education provided pursuant to NRS 388.820 to 388.874,
40 inclusive, if he qualifies for enrollment and is accepted for
41 enrollment in accordance with the applicable requirements.

42 4. This section does not prohibit a pupil from having in his
43 possession a knife or firearm with the approval of the principal of
44 the school. A principal may grant such approval only in accordance



1 with the policies or regulations adopted by the board of trustees of
2 the school district.

3 5. Any pupil in grades 1 to 6, inclusive, except a pupil who has
4 been found to have possessed a firearm in violation of subsection 2,
5 may be suspended from school or permanently expelled from school
6 pursuant to this section only after the board of trustees of the school
7 district has reviewed the circumstances and approved this action in
8 accordance with the procedural policy adopted by the board for such
9 issues.

10 6. A pupil who is participating in a program of special
11 education pursuant to NRS 388.520, other than a pupil who is gifted
12 and talented, may, in accordance with the procedural policy adopted
13 by the board of trustees of the school district for such matters, be:

14 (a) Suspended from school pursuant to this section for not more
15 than 10 days. Such a suspension may be imposed pursuant to
16 this paragraph for each occurrence of conduct proscribed by
17 subsection 1.

18 (b) Suspended from school for more than 10 days or
19 permanently expelled from school pursuant to this section only after
20 the board of trustees of the school district has reviewed the
21 circumstances and determined that the action is in compliance with
22 the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400
23 et seq.

24 7. As used in this section:

25 (a) "Battery" has the meaning ascribed to it in paragraph (a) of
26 subsection 1 of NRS 200.481.

27 (b) "Dangerous weapon" includes, without limitation, a
28 blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk
29 or dagger, a nunchaku, switchblade knife or trefoil, as defined in
30 NRS 202.350, a butterfly knife or any other knife described in NRS
31 202.350, or any other object which is used, or threatened to be used,
32 in such a manner and under such circumstances as to pose a threat
33 of, or cause, bodily injury to a person.

34 (c) "Firearm" includes, without limitation, any pistol, revolver,
35 shotgun, explosive substance or device, and any other item included
36 within the definition of a "firearm" in 18 U.S.C. § 921, as that
37 section existed on July 1, 1995.

38 8. The provisions of this section do not prohibit a pupil who is
39 suspended or expelled from enrolling in a charter school that is
40 designed exclusively for the enrollment of pupils with disciplinary
41 problems if he is accepted for enrollment by the charter school
42 pursuant to NRS 386.580. Upon request, the governing body of a
43 charter school must be provided with access to the records of the
44 pupil relating to his suspension or expulsion in accordance with



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1 applicable federal and state law before the governing body makes a
2 decision concerning the enrollment of the pupil.

3 **Sec. 172.** NRS 392.624 is hereby amended to read as follows:

4 392.624 1. Each development committee shall, at least once
5 each year, review and update as appropriate the plan that it
6 developed pursuant to NRS 392.620, and provide an updated copy
7 of the plan to the board of trustees of the school district that
8 established the committee or the governing body of the charter
9 school that established the committee.

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

12 (a) Post a notice of the completion of each review and update
13 that its development committee performs pursuant to subsection 1 at
14 each school in its school district or at its charter school;

15 (b) Post a copy of NRS 392.600 to 392.656, inclusive, at each
16 school in its school district or at its charter school;

17 (c) Retain a copy of each plan developed pursuant to NRS
18 392.620, each plan updated pursuant to subsection 1 and each
19 deviation approved pursuant to NRS 392.636;

20 (d) Provide a copy of each plan developed pursuant to NRS
21 392.620 and each plan updated pursuant to subsection 1 to:

22 (1) The State ~~[Board;]~~ *Commission;*

23 (2) *The Department;*

24 (3) Each local law enforcement agency in the county in
25 which the school district or charter school is located; and

26 ~~[(3)]~~ (4) The Division of Emergency Management of the
27 Department of Public Safety;

28 (e) Upon request, provide a copy of each plan developed
29 pursuant to NRS 392.620 and each plan updated pursuant to
30 subsection 1 to a local agency that is included in the plan and to an
31 employee of a school who is included in the plan;

32 (f) Upon request, provide a copy of each deviation approved
33 pursuant to NRS 392.636 to:

34 (1) The State ~~[Board;]~~ *Commission;*

35 (2) *The Department;*

36 (3) A local law enforcement agency in the county in which
37 the school district or charter school is located;

38 ~~[(3)]~~ (4) The Division of Emergency Management of the
39 Department of Public Safety;

40 ~~[(4)]~~ (5) A local agency that is included in the plan; and

41 ~~[(5)]~~ (6) An employee of a school who is included in the
42 plan; and

43 (g) At least once each year, provide training in responding to a
44 crisis to each employee of the school district or of the charter



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1 school, including, without limitation, training concerning drills for
2 evacuating and securing schools.

3 3. The board of trustees of each school district and the
4 governing body of each charter school may apply for and accept
5 gifts, grants and contributions from any public or private source to
6 carry out the provisions of NRS 392.600 to 392.656, inclusive.

7 **Sec. 173.** NRS 392.640 is hereby amended to read as follows:

8 392.640 1. The ~~{State-Board}~~ **Department** shall, with
9 assistance from other state agencies, including, without limitation,
10 the Division of Emergency Management, the Investigation Division,
11 and the Nevada Highway Patrol of the Department of Public Safety,
12 develop a plan for the management of a crisis that involves a public
13 school, including, without limitation, a charter school, or a private
14 school and that requires immediate action. The plan must include,
15 without limitation, a procedure for coordinating the resources of
16 local, state and federal agencies, officers and employees, as
17 appropriate. In developing the plan, the ~~{State-Board}~~ **Department**
18 shall consider the plans to respond to crises developed pursuant to
19 NRS 392.620 and 394.1687 and updated pursuant to NRS 392.624
20 and 394.1688.

21 2. The ~~{State-Board}~~ **Department** may disseminate to any
22 appropriate local, state or federal agency, officer or employee, as the
23 ~~{State-Board}~~ **Department** determines is necessary:

24 (a) The plan developed by the ~~{State-Board}~~ **Department**
25 pursuant to subsection 1;

26 (b) A plan developed pursuant to NRS 392.620 or updated
27 pursuant to NRS 392.624;

28 (c) A plan developed pursuant to NRS 394.1687 or updated
29 pursuant to NRS 394.1688; and

30 (d) A deviation approved pursuant to NRS 392.636 or 394.1692.

31 **Sec. 174.** NRS 392.644 is hereby amended to read as follows:

32 392.644 1. The ~~{State-Board}~~ **Department** shall adopt
33 regulations setting forth requirements for:

34 (a) The plan required to be developed pursuant to NRS 392.620;
35 and

36 (b) Reviewing and approving a deviation pursuant to
37 NRS 392.636.

38 2. The regulations adopted pursuant to this section must
39 include, without limitation, requirements concerning training and
40 practice in procedures for responding to a crisis.

41 **Sec. 175.** NRS 392.656 is hereby amended to read as follows:

42 392.656 The provisions of chapter 241 of NRS do not apply to
43 a meeting of:

44 1. A development committee;

45 2. A school committee; or



3. The ~~[State Board]~~ *Department* if the meeting concerns a regulation adopted pursuant to NRS 392.644 or the plan developed pursuant to NRS 392.640.

Sec. 176. NRS 392A.100 is hereby amended to read as follows:

392A.100 1. A university school for profoundly gifted pupils shall determine the eligibility of a pupil for admission to the school based upon a comprehensive assessment of the pupil's potential for academic and intellectual achievement at the school, including, without limitation, intellectual and academic ability, motivation, emotional maturity and readiness for the environment of an accelerated educational program. The assessment must be conducted by a broad-based committee of professionals in the field of education.

2. A person who wishes to apply for admission to a university school for profoundly gifted pupils must:

(a) Submit to the governing body of the school:

(1) A completed application;

(2) Evidence that he possesses advanced intellectual and academic ability, including, without limitation, proof that he scored in the 99.9th percentile or above on achievement and aptitude tests such as the Scholastic Aptitude Test and the American College Test;

(3) At least three letters of recommendation from teachers or mentors familiar with the academic and intellectual ability of the applicant; and

(4) A transcript from each school previously attended by the applicant.

(b) If requested by the governing body of the school, participate in an on-campus interview.

3. The curriculum developed for pupils in a university school for profoundly gifted pupils must provide exposure to the subject areas required of pupils enrolled in other public schools.

4. The Superintendent of Public Instruction shall, upon recommendation of the governing body, issue a high school diploma to a pupil who is enrolled in a university school for profoundly gifted pupils if that pupil successfully passes the high school proficiency examination and the courses in American government and American history as required by NRS 389.020 and 389.030, and successfully completes any requirements established by the ~~[State Board of Education]~~ *Department* for graduation from high school.

5. On or before March 1 of each odd-numbered year, the governing body of a university school for profoundly gifted pupils shall prepare and submit to the Superintendent of Public Instruction, the president of the university where the university school for profoundly gifted pupils is located, the State ~~[Board]~~ *Commission*,



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1 *the Department* and the Director of the Legislative Counsel Bureau
2 a report that contains information regarding the school, including,
3 without limitation, the process used by the school to identify and
4 recruit profoundly gifted pupils from diverse backgrounds and with
5 diverse talents, and data assessing the success of the school in
6 meeting the educational needs of its pupils.

7 **Sec. 177.** NRS 393.170 is hereby amended to read as follows:

8 393.170 1. The board of trustees of a school district shall
9 purchase all new library books and supplies, all new textbooks and
10 supplementary schoolbooks which are necessary and have been
11 approved by the ~~[State Board of Education.]~~ *Department*, and
12 school supplies necessary to carry out the mandates of the school
13 curriculum to be used by the pupils of the school district. The cost
14 of the books and supplies is a legal charge against the school district
15 fund.

16 2. All books purchased by the board of trustees must be held as
17 property of the school district, and must be loaned to the pupils of
18 the school in the school district while pursuing a course of study
19 therein.

20 3. The parents and guardians of pupils are responsible for all
21 books and any and all other material or equipment loaned to the
22 children in their charge, and shall pay to the clerk of the board of
23 trustees, or to any other person authorized by the board to receive
24 the same, the full purchase price of all such books, material or
25 equipment destroyed, lost or so damaged as to make them unfit for
26 use by other pupils succeeding to their classes. The board of trustees
27 shall establish reasonable rules and regulations governing the care
28 and custody of such school property, and for the payment of fines
29 for damage thereto.

30 4. Equipment and materials for use in manual training,
31 industrial training and teaching domestic science may be supplied to
32 the pupils in the same manner, out of the same fund, and on the
33 same terms and conditions as books. No private ownership may be
34 acquired in such equipment or material, unless sold in the manner
35 prescribed by law when such equipment or material are no longer
36 used or required for the schools of the school district.

37 5. Authorized supplementary books and desk books for the use
38 of teachers must be purchased under NRS 393.160 to 393.210,
39 inclusive, and remain the property of the school district for which
40 they were purchased, unless sold in accordance with the provisions
41 of this chapter.

42 6. The clerk of the board of trustees shall turn over to the
43 county treasurer, within 30 days after receiving it, all money,
44 collected under the provisions of this section, and the money must
45 be credited to the school district fund.



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7. Any person violating any of the provisions of this section is guilty of a misdemeanor.

Sec. 178. NRS 394.011 is hereby amended to read as follows:

394.011 "Agent's permit" means a nontransferable written authorization issued to a natural person by the ~~{Board}~~ Department or Commission which allows that person to solicit or enroll any resident of this State for education in a private elementary, secondary or postsecondary educational institution.

Sec. 179. NRS 394.075 is hereby amended to read as follows:

394.075 "License" means the written authorization of the ~~{Board}~~ Department or Commission to operate or to contract to operate a private elementary, secondary or postsecondary educational institution.

Sec. 180. NRS 394.125 is hereby amended to read as follows:

394.125 It is the policy of this State to encourage and enable its residents to receive an education commensurate with their respective talents and desires. The Legislature recognizes that privately owned institutions offering elementary, secondary and postsecondary education and vocational and professional instruction perform a necessary service to the residents of this State. It is the purpose of this chapter to provide for the protection, education and welfare of the residents of the State of Nevada, its educational, vocational and professional institutions, and its students, by:

1. Establishing minimum standards concerning quality of education, ethical and business practices, health and safety, and fiscal responsibility, to protect against substandard, transient, unethical, deceptive or fraudulent institutions and practices;

2. Prohibiting the granting of false or misleading educational credentials;

3. Prohibiting the use or attempted use of false or misleading degrees and honorary degrees and the use or attempted use of degrees and honorary degrees in a false or misleading manner;

4. Regulating the use of academic terminology in naming or otherwise designating educational institutions;

5. Prohibiting misleading literature, advertising, solicitation or representation by educational institutions or their agents;

6. Providing for the preservation of essential academic records; and

7. Providing certain rights and remedies to the consuming public, ~~and~~ the Commission and the ~~{Board}~~ Department necessary to effectuate the purposes of this chapter.

Sec. 181. NRS 394.130 is hereby amended to read as follows:

394.130 1. In order to secure uniform and standard work for pupils in private schools in this State, instruction in the subjects required by law for pupils in the public schools shall be required of



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1 pupils receiving instruction in such private schools, either under the
2 regular state courses of study prescribed by the ~~[State Board of~~
3 ~~Education]~~ *Department* or under courses of study prepared by such
4 private schools and approved by the ~~[State Board of Education.]~~
5 *Department.*

6 2. Such private schools shall be required to furnish from time
7 to time such reports as the Superintendent of Public Instruction may
8 find necessary as to enrollment, attendance and general progress
9 within such schools.

10 3. Nothing in this section shall be so construed as:

11 (a) To interfere with the right of the proper authorities having
12 charge of private schools to give religious instruction to the pupils
13 enrolled therein.

14 (b) To give such private schools any right to share in the public
15 school funds apportioned for the support of the public schools of
16 this State.

17 **Sec. 182.** NRS 394.1688 is hereby amended to read as
18 follows:

19 394.1688 1. Each development committee shall, at least once
20 each year, review and update as appropriate the plan that it
21 developed pursuant to NRS 394.1687, and provide an updated copy
22 of the plan to the governing body of the school.

23 2. The governing body of each private school shall:

24 (a) Post a notice of the completion of each review and update
25 that its development committee performs pursuant to subsection 1 at
26 the school;

27 (b) Post a copy of NRS 392.640 and 394.168 to 394.1699,
28 inclusive, at the school;

29 (c) Retain a copy of each plan developed pursuant to NRS
30 394.1687, each plan updated pursuant to subsection 1 and each
31 deviation approved pursuant to NRS 394.1692;

32 (d) Provide a copy of each plan developed pursuant to NRS
33 394.1687 and each plan updated pursuant to subsection 1 to:

34 (1) The ~~[Board;]~~ *Department;*

35 (2) Each local law enforcement agency in the county in
36 which the school is located; and

37 (3) The Division of Emergency Management of the
38 Department of Public Safety;

39 (e) Upon request, provide a copy of each plan developed
40 pursuant to NRS 394.1687 and each plan updated pursuant to
41 subsection 1 to a local agency that is included in the plan and to an
42 employee of the school who is included in the plan;

43 (f) Upon request, provide a copy of each deviation approved
44 pursuant to NRS 394.1692 to:

45 (1) The ~~[Board;]~~ *Department;*



(2) A local law enforcement agency in the county in which the school is located;

(3) The Division of Emergency Management of the Department of Public Safety;

(4) A local agency that is included in the plan; and

(5) An employee of the school who is included in the plan; and

(g) At least once each year, provide training in responding to a crisis to each employee of the school, including, without limitation, training concerning drills for evacuating and securing the school.

Sec. 183. NRS 394.1694 is hereby amended to read as follows:

394.1694 1. The ~~Board~~ Department shall adopt regulations setting forth requirements for:

(a) The plan required to be developed pursuant to NRS 394.1687; and

(b) Reviewing and approving a deviation pursuant to NRS 394.1692.

2. The regulations adopted pursuant to this section must include, without limitation, requirements concerning training and practice in procedures for responding to a crisis.

Sec. 184. NRS 394.1699 is hereby amended to read as follows:

394.1699 The provisions of chapter 241 of NRS do not apply to a meeting of:

1. A development committee;

2. A school committee; or

3. The ~~Board~~ Department if the meeting concerns a regulation adopted pursuant to NRS 394.1694.

Sec. 185. NRS 394.175 is hereby amended to read as follows:

394.175 1. Any private elementary or secondary school in this State may establish a program of information about missing children for pupils, parents and other members of the community.

2. The Attorney General and the ~~State Board of Education~~ Department shall distribute at no charge to the private school any materials they have that will assist in the establishment of such a program.

Sec. 186. NRS 394.211 is hereby amended to read as follows:

394.211 1. The following persons and educational institutions are exempt from the provisions of the Private Elementary and Secondary Education Authorization Act:

(a) Institutions exclusively offering instruction at any level of postsecondary education.

(b) Institutions maintained by the State or any of its political subdivisions and supported by public funds.



(c) Institutions exclusively offering religious or sectarian studies.

(d) Elementary and secondary educational institutions operated by churches, religious organizations and faith-based ministries.

(e) Institutions licensed by the Commission.

(f) Institutions operated by or under the direct administrative supervision of the Federal Government.

(g) Natural persons who instruct pupils in their homes or in the pupils' own homes, if this is not the only instruction those pupils receive.

(h) Fraternal or benevolent institutions offering instruction to their members or their immediate relatives, if the instruction is not operated for profit.

(i) Institutions offering instruction solely in avocational and recreational areas.

(j) Institutions or school systems in operation before July 1, 1975, as to courses of study approved by the ~~Board~~ Department pursuant to NRS 394.130, but those institutions or school systems are not exempt as to substantial changes in their nature or purpose on or after that date. The official literature of an institution or school system describing the nature and purpose of the institution or school system as of June 30, 1975, is prima facie evidence of the nature and purpose on that date for the purposes of this chapter.

2. Each person or educational institution claiming an exemption pursuant to the provisions of subsection 1 must file with the ~~Board~~ Department the exemption upon forms provided by the Department or in a letter containing the required information and signed by the person claiming the exemption or the person in charge of the educational institution claiming the exemption. The exemption expires 2 years after the last day of the calendar month in which the filing is made. The filing of a renewal of the exemption must be made not less than 60 days before the exemption expires.

3. Before a child enrolls in an institution that is exempt pursuant to this section, the institution shall provide written notice to the parents or legal guardian of the child that the institution is exempt from the Private Elementary and Secondary Education Authorization Act.

Sec. 187. NRS 394.221 is hereby amended to read as follows:

394.221 1. The ~~Board~~ Department shall:

(a) Adopt regulations governing the administration of the Private Elementary and Secondary Education Authorization Act.

(b) Establish minimum criteria, in conformity with NRS 394.241, which applicants for a license or agent's permit must meet before a license or permit is issued. The criteria must be sufficient to effectuate the purposes of the Private Elementary and Secondary



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1 Education Authorization Act but not unreasonably hinder legitimate
2 educational innovation.

3 2. The Superintendent shall administer the provisions of the
4 Private Elementary and Secondary Education Authorization Act in
5 accordance with the regulations of the ~~{Board-}~~ *Department*. He
6 shall:

7 (a) Receive, investigate as necessary and act upon applications
8 for licenses and agents' permits.

9 (b) Maintain a list of agents and private elementary and
10 secondary education institutions authorized to operate in this State.
11 The list shall be available for the information of the public.

12 **Sec. 188.** NRS 394.231 is hereby amended to read as follows:

13 394.231 The Superintendent may:

14 1. Request from any other department, division, board, bureau,
15 commission or other agency of the State, and the latter agency shall
16 provide, any information which it possesses that will enable the
17 Superintendent to exercise properly his powers and perform his
18 duties under the Private Elementary and Secondary Education
19 Authorization Act.

20 2. ~~{With the approval of the Board, negotiate}~~ *Negotiate* and
21 enter into interstate reciprocity agreements with similar agencies in
22 other states, if in his judgment such agreements are or will be
23 helpful in effectuating the purposes of the Private Elementary and
24 Secondary Education Authorization Act, but nothing contained in
25 any such reciprocity agreement may limit the powers, duties and
26 responsibilities of the Superintendent independently to investigate or
27 act upon any application for a license to operate or any application
28 for renewal of a license to operate an elementary or secondary
29 educational institution, or an application for issuance or renewal of
30 any agent's permit, or to enforce any provision of the Private
31 Elementary and Secondary Education Authorization Act, or any
32 regulations promulgated under it.

33 3. Investigate, on his own initiative or in response to any
34 complaint lodged with him, any person subject to, or reasonably
35 believed by the Superintendent to be subject to, his jurisdiction, and
36 in connection with an investigation:

37 (a) Subpoena any persons, books, records or documents
38 pertaining to the investigation;

39 (b) Require answers in writing under oath to questions
40 propounded by the Superintendent; and

41 (c) Administer an oath or affirmation to any person.

42 ➔ A subpoena issued by the Superintendent may be enforced by
43 any district court of this State.

44 4. Exercise other powers implied but not enumerated in this
45 section but in conformity with the provisions of the Private



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1 Elementary and Secondary Education Authorization Act which are
2 necessary in order to carry out its provisions.

3 **Sec. 189.** NRS 394.241 is hereby amended to read as follows:

4 394.241 1. An elementary or secondary educational
5 institution must be maintained and operated, or a new institution
6 must demonstrate that it can be maintained and operated, in
7 compliance with the following minimum standards:

8 (a) The quality and content of each course of instruction,
9 training or study reasonably and adequately achieve the stated
10 objective for which the course or program is offered.

11 (b) The institution has adequate space, equipment, instructional
12 materials and personnel to provide education of good quality.

13 (c) The education and experience qualifications of directors,
14 administrators, supervisors and instructors reasonably ensure that
15 the students will receive education consistent with the objectives of
16 the course or program of study.

17 (d) The institution provides pupils and other interested persons
18 with a catalog or brochure containing information describing the
19 grades or programs offered, program objectives, length of school
20 year or program, schedule of tuition, fees and all other charges and
21 expenses necessary for completion of the course of study,
22 cancellation and refund policies, and such other material facts
23 concerning the institution as are reasonably likely to affect the
24 decision of the parents or pupil to enroll in the institution, together
25 with any other disclosures specified by the Superintendent or
26 defined in the regulations of the ~~Board,~~ *Department*, and the
27 information is provided to parents or prospective pupils before
28 enrollment.

29 (e) Upon satisfactory completion of training or instruction, the
30 pupil is given appropriate educational credentials by the institution
31 indicating that the course of instruction or study has been
32 satisfactorily completed.

33 (f) Adequate records are maintained by the institution to show
34 attendance, progress and performance.

35 (g) The institution is maintained and operated in compliance
36 with all pertinent ordinances and laws, including regulations
37 adopted relative to the safety and health of all persons upon the
38 premises.

39 (h) The institution is financially sound and capable of fulfilling
40 its commitments.

41 (i) Neither the institution nor its agents engage in advertising,
42 sales, collection, credit or other practices of any type which are
43 false, deceptive, misleading or unfair.



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(j) The chief executive officer, trustees, directors, owners, administrators, supervisors, staff, instructors and agents are of good reputation and character.

(k) The pupil housing owned, maintained or approved by the institution, if any, is appropriate, safe and adequate.

(l) The institution has a fair and equitable cancellation and refund policy.

2. Accreditation by national or regional accrediting agencies recognized by the United States Department of Education may be accepted as evidence of compliance with the minimum standards established pursuant to this section. Accreditation by a recognized, specialized accrediting agency may be accepted as evidence of such compliance only as to the portion or program of an institution accredited by the agency if the institution as a whole is not accredited.

Sec. 190. NRS 394.245 is hereby amended to read as follows:

394.245 The Superintendent shall cause an inspection of each elementary or secondary educational institution to be conducted at least every 2 years to ensure that the institution:

1. Is operated in accordance with the provisions of all laws, regulations and ordinances relating to the health and safety of persons on the premises.

2. Is maintaining the records required by the regulations of the ~~Board~~ Department relating to administrators, supervisors, instructors and other educational personnel.

3. Has in force the insurance coverage required by the regulations of the ~~Board~~ Department.

Sec. 191. NRS 394.251 is hereby amended to read as follows:

394.251 1. Each elementary or secondary educational institution desiring to operate in this State must apply to the Superintendent upon forms provided by the Department. The application must be accompanied by the catalog or brochure published or proposed to be published by the institution. The application must also be accompanied by evidence of the required surety bond or certificate of deposit and payment of the fees required by law.

2. After review of the application and any further information required by the Superintendent, and an investigation of the applicant if necessary, the ~~Board~~ Department shall either grant or deny a license to operate to the applicant.

3. The license must state in a clear and conspicuous manner at least the following information:

(a) The date of issuance, effective date and term of the license.

(b) The correct name and address of the institution licensed to operate.



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1 (c) The authority for approval and conditions of operation.
2 (d) Any limitation of the authorization, as considered necessary
3 by the ~~{Board.}~~ Department.

4 4. Except as otherwise provided in this subsection, the term for
5 which authorization is given must not exceed 2 years. A provisional
6 license may be issued for a shorter period of time if the ~~{Board.}~~
7 Department finds that the applicant has not fully complied with the
8 standards established by NRS 394.241. Authorization may be given
9 for a term of not more than 4 years if:

10 (a) The institution has been licensed to operate for not less than
11 4 years preceding the authorization; and

12 (b) The institution has operated during that period without the
13 filing of a verified complaint against it and without violating any
14 provision of NRS 394.201 to 394.351, inclusive, or any regulation
15 adopted pursuant to those sections.

16 5. The license must be issued to the owner or governing body
17 of the applicant institution and is nontransferable. If a change in
18 ownership of the institution occurs, the new owner or governing
19 body must, within 10 days after the change in ownership, apply for a
20 new license, and if it fails to do so, the institution's license
21 terminates. Application for a new license because of a change in
22 ownership of the institution is, for purposes of NRS 394.281, an
23 application for renewal of the institution's license.

24 6. At least 60 days before the expiration of a license, the
25 institution must complete and file with the Superintendent an
26 application form for renewal of its license. The renewal application
27 must be reviewed and acted upon as provided in this section.

28 7. An institution not yet in operation when its application for a
29 license is filed may not begin operation until the license is issued.
30 An institution in operation when its application for a license is filed
31 may continue operation until its application is acted upon by the
32 ~~{Board.}~~ Department, and thereafter its authority to operate is
33 governed by the action of the ~~{Board.}~~ Department.

34 **Sec. 192.** NRS 394.261 is hereby amended to read as follows:

35 394.261 1. Each person desiring to solicit or perform the
36 services of an agent in this State must apply to the Superintendent
37 upon forms provided by the Department. The application must
38 include the social security number of the applicant, be accompanied
39 by evidence of the good reputation and character of the applicant, in
40 a form prescribed by the Superintendent, and state the institution
41 which the applicant intends to represent. An agent representing
42 more than one institution must obtain a separate agent's permit for
43 each institution represented, except that if an agent represents
44 institutions having a common ownership, only one agent's permit is
45 required with respect to the institutions. If any institution which the



1 applicant intends to represent does not have a license to operate in
2 this State, the application must be accompanied by the information
3 required from an institution that is applying for a license. The
4 application for an agent's permit must also be accompanied by
5 evidence of the required surety bond or certificate of deposit and
6 payment of the fees required by law.

7 2. After a review of the application and any further information
8 submitted by the applicant as required by regulations of the ~~[Board,]~~
9 *Department*, and any investigation of the applicant which the
10 ~~[Board]~~ *Department* or Superintendent considers appropriate, the
11 ~~[Board]~~ *Department* shall grant or deny an agent's permit to
12 the applicant.

13 3. The agent's permit must state in a clear and conspicuous
14 manner at least the following information:

- 15 (a) The date of issuance, effective date and term of the permit.
- 16 (b) The correct name and address of the agent.
- 17 (c) The institutions which the agent is authorized to represent.

18 4. An agent's permit must not be issued for a term of more than
19 1 year.

20 5. At least 30 days before the expiration of an agent's permit,
21 the agent must complete and file with the Superintendent an
22 application for renewal of the permit. The renewal application must
23 be reviewed and acted upon as provided in this section.

24 **Sec. 193.** NRS 394.261 is hereby amended to read as follows:

25 394.261 1. Each person desiring to solicit or perform the
26 services of an agent in this State must apply to the Superintendent
27 upon forms provided by the Department. The application must be
28 accompanied by evidence of the good reputation and character of
29 the applicant, in a form prescribed by the Superintendent, and state
30 the institution which the applicant intends to represent. An agent
31 representing more than one institution must obtain a separate agent's
32 permit for each institution represented, except that when an agent
33 represents institutions having a common ownership only one agent's
34 permit is required with respect to the institutions. If any institution
35 which the applicant intends to represent does not have a license to
36 operate in this State, the application must be accompanied by the
37 information required of institutions making application for a license.
38 The application for an agent's permit must also be accompanied by
39 evidence of the required surety bond or certificate of deposit and
40 payment of the fees required by law.

41 2. After review of the application and any further information
42 submitted by the applicant as required by regulations of the ~~[Board,]~~
43 *Department*, and any investigation of the applicant which the
44 ~~[Board]~~ *Department* or Superintendent considers appropriate, the



1 ~~{Board}~~ *Department* shall grant or deny an agent's permit to the
2 applicant.

3 3. The agent's permit must state in a clear and conspicuous
4 manner at least the following information:

5 (a) The date of issuance, effective date and term of the permit.

6 (b) The correct name and address of the agent.

7 (c) The institutions which the agent is authorized to represent.

8 4. An agent's permit must not be issued for a term of more than
9 1 year.

10 5. At least 30 days before the expiration of an agent's permit,
11 the agent must complete and file with the Superintendent an
12 application for renewal of the permit. The renewal application must
13 be reviewed and acted upon as provided in this section.

14 **Sec. 194.** NRS 394.281 is hereby amended to read as follows:

15 394.281 1. If the ~~{Board}~~ *Department*, upon review and
16 consideration of an application for a license or for an agent's permit,
17 or a renewal of a license or agent's permit, determines that the
18 applicant fails to meet the criteria for granting the application, the
19 Superintendent shall notify the applicant by certified mail setting
20 forth the reasons for the denial of the application.

21 2. The Superintendent may grant to an applicant for renewal an
22 extension of time to eliminate the reasons recited in the denial letter
23 if:

24 (a) The applicant has demonstrated his desire to meet the
25 criteria; and

26 (b) The Superintendent reasonably believes that the applicant
27 can correct the deficiencies within the extension period.

28 3. If the ~~{Board}~~ *Department* denies an application for an
29 agent's permit, or an application for renewal, the Superintendent
30 shall notify the institution which the agent represented or sought to
31 represent, setting forth the reasons for the denial.

32 **Sec. 195.** NRS 394.291 is hereby amended to read as follows:

33 394.291 Any person aggrieved by the denial or revocation of a
34 license to operate or an agent's permit, or the placement of
35 conditions on the license to operate or agent's permit, is entitled to a
36 hearing before the ~~{Board}~~ *Department* if the aggrieved person
37 submits a written request for a hearing within 10 days from receipt
38 of the letter of denial, revocation or placement of conditions. If no
39 request is submitted within the prescribed period the decision of the
40 ~~{Board}~~ *Department* is final.

41 **Sec. 196.** NRS 394.295 is hereby amended to read as follows:

42 394.295 1. If the ~~{Board}~~ *Department* receives a copy of a
43 court order issued pursuant to NRS 425.540 that provides for the
44 suspension of all professional, occupational and recreational
45 licenses, certificates and permits issued to a person who is the



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holder of an agent's permit, the ~~{Board}~~ Department shall deem the permit issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the ~~{Board}~~ Department receives a letter issued to the holder of the permit by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the permit has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The ~~{Board}~~ Department shall reinstate an agent's permit that has been suspended by a district court pursuant to NRS 425.540 if the ~~{Board}~~ Department receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose permit was suspended stating that the person whose permit was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 197. NRS 394.301 is hereby amended to read as follows:

394.301 1. The ~~{Board}~~ Department may revoke or make conditional a license to operate or an agent's permit after its issuance if it reasonably believes that the holder of the license or permit has violated the Private Elementary and Secondary Education Authorization Act or any regulations adopted under it. Prior to the revocation or imposition of conditions, the Superintendent shall notify the holder by certified mail of facts or conduct which warrant the impending action and advise the holder that if a hearing is desired it must be requested within 10 days of receipt of the notice letter.

2. If an agent's permit is revoked or conditions imposed, the Superintendent shall, by certified mail, notify the institutions which the agent represented in addition to the agent and any other parties to any hearing.

Sec. 198. NRS 394.311 is hereby amended to read as follows:

394.311 1. Any person claiming damage either individually or as a representative of a class of complainants as a result of any act by an elementary or secondary educational institution or its agent, or both, which is a violation of the Private Elementary and Secondary Education Authorization Act or regulations promulgated under it, may file with the Superintendent a verified complaint against the institution, its agent or both. The complaint shall set forth the alleged violation and contain other information as required by regulations of the ~~{Board}~~ Department. A complaint may also be filed by the Superintendent on his own motion or by the Attorney General.

2. The Superintendent shall investigate any verified complaint and may, at his discretion, attempt to effectuate a settlement by persuasion and conciliation. The ~~{Board}~~ Department may consider



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1 a complaint after 10 days' written notice by certified mail to the
2 institution or to the agent, or both, as appropriate, giving notice of a
3 time and place for a hearing.

4 3. If, after consideration of all evidence presented at a hearing,
5 the ~~{Board}~~ Department finds that an elementary or secondary
6 educational institution or its agent, or both, has engaged in any act
7 which violates the Private Elementary and Secondary Education
8 Authorization Act or regulations promulgated under it, the ~~{Board}~~
9 Department shall issue and the Superintendent shall serve upon the
10 institution or agent or both, an order to cease and desist from such
11 act. The ~~{Board}~~ Department may also, as appropriate, based on the
12 Superintendent's investigation or the evidence adduced at the
13 hearing, or both, institute an action to revoke an institution's license
14 or an agent's permit.

15 **Sec. 199.** NRS 394.321 is hereby amended to read as follows:

16 394.321 If the ~~{Board}~~ Department determines that irreparable
17 injury would result from putting into immediate effect any final
18 action or penalty imposed under the Private Elementary and
19 Secondary Education Authorization Act, it shall postpone the
20 effective date of the action pending review.

21 **Sec. 200.** NRS 394.351 is hereby amended to read as follows:

22 394.351 It is unlawful for any person, alone or in concert with
23 others, to:

24 1. Operate in this State an elementary or secondary educational
25 institution not exempted from the provisions of the Private
26 Elementary and Secondary Education Authorization Act, unless the
27 institution has a currently valid license to operate.

28 2. Offer, as or through an agent, enrollment or instruction in, or
29 educational credentials from, an elementary or secondary
30 educational institution not exempted from the provisions of the
31 Private Elementary and Secondary Education Authorization Act,
32 whether the institution is within or outside this State, unless the
33 agent is a natural person and has a currently valid agent's permit,
34 except that the ~~{Board}~~ Department may adopt regulations to permit
35 a person to disseminate legitimate public information without a
36 permit.

37 3. Instruct or educate, or offer to instruct or educate (including
38 advertising or soliciting for such purpose), enroll or offer to enroll,
39 or contract with any person for such purpose, or award any
40 educational credential, or contract with any institution or party to
41 perform any such act in this State, whether the person is located
42 within or outside this State, unless such person complies with the
43 minimum standards set forth in NRS 394.241 and the regulations
44 adopted by the ~~{Board}~~ Department.



1 4. Use the terms “kindergarten,” “elementary,” “middle
2 school,” “junior high school,” “high school” or “secondary” without
3 authorization to do so from the Superintendent in accordance with
4 regulations of the ~~[Board.]~~ **Department.**

5 5. Grant, or offer to grant, educational credentials, without a
6 currently valid license to operate.

7 **Sec. 201.** NRS 394.385 is hereby amended to read as follows:

8 394.385 1. The Governor shall appoint:

9 (a) One member who is a representative of the ~~[State Board of~~
10 ~~Education.]~~ **Department.**

11 (b) Two members who are knowledgeable in the field of
12 education, but not persons representing postsecondary educational
13 institutions, or colleges established or maintained under the laws of
14 this State.

15 (c) Two members who are representatives of private
16 postsecondary educational institutions.

17 (d) Two members who are representatives of the general public
18 and are not associated with the field of education.

19 2. The Commission shall designate a Chairman. The
20 Administrator is the Executive Secretary. The Commission may
21 meet regularly at least four times each year at such places and times
22 as may be specified by a call of the Chairman or majority of the
23 Commission. The Commission shall prescribe regulations for its
24 own management. Four members of the Commission constitute a
25 quorum which may exercise all the authority conferred upon the
26 Commission.

27 3. Any Commissioner may be removed by the Governor if, in
28 his opinion, the Commissioner is guilty of malfeasance in office or
29 neglect of duty.

30 **Sec. 202.** NRS 394.600 is hereby amended to read as follows:

31 394.600 1. The Attorney General or any district attorney, at
32 the request of the Commission or ~~[Board]~~ **Department** or on his
33 own motion, may bring any appropriate action or proceeding in any
34 court of competent jurisdiction for the enforcement of the provisions
35 of this chapter.

36 2. If it appears to the Commission or ~~[Board]~~ **Department** that
37 any person is violating or is about to violate any of the provisions of
38 this chapter or any of its regulations or orders, the Commission or
39 ~~[Board]~~ **Department** may, on its own motion or on the written
40 complaint of any person, file an action for injunction in the name of
41 the Commission or ~~[Board]~~ **Department** in any court of competent
42 jurisdiction in this State against the person to enjoin the violation or
43 for an order directing compliance with the provisions of this chapter,
44 and all regulations and orders promulgated pursuant to this chapter.



3. The right of injunction provided in this section is in addition to any other legal remedy which the Commission or ~~{Board}~~ *Department* has, and is in addition to any right of criminal prosecution provided by law; but the Commission or ~~{Board}~~ *Department* shall not obtain a temporary restraining order without notice to the person affected.

4. The existence of a pending action by the Commission or ~~{Board}~~ *Department* with respect to alleged violations of this chapter does not operate as a bar to an action for injunctive relief pursuant to this section.

Sec. 203. NRS 395.0065 is hereby amended to read as follows:

395.0065 “Related services” means room, board, transportation and such developmental, corrective and other supportive services, as may be required pursuant to minimum standards prescribed by the ~~{State Board of Education,}~~ *Department*, to assist a person with a disability to benefit from a special education program.

Sec. 204. NRS 395.008 is hereby amended to read as follows:

395.008 “Special education program” means a program which provides instruction specially designed in accordance with minimum standards prescribed by the ~~{State Board of Education}~~ *Department* to meet the unique needs of persons with disabilities.

Sec. 205. NRS 396.5195 is hereby amended to read as follows:

396.5195 The Board of Regents shall, in cooperation with the ~~{State Board}~~ *Department* and the *Advisory* Council ~~{to Establish}~~ *for* Academic Standards ~~{for}~~ *in the* Public Schools, ensure that students enrolled in a program developed by the System for the education of teachers are provided instruction regarding the standards of content and performance required of pupils enrolled in high schools in this State.

Sec. 206. NRS 4.010 is hereby amended to read as follows:

4.010 1. A person may not be a candidate for or be eligible to the office of justice of the peace unless he is a qualified elector and has never been removed or retired from any judicial office by the Commission on Judicial Discipline. For the purposes of this subsection, a person is eligible to be a candidate for the office of justice of the peace if a decision to remove or retire him from a judicial office is pending appeal before the Supreme Court or has been overturned by the Supreme Court.

2. A justice of the peace must have a high school diploma or its equivalent as determined by the ~~{State Board}~~ *Department* of Education and:

(a) In a county whose population is 400,000 or more, a justice of the peace in a township whose population is 100,000 or more must



1 be an attorney who is licensed and admitted to practice law in the
2 courts of this State at the time of his election or appointment and has
3 been licensed and admitted to practice law in the courts of this State,
4 another state or the District of Columbia for not less than 5 years at
5 any time preceding his election or appointment.

6 (b) In a county whose population is less than 400,000, a justice
7 of the peace in a township whose population is 250,000 or more
8 must be an attorney who is licensed and admitted to practice law in
9 the courts of this State at the time of his election or appointment and
10 has been licensed and admitted to practice law in the courts of this
11 State, another state or the District of Columbia for not less than 5
12 years at any time preceding his election or appointment.

13 3. Subsection 2 does not apply to any person who held the
14 office of justice of the peace on June 30, 2001.

15 **Sec. 207.** NRS 62A.260 is hereby amended to read as follows:

16 62A.260 "Public school" includes all kindergartens and
17 elementary schools, junior high schools and middle schools, high
18 schools, charter schools and any other schools, classes and
19 educational programs which receive their support through public
20 taxation and, except for charter schools, whose textbooks and
21 courses of study are under the control of the ~~{State-Board}~~
22 *Department* of Education. The term does not include a school or
23 educational program that is conducted exclusively for children who
24 have been adjudicated delinquent.

25 **Sec. 208.** NRS 209.393 is hereby amended to read as follows:

26 209.393 The Board may adopt regulations which:

27 1. Designate a level of literacy in reading and writing which is
28 consistent with that required by the ~~{State-Board}~~ *Department* of
29 Education for its pupils in the eighth grade.

30 2. Provide for the testing of each offender when he first
31 becomes incarcerated, and as often as needed thereafter, to
32 determine his ability to read and write.

33 3. Establish guidelines for evaluating the progress of an
34 illiterate offender in an educational program.

35 4. Establish a course to teach English as a second language, if
36 necessary.

37 5. Are necessary to carry out the provisions of this section and
38 NRS 209.396.

39 **Sec. 209.** NRS 218.5354 is hereby amended to read as
40 follows:

41 218.5354 1. The Committee may:

42 (a) Evaluate, review and comment upon issues related to
43 education within this State, including, but not limited to:

44 (1) Programs to enhance accountability in education;

45 (2) Legislative measures regarding education;



(3) The progress made by this State, the school districts and the public schools in this State in satisfying the goals and objectives of the federal No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq., and the annual measurable objectives established by the ~~[State Board]~~ **Department** of Education pursuant to NRS 385.361;

(4) Methods of financing public education;

(5) The condition of public education in the elementary and secondary schools;

(6) The program to reduce the ratio of pupils per class per licensed teacher prescribed in NRS 388.700, 388.710 and 388.720;

(7) The development of any programs to automate the receipt, storage and retrieval of the educational records of pupils; and

(8) Any other matters that, in the determination of the Committee, affect the education of pupils within this State.

(b) Conduct investigations and hold hearings in connection with its duties pursuant to this section.

(c) Request that the Legislative Counsel Bureau assist in the research, investigations, hearings and reviews of the Committee.

(d) Make recommendations to the Legislature concerning the manner in which public education may be improved.

2. The Committee shall:

(a) In addition to any standards prescribed by the Department of Education, prescribe standards for the review and evaluation of the reports of the ~~[State Board of Education.]~~ **Department**, school districts and public schools pursuant to paragraph (a) of subsection 1 of NRS 385.359.

(b) For the purposes set forth in NRS 385.389, recommend to the Department of Education programs of remedial study for each subject tested on the examinations administered pursuant to NRS 389.015. In recommending these programs of remedial study, the Committee shall consider programs of remedial study that have proven to be successful in improving the academic achievement of pupils.

(c) Recommend to the Department of Education providers of supplemental educational services for inclusion on the list of approved providers prepared by the Department pursuant to NRS 385.384. In recommending providers, the Committee shall consider providers with a demonstrated record of effectiveness in improving the academic achievement of pupils.

(d) For the purposes set forth in NRS 385.3785 ~~[-, recommend]~~ :

(1) Recommend to the **Advisory** Commission on Educational Excellence created by NRS 385.3784 programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.



(2) Review the recommendations of the Advisory Commission on Educational Excellence for allocations of money and determine which applications to transmit to the State Board of Examiners pursuant to NRS 385.3785.

Sec. 210. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The Governor.

(b) The Department of Corrections.

(c) The Nevada System of Higher Education.

(d) The Office of the Military.

(e) The State Gaming Control Board.

(f) Except as otherwise provided in NRS 368A.140, the Nevada Gaming Commission.

(g) The Division of Welfare and Supportive Services of the Department of Health and Human Services.

(h) The Division of Health Care Financing and Policy of the Department of Health and Human Services.

(i) The State Board of Examiners acting pursuant to chapter 217 of NRS.

(j) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.

(k) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.

(l) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.

(m) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 590.830.

2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;



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(c) Chapter 703 of NRS for the judicial review of decisions of the Public Utilities Commission of Nevada;

(d) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and

(e) NRS 90.800 for the use of summary orders in contested cases,

➤ prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;

(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184; or

(c) A regulation adopted by the ~~[State Board]~~ *Department* of Education pursuant to NRS 392.644 or 394.1694.

6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

Sec. 211. NRS 355.160 is hereby amended to read as follows:

355.160 Except as otherwise provided in NRS 355.140 and 355.150, the State Board of Finance, ~~[State Board]~~ *Department* of Education or other state agency shall proceed in the same manner as the law relating to each of them requires in the making of such investments, the purpose of NRS 355.140 and 355.150, being merely to designate the classes of bonds and other securities and loans in which the funds mentioned in NRS 355.140 lawfully may be invested and the other matters relating thereto as specified in NRS 355.140 and 355.150.

Sec. 212. NRS 372.3261 is hereby amended to read as follows:

372.3261 1. For the purposes of NRS 372.326, an organization is created for religious, charitable or educational purposes if it complies with the provisions of this section.

2. An organization is created for religious purposes if:

(a) It complies with the requirements set forth in subsection 5; and



(b) The sole or primary purpose of the organization is the operation of a church, synagogue or other place of religious worship at which nonprofit religious services and activities are regularly conducted. Such an organization includes, without limitation, an integrated auxiliary or affiliate of the organization, men's, women's or youth groups established by the organization, a school or mission society operated by the organization, an organization of local units of a church and a convention or association of churches.

3. An organization is created for charitable purposes if:

(a) It complies with the requirements set forth in subsection 5;

(b) The sole or primary purpose of the organization is to:

(1) Advance a public purpose, donate or render gratuitously or at a reduced rate a substantial portion of its services to the persons who are the subjects of its charitable services, and benefit a substantial and indefinite class of persons who are the legitimate subjects of charity;

(2) Provide services that are otherwise required to be provided by a local government, this State or the Federal Government; or

(3) Operate a hospital or medical facility licensed pursuant to chapter 449 or 450 of NRS; and

(c) The organization is operating in this State.

4. An organization is created for educational purposes if:

(a) It complies with the requirements set forth in subsection 5; and

(b) The sole or primary purpose of the organization is to:

(1) Provide athletic, cultural or social activities for children;

(2) Provide displays or performances of the visual or performing arts to members of the general public;

(3) Provide instruction and disseminate information on subjects beneficial to the community;

(4) Operate a school, college or university located in this State that conducts regular classes and provides courses of study required for accreditation or licensing by the ~~{State Board}~~ **Department** of Education or the Commission on Postsecondary Education, or for membership in the Northwest Association of **Accredited** Schools ; ~~{and of Colleges and Universities;}~~

(5) Serve as a local or state apprenticeship committee to advance programs of apprenticeship in this State; or

(6) Sponsor programs of apprenticeship in this State through a trust created pursuant to 29 U.S.C. § 186.

5. In addition to the requirements set forth in subsection 2, 3 or 4, an organization is created for religious, charitable or educational purposes if:



1 (a) No part of the net earnings of any such organization inures to
2 the benefit of a private shareholder, individual or entity;

3 (b) The business of the organization is not conducted for profit;

4 (c) No substantial part of the business of the organization is
5 devoted to the advocacy of any political principle or the defeat or
6 passage of any state or federal legislation;

7 (d) The organization does not participate or intervene in any
8 political campaign on behalf of or in opposition to any candidate for
9 public office; and

10 (e) Any property sold to the organization for which an
11 exemption is claimed is used by the organization in this State in
12 furtherance of the religious, charitable or educational purposes of
13 the organization.

14 **Sec. 213.** NRS 374.3306 is hereby amended to read as
15 follows:

16 374.3306 1. For the purposes of NRS 374.3305, an
17 organization is created for religious, charitable or educational
18 purposes if it complies with the provisions of this section.

19 2. An organization is created for religious purposes if:

20 (a) It complies with the requirements set forth in subsection 5;
21 and

22 (b) The sole or primary purpose of the organization is the
23 operation of a church, synagogue or other place of religious worship
24 at which nonprofit religious services and activities are regularly
25 conducted. Such an organization includes, without limitation, an
26 integrated auxiliary or affiliate of the organization, men's, women's
27 or youth groups established by the organization, a school or mission
28 society operated by the organization, an organization of local units
29 of a church and a convention or association of churches.

30 3. An organization is created for charitable purposes if:

31 (a) It complies with the requirements set forth in subsection 5;

32 (b) The sole or primary purpose of the organization is to:

33 (1) Advance a public purpose, donate or render gratuitously
34 or at a reduced rate a substantial portion of its services to the
35 persons who are the subjects of its charitable services, and benefit a
36 substantial and indefinite class of persons who are the legitimate
37 subjects of charity;

38 (2) Provide services that are otherwise required to be
39 provided by a local government, this State or the Federal
40 Government; or

41 (3) Operate a hospital or medical facility licensed pursuant to
42 chapter 449 or 450 of NRS; and

43 (c) The organization is operating in this State.

44 4. An organization is created for educational purposes if:



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(a) It complies with the requirements set forth in subsection 5;
and

(b) The sole or primary purpose of the organization is to:

(1) Provide athletic, cultural or social activities for children;

(2) Provide displays or performances of the visual or
performing arts to members of the general public;

(3) Provide instruction and disseminate information on
subjects beneficial to the community;

(4) Operate a school, college or university located in this

State that conducts regular classes and provides courses of study
required for accreditation or licensing by the ~~{State Board}~~

~~Department~~ of Education or the Commission on Postsecondary
Education, or for membership in the Northwest Association of
~~Accredited Schools ; {and of Colleges and Universities;}~~

(5) Serve as a local or state apprenticeship committee to
advance programs of apprenticeship in this State; or

(6) Sponsor programs of apprenticeship in this State through
a trust created pursuant to 29 U.S.C. § 186.

5. In addition to the requirements set forth in subsection 2, 3 or
4, an organization is created for religious, charitable or educational
purposes if:

(a) No part of the net earnings of any such organization inures to
the benefit of a private shareholder, individual or entity;

(b) The business of the organization is not conducted for profit;

(c) No substantial part of the business of the organization is
devoted to the advocacy of any political principle or the defeat or
passage of any state or federal legislation;

(d) The organization does not participate or intervene in any
political campaign on behalf of or in opposition to any candidate for
public office; and

(e) Any property sold to the organization for which an
exemption is claimed is used by the organization in this State in
furtherance of the religious, charitable or educational purposes of
the organization.

Sec. 214. NRS 442.118 is hereby amended to read as follows:

442.118 The State Board of Health shall establish an Advisory
Committee Concerning Sickle Cell Anemia. The Advisory
Committee shall, in cooperation with the ~~{State Board}~~ ~~Department~~
of Education, the University of Nevada School of Medicine, and any
public or private agencies that perform work related to sickle cell
anemia:

1. Gather information concerning the need for screening and
awareness programs concerning sickle cell anemia, appropriate
settings for such programs, and the manner of establishing and
conducting such programs.



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2. Make recommendations to the ~~[State Board]~~ *Department* of Education, the State Board of Health, and any other appropriate authorities concerning the establishment of targeted screening and awareness programs concerning sickle cell anemia.

3. Make recommendations to the ~~[State Board]~~ *Department* of Education, the State Board of Health, and any other appropriate state agency concerning the adoption of regulations necessary to implement the programs.

Sec. 215. NRS 483.2521 is hereby amended to read as follows:

483.2521 1. The Department may issue a driver's license to a person who is 16 or 17 years of age if:

(a) Except as otherwise provided in subsection 2, he has completed:

(1) A course in automobile driver education pursuant to NRS 389.090; or

(2) A course provided by a school for training drivers which is licensed pursuant to NRS 483.700 to 483.780, inclusive, and which complies with the applicable regulations governing the establishment, conduct and scope of automobile driver education adopted by the ~~[State Board]~~ *Department* of Education pursuant to NRS 389.090;

(b) He has at least 50 hours of supervised experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to NRS 483.267, 483.270 or 483.280, including, without limitation, at least 10 hours of experience in driving a motor vehicle during darkness;

(c) He submits to the Department, on a form provided by the Department, a log which contains the dates and times of the hours of supervised experience required pursuant to this section and which is signed:

(1) By his parent or legal guardian; or

(2) If the person applying for the driver's license is an emancipated minor, by a licensed driver who is at least 21 years of age or by a licensed driving instructor,

who attests that the person applying for the driver's license has completed the training and experience required pursuant to paragraphs (a) and (b);

(d) He has not been found to be responsible for a motor vehicle accident during the 6 months before he applies for the driver's license;

(e) He has not been convicted of a moving traffic violation or a crime involving alcohol or a controlled substance during the 6 months before he applies for the driver's license; and



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(f) He has held an instruction permit for not less than 6 months before he applies for the driver's license.

2. If a course described in paragraph (a) of subsection 1 is not offered within a 30-mile radius of a person's residence, the person may, in lieu of completing such a course as required by that paragraph, complete an additional 50 hours of supervised experience in driving a motor vehicle in accordance with paragraph (b) of subsection 1.

Sec. 216. NRS 483.785 is hereby amended to read as follows:

483.785 1. The Department may accept gifts and grants of money to provide grants of money to pupils who are less than 18 years of age and who need financial assistance to pay:

(a) If a pupil is enrolled in a public school that provides instruction in automobile education, a laboratory fee required pursuant to NRS 389.100.

(b) If a pupil is enrolled in a public school that does not provide instruction in automobile education, the costs and fees of a course provided by a school for training drivers that is licensed pursuant to NRS 483.700 to 483.780, inclusive, and that complies with the applicable regulations governing the establishment, conduct and scope of automobile drivers' education adopted by the ~~[State Board]~~ *Department* of Education pursuant to NRS 389.090.

2. The Department may, in consultation with the ~~[State Board]~~ *Department* of Education, adopt regulations to carry out the provisions of this section, including, without limitation, the:

(a) Procedure by which a person may apply for a grant of money from the Department;

(b) Criteria that the Department will consider in determining whether to award a grant of money; and

(c) Procedure by which the Department will distribute the money it receives pursuant to subsection 1.

Sec. 217. NRS 632.270 is hereby amended to read as follows:

632.270 Each applicant for a license to practice as a practical nurse must submit to the Board written evidence, under oath, that he:

1. Is of good moral character.

2. Has a high school diploma or its equivalent as determined by the ~~[State Board]~~ *Department* of Education.

3. Is at least 18 years of age.

4. Has:

(a) Successfully completed the prescribed course of study in an accredited school of practical nursing or an accredited school of professional nursing, and been awarded a diploma by the school;

(b) Successfully completed the prescribed course of study in an approved school of practical nursing in the process of obtaining



1 accreditation or an approved school of professional nursing in the
2 process of obtaining accreditation, and been awarded a diploma by
3 the school; or

4 (c) Been registered or licensed as a registered nurse under the
5 laws of another jurisdiction.

6 5. Meets any other qualifications prescribed in regulations of
7 the Board.

8 **Sec. 218.** NRS 641.390 is hereby amended to read as follows:

9 641.390 1. A person shall not represent himself as a
10 psychologist within the meaning of this chapter or engage in the
11 practice of psychology unless he is licensed under the provisions of
12 this chapter, except that any psychological scientist employed by an
13 accredited educational institution or public agency which has set
14 explicit standards may represent himself by the title conferred upon
15 him by such institution or agency.

16 2. This section does not grant approval for any person to offer
17 his services as a psychologist to any other person as a consultant,
18 and to accept remuneration for such psychological services, other
19 than that of his institutional salary, unless he has been licensed
20 under the provisions of this chapter.

21 3. This chapter does not prevent the teaching of psychology or
22 psychological research, unless the teaching or research involves the
23 delivery or supervision of direct psychological services to a person.
24 Persons who have earned a doctoral degree in psychology from an
25 accredited educational institution may use the title "psychologist" in
26 conjunction with the activities permitted by this subsection.

27 4. A graduate student in psychology whose activities are part
28 of the course of study for a graduate degree in psychology at an
29 accredited educational institution or a person pursuing postdoctoral
30 training or experience in psychology to fulfill the requirements for
31 licensure under the provisions of this chapter may use the terms
32 "psychological trainee," "psychological intern," "psychological
33 resident" or "psychological assistant" if the activities are performed
34 under the supervision of a licensed psychologist in accordance with
35 the regulations adopted by the Board.

36 5. A person who is certified as a school psychologist by the
37 ~~[State Board]~~ *Department* of Education may use the title "school
38 psychologist" or "certified school psychologist" in connection with
39 activities relating to school psychologists.

40 **Sec. 219.** NRS 218.5356, 385.075, 385.080, 385.346 and
41 394.017 are hereby repealed.

42 **Sec. 220.** 1. The term of the Superintendent of Public
43 Instruction who was appointed pursuant to NRS 385.150 to a term
44 expiring in 2010 continues to serve for the remainder of the
45 unexpired term. If a vacancy occurs before the expiration of that



1 term, the Governor shall appoint a Superintendent of Public
2 Instruction in accordance with NRS 385.150, as amended by section
3 15 of this act, for the remainder of the unexpired term.

4 2. The Governor shall appoint a Superintendent of Public
5 Instruction pursuant to NRS 385.150, as amended by section 15 of
6 this act, commencing with the term that begins in 2010.

7 **Sec. 221.** 1. The terms of all members appointed to the
8 Council to Establish Academic Standards for Public Schools created
9 pursuant to NRS 389.510 who are incumbent on June 30, 2007,
10 expire on that date.

11 2. Not later than July 1, 2007, the Superintendent of Public
12 Instruction shall make the appointments to the Advisory Council for
13 Academic Standards in the Public Schools pursuant to NRS
14 389.510, as amended by section 120 of this act, as follows:

15 (a) One member who is a parent or legal guardian of a pupil who
16 attends public school, one member who is selected from among
17 licensed educational personnel and one member who represents a
18 business or industry must be appointed to terms expiring on June 30,
19 2009.

20 (b) One member who is a parent or legal guardian of a pupil
21 who attends public school, one member who is selected from among
22 licensed educational personnel and one member who represents a
23 business or industry must be appointed to terms expiring on June 30,
24 2011.

25 ➤ These appointments may include former members whose terms
26 expired pursuant to subsection 1.

27 **Sec. 222.** Any regulations or policies adopted by the State
28 Board of Education pursuant to title 34 of NRS before July 1, 2007:

29 1. Remain in effect as if adopted by the Department of
30 Education in accordance with the provisions of this act; and

31 2. May be amended or repealed by the Department of
32 Education in accordance with the provisions of this act.

33 **Sec. 223.** 1. Any contract entered into by the State Board of
34 Education before July 1, 2007, remains in effect as if the contract
35 had been entered into by the Department of Education.

36 2. Any contract entered into by the Legislative Bureau of
37 Educational Accountability and Program Evaluation before July 1,
38 2007, remains in effect as if the contract had been entered into by
39 the Department of Education.

40 **Sec. 224.** 1. The Legislative Counsel shall, in preparing:

41 (a) The reprint and supplements to the Nevada Revised Statutes,
42 appropriately change any references to an officer, agency or other
43 entity whose name is changed or whose responsibilities have been
44 transferred pursuant to the provisions of this act to refer to the
45 appropriate officer, agency or other entity.



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(b) Supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities have been transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

2. Any references in a bill or resolution passed by the 74th Session of the Nevada Legislature to an officer, agency or other entity whose name is changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity shall be deemed to refer to the officer, agency or other entity to which the responsibility is transferred.

3. The provisions of this section apply to:

(a) The change of the name of the State Board of Education to the State Commission on Public Education and the transfer of any duties from the State Board of Education;

(b) The change of the name of the State Board for Career and Technical Education to the State Commission for Career and Technical Education and the transfer of any duties from the State Board for Career and Technical Education;

(c) The change of the name of the Commission on Educational Excellence to the Advisory Commission on Educational Excellence and the transfer of any duties from the Commission on Educational Excellence;

(d) The change of the name of the Commission on Educational Technology to the Advisory Commission on Educational Technology and the transfer of any duties from the Commission on Educational Technology;

(e) The change of the name of the Council to Establish Academic Standards for Public Schools to the Advisory Council for Academic Standards in the Public Schools and the transfer of any duties from the Council to Establish Academic Standards for Public Schools; and

(f) Any other entity whose name was changed or duties transferred pursuant to the provisions of this act.

Sec. 225. 1. This section and sections 1 to 192, inclusive, and 194 to 224, inclusive, of this act become effective on July 1, 2007.

2. Section 193 of this act becomes effective on the date of the repeal of the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or



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- 1 (b) Are in arrears in the payment for the support of one or more
2 children,
3 ➔ are repealed by the Congress of the United States.
4 3. Sections 144, 192 and 196 of this act expire by limitation on
5 the date on which the provisions of 42 U.S.C. § 666 requiring each
6 state to establish procedures under which the state has authority to
7 withhold or suspend, or to restrict the use of professional,
8 occupational and recreational licenses of persons who:
9 (a) Have failed to comply with a subpoena or warrant relating to
10 a proceeding to determine the paternity of a child or to establish or
11 enforce an obligation for the support of a child; or
12 (b) Are in arrears in the payment for the support of one or more
13 children,
14 ➔ are repealed by the Congress of the United States.

LEADLINES OF REPEALED SECTIONS

**218.5356 Legislative Bureau of Educational Accountability
and Program Evaluation: Creation; personnel; powers and
duties.**

385.075 Establishment of administrative policies.

385.080 Regulations.

385.346 “Bureau” defined.

394.017 “Board” defined.

