

ASSEMBLY BILL NO. 158—ASSEMBLYMEN COBB; GANSERT,  
GOEDHART, GRADY, GUSTAVSON, HAMBRICK, HARDY,  
SETTELMAYER AND STEWART

FEBRUARY 11, 2009

Referred to Committee on Ways and Means

SUMMARY—Revises provisions governing education.  
(BDR 34-205)

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; prohibiting the board of trustees of a school district from expending more than a certain percentage of its total expenditures in each fiscal year for certain administrative expenses; revising provisions governing the Governor Guinn Millennium Scholarship Program; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides for the financial support of the public school system in this State. (Chapter 387 of NRS) **Section 1** of this bill prohibits the board of trustees of a school district from expending more than 33 percent of its total expenditures in each fiscal year for certain administrative expenses and requires each board of trustees to reduce, if necessary, its administrative expenses incrementally to comply with this limitation by the year 2014.

Existing law establishes the Governor Guinn Millennium Scholarship Program. (NRS 396.911-396.938) **Section 6** of this bill revises the eligibility requirements for receipt of a Millennium Scholarship by requiring a student to submit a Free Application for Federal Student Aid to determine the adjusted gross income of the student or of the person who claimed the student as a dependent. If the adjusted gross income is \$100,000 or more, the student is not eligible for a Millennium Scholarship. **Section 6** also requires a student to apply for the Millennium Scholarship within 2 years after he received his high school diploma rather than the existing requirement of 6 years. Existing law requires an applicant for a Millennium Scholarship to submit an affidavit declaring that he is a United States citizen or has lawful immigration status, or that he has filed an application to legalize his immigration status or will file such an application when he is eligible to do so.



(NRS 396.930) **Section 6** removes the requirement for such an affidavit and instead requires the applicant to provide proof of his legal residence in the United States.

**Section 7** of this bill revises the amount of the Millennium Scholarship that may be awarded to an eligible student by requiring the Board of Regents of the University of Nevada to develop a scale for determining the amount of the scholarship based upon financial need, as reported in the student's Free Application for Federal Student Aid. Existing law requires a student to maintain a 2.60 grade point average in the first year of enrollment and a 2.75 grade point average in each semester thereafter to continue his eligibility for a Millennium Scholarship. (NRS 396.934) **Section 7** increases the minimum grade point average required to maintain eligibility to a 3.0 grade point average in each semester of enrollment for students who graduate from high school on or after May 1, 2009.

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

**Section 1.** Chapter 387 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. The board of trustees of a school district shall not expend more than 33 percent of the total expenditures of the school district in each fiscal year for administrative expenses. The board of trustees of each school district shall reduce, if necessary, its administrative expenses incrementally to ensure compliance with the provisions of this section by the year 2014.*

*2. As used in this section, "administrative expenses" means expenses that are not directly related to providing instruction to pupils enrolled in public schools. The term includes, without limitation, the employment of administrators at the school district level.*

**Sec. 2.** NRS 387.205 is hereby amended to read as follows:

387.205 1. Subject to the limitations set forth in NRS 387.206 and 387.207 ~~§~~ *and section 1 of this act*, money on deposit in the county school district fund or in a separate account, if the board of trustees of a school district has elected to establish such an account pursuant to the provisions of NRS 354.603, must be used for:

(a) Maintenance and operation of the public schools controlled by the county school district.

(b) Payment of premiums for Nevada industrial insurance.

(c) Rent of schoolhouses.

(d) Construction, furnishing or rental of teacherages, when approved by the Superintendent of Public Instruction.

(e) Transportation of pupils, including the purchase of new buses.

(f) Programs of nutrition, if such expenditures do not curtail the established school program or make it necessary to shorten the



1 school term, and each pupil furnished lunch whose parent or  
2 guardian is financially able so to do pays at least the actual cost of  
3 the lunch.

4 (g) Membership fees, dues and contributions to an  
5 interscholastic activities association.

6 (h) Repayment of a loan made from the State Permanent School  
7 Fund pursuant to NRS 387.526.

8 (i) Programs of education and projects relating to air quality  
9 pursuant to NRS 445B.500.

10 2. Subject to the limitations set forth in NRS 387.206 and  
11 387.207 ~~§~~ *and section 1 of this act*, money on deposit in the county  
12 school district fund ~~§~~ or in a separate account, if the board of  
13 trustees of a school district has elected to establish such an account  
14 pursuant to the provisions of NRS 354.603, when available, may be  
15 used for:

16 (a) Purchase of sites for school facilities.

17 (b) Purchase of buildings for school use.

18 (c) Repair and construction of buildings for school use.

19 **Sec. 3.** NRS 391.100 is hereby amended to read as follows:

20 391.100 1. ~~The~~ *Except as otherwise provided in section 1*  
21 *of this act, the* board of trustees of a school district may employ a  
22 superintendent of schools, teachers and all other necessary  
23 employees.

24 2. A person who is initially hired by the board of trustees of a  
25 school district on or after January 8, 2002, to teach in a program  
26 supported with money from Title I must possess the qualifications  
27 required by 20 U.S.C. § 6319(a). For the purposes of this  
28 subsection, a person is not "initially hired" if he has been employed  
29 as a teacher by another school district or charter school in this State  
30 without an interruption in employment before the date of hire by his  
31 current employer.

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

35 (a) English, reading or language arts;

36 (b) Mathematics;

37 (c) Science;

38 (d) Foreign language;

39 (e) Civics or government;

40 (f) Economics;

41 (g) Geography;

42 (h) History; or

43 (i) The arts.

44 4. ~~The~~ *Except as otherwise provided in section 1 of this act,*  
45 *the* board of trustees of a school district:



(a) May employ teacher aides and other auxiliary, nonprofessional personnel to assist licensed personnel in the instruction or supervision of children, either in the classroom or at any other place in the school or on the grounds thereof. A person who is initially hired as a paraprofessional by a school district on or after January 8, 2002, to work in a program supported with Title I money must possess the qualifications required by 20 U.S.C. § 6319(c). A person who is employed as a paraprofessional by a school district, regardless of the date of hire, to work in a program supported with Title I money must possess, on or before January 8, 2006, the qualifications required by 20 U.S.C. § 6319(c). For the purposes of this paragraph, a person is not "initially hired" if he has been employed as a paraprofessional by another school district or charter school in this State without an interruption in employment before the date of hire by his current employer.

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

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

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

(a) Sick leave;

(b) Sabbatical leave;

(c) Personal leave;

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

(e) Maternity leave; and

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

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

7. A board of trustees of a school district may ask the Superintendent of Public Instruction to require a person licensed by



1 the Superintendent of Public Instruction pursuant to NRS 391.033  
2 who has taken a leave of absence from employment authorized by  
3 the school district to submit a set of his fingerprints as a condition of  
4 return to or continued employment with the school district if the  
5 board of trustees has probable cause to believe that the person has  
6 committed a felony or an offense involving moral turpitude during  
7 the period of his leave of absence.

8 8. The board of trustees of a school district may employ or  
9 appoint persons to serve as school police officers. If the board of  
10 trustees of a school district employs or appoints persons to serve as  
11 school police officers, the board of trustees shall employ a law  
12 enforcement officer to serve as the chief of school police who is  
13 supervised by the superintendent of schools of the school district.  
14 The chief of school police shall supervise each person appointed or  
15 employed by the board of trustees as a school police officer. In  
16 addition, persons who provide police services pursuant to subsection  
17 9 or 10 shall be deemed school police officers.

18 9. The board of trustees of a school district in a county that has  
19 a metropolitan police department created pursuant to chapter 280 of  
20 NRS may contract with the metropolitan police department for the  
21 provision and supervision of police services in the public schools  
22 within the jurisdiction of the metropolitan police department and on  
23 property therein that is owned by the school district. If a contract is  
24 entered into pursuant to this subsection, the contract must make  
25 provision for the transfer of each school police officer employed by  
26 the board of trustees to the metropolitan police department. If the  
27 board of trustees of a school district contracts with a metropolitan  
28 police department pursuant to this subsection, the board of trustees  
29 shall, if applicable, cooperate with appropriate local law  
30 enforcement agencies within the school district for the provision and  
31 supervision of police services in the public schools within the school  
32 district and on property owned by the school district, but outside the  
33 jurisdiction of the metropolitan police department.

34 10. The board of trustees of a school district in a county that  
35 does not have a metropolitan police department created pursuant to  
36 chapter 280 of NRS may contract with the sheriff of that county for  
37 the provision of police services in the public schools within the  
38 school district and on property therein that is owned by the school  
39 district.

40 **Sec. 4.** NRS 391.110 is hereby amended to read as follows:

41 391.110 1. ~~[The]~~ *Except as otherwise provided in section 1*  
42 *of this act, the* board of trustees of a school district may:

43 (a) Employ any person whom the board of trustees determines is  
44 qualified to serve as the superintendent of schools of the school



1 district. The Commission may require the superintendent of any  
2 school district to hold a master's degree.

3 (b) Define his powers and fix his duties.

4 (c) Fix his salary.

5 2. If the board of trustees of a school district employs a person  
6 who is not licensed as an administrator to serve as the  
7 superintendent of schools, the board of trustees shall employ a  
8 person who is licensed as an administrator to oversee the academic  
9 programs of the public schools within the school district.

10 3. A superintendent of schools may be employed for an initial  
11 term not to exceed 4 years. The term of any subsequent employment  
12 may be of any duration.

13 4. A superintendent of schools may be dismissed at any time  
14 for cause.

15 5. A superintendent of schools may administer oaths or  
16 affirmations relating to public schools.

17 **Sec. 5.** NRS 391.120 is hereby amended to read as follows:

18 391.120 1. ~~[Boards]~~ *Except as otherwise provided in section*  
19 *1 of this act, the boards* of trustees of the school districts in this  
20 State may employ legally qualified teachers and other licensed  
21 personnel and may determine their salaries and the length of the  
22 term of school for which they are employed. These conditions and  
23 any other conditions agreed upon by the parties must be embodied  
24 in a written contract, or notice of reemployment, to be approved by  
25 the board of trustees and accepted and signed by the employee. A  
26 copy of the contract or notice of reemployment, properly written,  
27 must be delivered to each teacher or other licensed employee not  
28 later than the opening of the term of school.

29 2. A board of trustees may not employ teachers or other  
30 licensed personnel for any school year commencing after the  
31 expiration of the time for which any member of the board of trustees  
32 was elected or appointed.

33 3. It is unlawful for the board of trustees of any school district  
34 to employ any teacher who is not legally qualified to teach all the  
35 grades which the teacher is engaged to teach. Except as otherwise  
36 provided in NRS 391.3015, the board of trustees shall suspend or  
37 terminate, as applicable, the employment of any teacher who fails to  
38 maintain a license issued pursuant to this chapter in force, if such a  
39 license is required for employment. Any such suspension or  
40 termination must comply with the requirements of NRS 391.301 to  
41 391.309, inclusive.

42 4. On or before November 15 of each year, the school district  
43 shall submit to the Department, in a form prescribed by the  
44 Superintendent of Public Instruction, the following information for



1 each licensed employee employed by the school district on  
2 October 1 of that year:

3 (a) The amount of salary of the employee; and

4 (b) The designated assignment, as that term is defined by the  
5 Department, of the employee.

6 **Sec. 6.** NRS 396.930 is hereby amended to read as follows:

7 396.930 1. Except as otherwise provided in subsections 2  
8 ~~and 3,~~ **3 and 4**, a student may apply to the Board of Regents for a  
9 Millennium Scholarship if he:

10 (a) Except as otherwise provided in paragraph (e) of subsection  
11 2, has been a resident of this State for at least 2 years before he  
12 applies for the Millennium Scholarship;

13 (b) *Has submitted a Free Application for Federal Student Aid*  
14 *to determine whether he is not eligible for the Millennium*  
15 *Scholarship pursuant to subsection 4;*

16 (c) Except as otherwise provided in paragraph ~~(e);~~ (d),  
17 graduated from a public or private high school in this State:

18 (1) After May 1, 2000, but not later than May 1, 2003; or

19 (2) After May 1, 2003, and, except as otherwise provided in  
20 paragraph (c) of subsection 2, not more than ~~6~~ 2 years before he  
21 applies for the Millennium Scholarship;

22 ~~(e)~~ (d) Does not satisfy the requirements of paragraph ~~(b)~~ (c)  
23 and:

24 (1) Was enrolled as a pupil in a public or private high school  
25 in this State with a class of pupils who were regularly scheduled to  
26 graduate after May 1, 2000;

27 (2) Received his high school diploma within 4 years after he  
28 was regularly scheduled to graduate; and

29 (3) Applies for the Millennium Scholarship not more than ~~6~~  
30 2 years after he ~~was regularly scheduled to graduate from high~~  
31 ~~school;~~

32 ~~—(d)~~ *received his high school diploma;*

33 (e) Maintained in high school in the courses designated by the  
34 Board of Regents pursuant to paragraph (b) of subsection 2, at least:

35 (1) A 3.00 grade point average on a 4.0 grading scale, if he  
36 was a member of the graduating class of 2003 or 2004;

37 (2) A 3.10 grade point average on a 4.0 grading scale, if he  
38 was a member of the graduating class of 2005 or 2006; or

39 (3) A 3.25 grade point average on a 4.0 grading scale, if he  
40 was a member of the graduating class of 2007 or a later graduating  
41 class; ~~and~~

42 ~~—(e)~~ (f) Is enrolled in at least:

43 (1) Six semester credit hours in a community college within  
44 the System; or



(2) Twelve semester credit hours in another eligible institution ~~(f)~~; and

*(g) Has provided proof of his legal residence in the United States pursuant to subsection 6.*

2. The Board of Regents:

(a) Shall define the core curriculum that a student must complete in high school to be eligible for a Millennium Scholarship.

(b) Shall designate the courses in which a student must earn the minimum grade point averages set forth in paragraph ~~(d)~~ (e) of subsection 1.

(c) May establish criteria with respect to students who have been on active duty serving in the Armed Forces of the United States to exempt such students from the ~~{6-year}~~ 2-year limitation on applications that is set forth in subparagraph (2) of paragraph ~~(b)~~ (c) of subsection 1.

(d) Shall establish criteria with respect to students who have a documented physical or mental disability or who were previously subject to an individualized education program under the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., or a plan under Title V of the Rehabilitation Act of 1973, 29 U.S.C. §§ 791 et seq. The criteria must provide an exemption for those students from:

(1) The ~~{6-year}~~ 2-year limitation on applications that is set forth in subparagraph (2) of paragraph ~~(b)~~ (c) of subsection 1 and subparagraph (3) of paragraph ~~(e)~~ (d) of subsection 1 and any limitation applicable to students who are eligible pursuant to subparagraph (1) of paragraph ~~(b)~~ (c) of subsection 1.

(2) The minimum number of credits prescribed in paragraph ~~(e)~~ (f) of subsection 1.

(e) Shall establish criteria with respect to students who have a parent or legal guardian on active duty in the Armed Forces of the United States to exempt such students from the residency requirement set forth in paragraph (a) of subsection 1 or subsection 3.

3. Except as otherwise provided in paragraph ~~(e)~~ (d) of subsection 1, for students who did not graduate from a public or private high school in this State and who, except as otherwise provided in paragraph (e) of subsection 2, have been residents of this State for at least 2 years, the Board of Regents shall establish:

(a) The minimum score on a standardized test that such students must receive; or

(b) Other criteria that students must meet,

→ to be eligible for Millennium Scholarships.





1       4. *A student is not eligible for a Millennium Scholarship if*  
2 *the Free Application for Federal Student Aid submitted by the*  
3 *student indicates that:*

4       (a) *The student and his spouse, if applicable, reported an*  
5 *adjusted gross income of \$100,000 or more; or*

6       (b) *The person who claimed the student as a dependent*  
7 *reported an adjusted gross income of \$100,000 or more.*

8       5. In awarding Millennium Scholarships, the Board of Regents  
9 shall enhance its outreach to students who:

10       (a) Are pursuing a career in education or health care;

11       (b) Come from families who lack sufficient financial resources  
12 to pay for the costs of sending their children to an eligible  
13 institution; or

14       (c) Substantially participated in an antismoking, antidrug or  
15 antialcohol program during high school.

16       ~~[5.]~~ 6. The Board of Regents shall establish a procedure by  
17 which an applicant for a Millennium Scholarship is required to  
18 ~~execute an affidavit declaring his eligibility for a Millennium~~  
19 ~~Scholarship pursuant to the requirements of this section. The~~  
20 ~~affidavit must include a declaration~~ *submit proof* that the applicant  
21 is a citizen of the United States or has lawful immigration status . ~~[~~  
22 ~~or that the applicant has filed an application to legalize his~~  
23 ~~immigration status or will file an application to legalize his~~  
24 ~~immigration status as soon as he is eligible to do so.]~~

25       Sec. 7. NRS 396.934 is hereby amended to read as follows:

26       396.934 1. Except as otherwise provided in this section,  
27 within the limits of money available in the Trust Fund, a student  
28 who is eligible for a Millennium Scholarship is entitled to receive:

29       (a) If he is enrolled in a community college within the System,  
30 including, without limitation, a summer academic term, *not more*  
31 *than* \$40 per credit for each lower division course and *not more*  
32 *than* \$60 per credit for each upper division course in which the  
33 student is enrolled, ~~[or]~~ *as determined in accordance with the scale*  
34 *developed by the Board of Regents pursuant to subsection 9. Such*  
35 *a student must not receive more than* the amount of money that is  
36 necessary for the student to pay the costs of attending the  
37 community college that are not otherwise satisfied by other grants or  
38 scholarships . ~~[, whichever is less.]~~ The Board of Regents shall  
39 provide for the designation of upper and lower division courses for  
40 the purposes of this paragraph. In no event may a student who is  
41 eligible for a Millennium Scholarship receive more than the cost of  
42 12 semester credits per semester pursuant to this paragraph.

43       (b) If he is enrolled in a state college within the System,  
44 including, without limitation, a summer academic term, *not more*  
45 *than* \$60 per credit for which the student is enrolled, ~~[or]~~ *as*



*determined in accordance with the scale developed by the Board of Regents pursuant to subsection 9. Such a student must not receive more than* the amount of money that is necessary for the student to pay the costs of attending the state college that are not otherwise satisfied by other grants or scholarships . ~~[, whichever is less.]~~ In no event may a student who is eligible for a Millennium Scholarship receive more than the cost of 12 semester credits per semester pursuant to this paragraph.

(c) If he is enrolled in another eligible institution, including, without limitation, a summer academic term, *not more than* \$80 per credit for which the student is enrolled, ~~[or]~~ *as determined in accordance with the scale developed by the Board of Regents pursuant to subsection 9. Such a student must not receive more than* the amount of money that is necessary for the student to pay the costs of attending the university that are not otherwise satisfied by other grants or scholarships . ~~[, whichever is less.]~~ In no event may a student who is eligible for a Millennium Scholarship receive more than the cost of 12 semester credits per semester pursuant to this paragraph.

2. No student may be awarded a Millennium Scholarship:

(a) To pay for remedial courses.

(b) For a total amount in excess of \$10,000.

3. A student who receives a Millennium Scholarship shall:

(a) Make satisfactory academic progress toward a recognized degree or certificate, as determined by the Board of Regents pursuant to subsection 7; ~~[and]~~

(b) If the student graduated from high school after May 1, 2003, *but before May 1, 2009*, maintain:

(1) At least a 2.60 grade point average on a 4.0 grading scale for each semester during the first year of enrollment in the Governor Guinn Millennium Scholarship Program ~~[; and]~~ *;* **and**

(2) At least a 2.75 grade point average on a 4.0 grading scale for each semester during the second year of enrollment in the Governor Guinn Millennium Scholarship Program and for each semester during each year of enrollment thereafter ~~[; and]~~ *;* **and**

*(c) If the student graduated from high school on or after May 1, 2009, maintain at least a 3.00 grade point average on a 4.0 grading scale for each semester of enrollment in the Governor Guinn Millennium Scholarship Program.*

4. If a student does not satisfy the requirements of subsection 3 during one semester of enrollment, excluding a summer academic term, he is not eligible for the Millennium Scholarship for the succeeding semester of enrollment. If such a student:

(a) Subsequently satisfies the requirements of subsection 3 in a semester in which he is not eligible for the Millennium Scholarship,



1 he is eligible for the Millennium Scholarship for his next semester  
2 of enrollment.

3 (b) Fails a second time to satisfy the requirements of subsection  
4 3 during any subsequent semester, excluding a summer academic  
5 term, he is no longer eligible for a Millennium Scholarship.

6 5. A Millennium Scholarship must be used only:

7 (a) For the payment of registration fees and laboratory fees and  
8 expenses;

9 (b) To purchase required textbooks and course materials; and

10 (c) For other costs related to the attendance of the student at the  
11 eligible institution.

12 6. The Board of Regents shall certify a list of eligible students  
13 to the State Treasurer. The State Treasurer shall disburse a  
14 Millennium Scholarship for each semester on behalf of an eligible  
15 student directly to the eligible institution in which the student is  
16 enrolled, upon certification from the eligible institution of the  
17 number of credits for which the student is enrolled, which must  
18 meet or exceed the minimum number of credits required for  
19 eligibility and certification that the student is in good standing and  
20 making satisfactory academic progress toward a recognized degree  
21 or certificate, as determined by the Board of Regents pursuant to  
22 subsection 7. The Millennium Scholarship must be administered by  
23 the eligible institution as other similar scholarships are administered  
24 and may be used only for the expenditures authorized pursuant to  
25 subsection 5.

26 7. The Board of Regents shall establish criteria for determining  
27 whether a student is making satisfactory academic progress toward a  
28 recognized degree or certificate for purposes of subsection 6.

29 8. The Board of Regents shall establish procedures to ensure  
30 that all money from a Millennium Scholarship awarded to a student  
31 that is refunded in whole or in part for any reason is refunded to the  
32 Trust Fund and not the student.

33 *9. The Board of Regents shall develop a scale for determining*  
34 *the amount that may be awarded pursuant to subsection 1 to*  
35 *students who are eligible for a Millennium Scholarship. The scale*  
36 *must be based upon the financial need of eligible students, as*  
37 *determined by the Free Application for Federal Student Aid*  
38 *submitted pursuant to NRS 396.930.*

39 **Sec. 8.** This act becomes effective on July 1, 2009.

