

Amendment No. 976

Senate Amendment to Senate Bill No. 330 First Reprint (BDR 34-171)

Proposed by: Senate Committee on Finance

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold dashed underlining* is newly added transitory language.

SLP/KCR



Date: 5/30/2009

S.B. No. 330—Enacts the Initiative for a World-Class Education in Nevada.
(BDR 34-171)



SENATE BILL NO. 330—SENATOR HORSFORD

MARCH 16, 2009

Referred to Committee on Health and Education

SUMMARY—Enacts the Initiative for a World-Class Education in Nevada.
(BDR 34-171)

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; ~~[revising provisions relating to the Superintendent of Public Instruction;]~~ making various changes regarding the Department of Education, the State Board of Education and various councils and commissions related to the system of public education in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Department of Education, consisting of the State Board of Education, the State Board for Career and Technical Education and the Superintendent of Public Instruction, and creates the Commission on Educational Excellence, the Commission on Educational Technology, ~~[and the Council to Establish Academic Standards for Public Schools. *and the Commission on Professional Standards in Education and the Statewide Council for the Coordination of the Regional Training Programs.*]~~ (NRS 385.010, 385.3784, 388.790, 389.510 ~~[, 391.011, 391.516]~~) This bill repeals provisions creating the Commission on Educational Excellence, the Commission on Educational Technology and the Council to Establish Academic Standards for Public Schools. This bill also transfers certain duties and responsibilities formerly assigned to those bodies to the State Board of Education and the Department of Education.

Section 8 of this bill revises the membership of the State Board of Education to eliminate the 10 districts from which members are elected and provides for the election of one member from each of the congressional districts (currently three) and the appointment of one member by the Governor, one member by the Board of Regents of the University of Nevada and two members by the Legislative Commission. (NRS 385.021) **Section 8** also prescribes the requirements for the members.

Section 9 of this bill requires the State Board of Education to establish clear and well-defined goals for the education of pupils in this State, the improvement of the system of public education in this State and to meet other specific objectives relating to education. (NRS 385.075)

~~[Under existing law, the Superintendent is appointed by the State Board. (NRS 385.150) This bill changes the name of the Superintendent of Public Instruction to the State Superintendent for Education. Section 11 of this bill requires the Governor to nominate and the Senate to confirm each appointment as State Superintendent. If the position is vacant at a time when the Legislature is not in session, the Legislative Commission has the authority to confirm such a nominee. (NRS 385.150)]~~

~~[Section 15 of this bill revises the Deputy Superintendent of Instructional, Research and Evaluative Services to be the Deputy Superintendent of Curriculum and Instruction. (NRS~~

~~385.200) Section 16 of this bill revises the Deputy Superintendent for Administrative and Fiscal Services to be the Deputy Superintendent of Operations, Fiscal Services and Technology. (NRS 385.200) Section 3 of this bill requires the State Superintendent for Education to appoint a Director of Assessment and Accountability to oversee certain activities of the public schools and school districts in this State. Section 4 of this bill requires the State Superintendent for Education to appoint a Director of Innovation, Research and Professional Development to perform certain duties required by the State Superintendent.)~~

Section 5 of this bill requires the Department to adopt a model to measure and track the achievement and progress of pupils in this State and prescribes the requirements for that system.

Section 5.5 of this bill authorizes the board of trustees of a school district or the governing body of a charter school to submit an application to the Department for grants of money for certain educational programs and services, including, without limitation, ~~programs for innovation and the prevention of remediation,~~ programs for peer mediation, programs for career and technical education and programs for educational technology. To the extent money is available, the Department may award grants of money to school districts and charter schools whose applications are approved.

Section 5.7 of this bill requires the establishment of a Statewide Advisory Council for the Support of Youth to ensure that the youth in this State receive an education which adequately prepares them for postsecondary education, a career and other future accomplishments.

~~(Section 47 of this bill requires the Department to establish a program of performance pay for voluntary participation by educational personnel and other school personnel and prescribes the requirements for determining eligibility for receipt of the enhanced compensation. Existing law prescribes certain requirements concerning the salaries of teachers. (NRS 391.160) Section 47.5 of this bill creates the Endowment Fund for a Program of Performance Pay.)~~

Section 69.3 of this bill requires the interim study committee created pursuant to Assembly Concurrent Resolution Number 2 of the 2009 Legislature, File No. 89, to study certain issues relating to a program of performance pay for licensed educational personnel and other school personnel.

Section 70 of this bill requires the Legislative Commission to monitor the progress and effectiveness of the changes and reformations required by this bill.

WHEREAS, The Nevada Constitution requires the Legislature to provide for a system of public education in this State; and

WHEREAS, The pupils in this State are entitled to receive a world-class education which will ensure year-to-year progress and which will adequately prepare those pupils to enter postsecondary education and the workforce; and

WHEREAS, By enacting the Initiative for a World-Class Education in Nevada, the Legislature will ensure that each pupil receives an education that prepares him for higher education, a career and a lifetime of future success; and

WHEREAS, The Initiative for a World-Class Education in Nevada provides for systematic change to the educational structure of this State to facilitate progress toward attaining statewide goals and meeting measurable objectives to ensure the future success of the pupils enrolled in public schools in this State; and

WHEREAS, The future of this State is of the utmost importance to the members of the 75th Session of the Nevada Legislature, and educating pupils is vital to securing that future; now, therefore,

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 to ~~5.5~~ 5.7, inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. ~~{1. The State Superintendent for Education shall appoint a Director of Assessment and Accountability.~~

~~2. The Director of Assessment and Accountability must:~~

~~(a) Be a graduate of a 4-year accredited college or university;~~

~~(b) Have familiarity with the field of public education, as evidenced by:~~

~~(1) Sufficient college credits in education to qualify for a license to teach in a public school in this State; or~~

~~(2) Participation in recognized educational research and study;~~

~~3. The Director of Assessment and Accountability may perform any duty required by the State Superintendent for Education and} The Department shall:~~

~~{(a)}~~ 1. Monitor the public schools and school districts in this State to ensure compliance with all state and federal programs relating to education, with a primary focus on academic and fiscal accountability;

~~{(b)}~~ 2. Review the budget submitted by each school district pursuant to NRS 387.303 and the quarterly publication of expenditures for each school district pursuant to NRS 387.320;

~~{(c)}~~ 3. Review the budget of each charter school submitted pursuant to NRS 386.600;

~~{(d)}~~ 4. Review the annual report of accountability prepared pursuant to NRS 385.3469;

~~{(e)}~~ 5. Review the report of accountability prepared by each school district pursuant to NRS 385.347, the accountability information submitted by each university school for profoundly gifted pupils pursuant to NRS 392A.073 and any other report of data relating to the achievement of pupils; and

~~{(f)}~~ 6. On or before July 1 of each year, submit to the Legislative Committee on Education a report of the activities of the ~~Director~~ Department and the results and findings of the monitoring and reviews carried out pursuant to this section. ~~and~~

~~(g) Perform such work as the State Superintendent may direct under the laws of the State.~~

~~4. No person may be appointed to the position of Director of Assessment and Accountability unless he meets the qualifications set forth in subsection 2.~~

Sec. 4. ~~{1. The State Superintendent for Education shall appoint a Director of Innovation, Research and Professional Development.~~

~~2. The Director of Innovation, Research and Professional Development must:~~

~~(a) Be a graduate of a 4-year accredited college or university;~~

~~(b) Have familiarity with the field of public education, as evidenced by:~~

~~(1) Sufficient college credits in education to qualify for a license to teach in a public school in this State; or~~

~~(2) Participation in recognized educational research and study;~~

~~(c) Have familiarity with the general field of public administration and personnel development, as evidenced by:~~

~~(1) College course work in public administration or personnel management; or~~

~~(2) Experience in the training and professional development of educational personnel.~~

~~3. The Director of Innovation, Research and Professional Development may perform any duty required by the State Superintendent for Education and shall do such work as the State Superintendent may direct under the laws of the State.~~

~~4. No person may be appointed to the position of Director of Innovation, Research and Professional Development unless he meets the qualifications set forth in subsection 2.~~ (Deleted by amendment.)

Sec. 5. 1. The Department shall adopt a model to measure and track from year to year the achievement and progress made by each pupil, each group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361, each public school, including, without limitation, each charter school, each school district and the State as a whole.

2. The Department shall identify the measures of progress for inclusion in the model which must include, without limitation, the results of pupils on the examinations administered pursuant to NRS 389.550 and the results of pupils on the high school proficiency examination administered pursuant to NRS 389.015. The model must include other measures of progress identified by the Department, including, without limitation, graduation and attendance rates.

3. The model must be designed in a manner which allows the Department to:

(a) Identify each program for which a grant of money is made from the Account for Programs for Innovation and the Prevention of Remediation or otherwise provided through the State and which is being used by a public school; and

(b) Determine, through results of evaluations, the programs which are used by public schools and which are making improvements in the achievement and progress of pupils and the programs which are used by public schools and which are not making the same level of improvements.

4. The Department may contract with a qualified and independent consultant to assist the Department in the development and maintenance of the model.

Sec. 5.5. 1. The board of trustees of a school district, based upon requests submitted by principals of the public schools located within the school district, or the governing body of a charter school may submit an application to the Department for a grant of money from the money available for any of the programs or assistance set forth in subsection 2. The application must be on a form prescribed by the Department and include, without limitation:

(a) A plan for the use of the money requested by the board of trustees or the governing body, which must:

(1) Be designed to support the plan to improve the achievement of pupils enrolled in the school district prepared by the board of trustees pursuant to NRS 385.348, if applicable, as well as the plan to improve the achievement of pupils prepared by each individual school within the school district or the charter school, as applicable, pursuant to NRS 385.357;

(2) Be based on practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils; and

(3) Include one or more of the programs or assistance set forth in subsection 2.

(b) The amount of money requested by the board of trustees or governing body to carry out the educational programs or assistance, as applicable, that the school district or charter school intends to offer pursuant to this section.

(c) If a school district submitted the application, a prioritized list of the schools and programs or assistance, as applicable, for which the school district is

1 requesting a grant of money and a description of how the money will be used to
2 support the plan to improve the achievement of pupils prepared by each of those
3 schools.

4 (d) If the governing body of a charter school submitted the application, a
5 prioritized list of the programs or assistance, as applicable, for which the
6 governing body is requesting a grant of money and a description of how the
7 money will be used to support the plan to improve the achievement of pupils
8 prepared by the charter school.

9 2. Money may be granted pursuant to this section for one or more of the
10 following:

11 (a) Programs that incorporate educational technology in accordance with the
12 plan established by the Department pursuant to NRS 388.795;

13 (b) Programs of peer mediation;

14 (c) The program used by the Geographic Alliance in Nevada;

15 (d) Programs for the certification of counselors offered in this State or
16 offered by a national certification agency;

17 (e) Assistance for the support teams established pursuant to NRS 385.3721
18 for non-Title I schools, including, without limitation, to pay for substitute
19 teachers as necessary for the teachers at the school who serve on the support
20 team to carry out the duties and responsibilities of the support team; and

21 (f) Programs of career and technical education ~~and~~

22 ~~—(g) Programs for innovation and the prevention of remediation that use~~
23 ~~programs, practices and strategies that have been proven effective in improving~~
24 ~~the academic achievement and proficiency of pupils.]~~

25 3. To the extent that money is available from legislative appropriation or
26 otherwise for any program or assistance set forth in subsection 2, the Department
27 shall provide grants of money to school districts and charter schools with
28 approved applications based upon the amount of money that is necessary to carry
29 out the educational programs or assistance, as set forth in the application of the
30 school district or charter school. If an insufficient amount of money is available
31 to pay for the total amount requested in each application, the available money
32 must be distributed in a fair and equitable manner among the school districts and
33 charter schools with approved applications based upon the prioritized list
34 submitted by each school district and charter school pursuant to subsection 1.

35 4. The board of trustees of a school district or the governing body of a
36 charter school that receives a grant of money pursuant to this section shall not
37 use the money:

38 (a) For the construction or maintenance of buildings or facilities.

39 (b) To settle or arbitrate disputes or negotiate settlements between an
40 organization that represents licensed employees of the school district or charter
41 school and the school district or charter school, as applicable.

42 (c) To adjust the schedules of salaries and benefits of the employees of the
43 school district or charter school, as applicable.

44 5. Money granted to a school district or charter school pursuant to the
45 provisions of this section may only be committed for expenditure during the
46 biennium in which it was granted, and any unused funds must be returned to the
47 Department by the board of trustees or governing body on or before the deadline
48 determined by the Department.

49 6. The board of trustees of a school district and the governing body of a
50 charter school that receives a grant of money pursuant to this section shall, on or
51 before February 1 of each odd-numbered year, submit a written report to the
52 Department and to the Director of the Legislative Counsel Bureau for

1 *transmission to the next regular session of the Nevada Legislature. The report*
2 *must include, without limitation:*

3 *(a) The name of each school that received a grant pursuant to this section*
4 *and the amount of each grant;*

5 *(b) The programs and other assistance for which each school expended the*
6 *money; and*

7 *(c) An evaluation of the programs and other assistance for which each*
8 *school expended the money, including, without limitation, the effectiveness of*
9 *each program or assistance on the academic achievement and proficiency of*
10 *pupils enrolled in the school.*

11 Sec. 5.7. 1. The nonprofit corporation formed pursuant to NRS 385.091,
12 in consultation with the Department of Education and the Department of
13 Employment, Training and Rehabilitation, shall establish a Statewide Advisory
14 Council for the Support of Youth, composed of not less than six members.

15 2. The nonprofit corporation shall appoint members to the Statewide
16 Advisory Council who:

17 (a) Have knowledge and experience in education, youth development or
18 human resources; and

19 (b) To the extent practicable, represent:

20 (1) The Department of Employment, Training and Rehabilitation;

21 (2) The Department of Education;

22 (3) The Department of Health and Human Services;

23 (4) The Office of the Attorney General;

24 (5) The Assembly;

25 (6) The Senate;

26 (7) The Governor's Workforce Investment Board of the Department of
27 Employment, Training and Rehabilitation;

28 (8) The Nevada System of Higher Education;

29 (9) An Indian tribe;

30 (10) The nonprofit corporation; and

31 (11) Any other person deemed necessary by the nonprofit corporation.

32 3. Each member of the Statewide Advisory Council serves at the pleasure of
33 the nonprofit corporation.

34 4. The Department of Education shall provide administrative support to the
35 Statewide Advisory Council.

36 5. Unless money is appropriated for that purpose, the members of the
37 Statewide Advisory Council serve without compensation and shall not receive a
38 per diem allowance or travel expenses.

39 6. The Statewide Advisory Council shall:

40 (a) Facilitate statewide efforts to ensure that each youth in this State receives
41 an education which adequately prepares the youth for postsecondary education
42 or training, adequately prepares the youth for a career and ensures a lifetime of
43 successful accomplishments;

44 (b) Collaborate with organizations which serve youth to provide advice and
45 guidance to public agencies in this State to ensure that youth are engaged in
46 postsecondary education or productive employment by 25 years of age; and

47 (c) Strengthen the coordination, communication and collaboration among
48 public agencies and organizations which support at-risk youth in becoming
49 successful adults.

50 Sec. 6. NRS 385.010 is hereby amended to read as follows:

51 385.010 1. A Department of Education is hereby created.

2. The Department consists of the State Board of Education, the State Board for Career and Technical Education and the *State Superintendent* ~~of Public Instruction~~ *for Education*.

3. The *State Superintendent* ~~of Public Instruction~~ *for Education, who is the chief educational officer for the State*, is the executive head of the Department.

Sec. 7. NRS 385.014 is hereby amended to read as follows:

385.014 When required, the Attorney General shall give his opinion in writing and without fee to the State Board, the *State Superintendent* ~~of Public Instruction~~ *for Education* and the Commission on Professional Standards in Education on matters relating to the powers and duties of the Department.

Sec. 8. NRS 385.021 is hereby amended to read as follows:

385.021 1. The State Board consists of ~~{10 members}~~ :

(a) *One member* elected by the registered voters within ~~{the districts}~~ *each congressional district* described in NRS ~~{385.0225 to 385.0265}~~ *304.060 to 304.120*, inclusive ~~{}~~ ;

(b) *One member appointed by the Governor;*

(c) *Two members appointed by the Legislative Commission, who must not be Legislators; and*

(d) *One nonvoting member appointed by the Board of Regents of the University of Nevada.*

2. Each member of the State Board :

(a) *Elected pursuant to paragraph (a) of subsection 1* must be a resident of the district from which that member is elected.

~~{3. At the general election in 2002, and every 4 years thereafter, one member of the State Board must be elected for a term of 4 years from Districts Numbers 2, 5, 6 and 10.~~

~~4. At the general election in 2004, and every 4 years thereafter, one member of the State Board must be elected for a term of 4 years from Districts Numbers 1, 3, 4, 7, 8 and 9.~~

~~5. (b) Appointed pursuant to paragraph (b) or (c) of subsection 1 must be a resident of this State and:~~

(1) *Have experience in prekindergarten, elementary, secondary or postsecondary education;*

(2) *Have experience in public policy or public administration; or*

(3) *Be active in the business community or industry of this State.*

↳ To the extent practicable, those members must be appointed from lists of nominations provided by associations and organizations in this State which are concerned with issues relating to public education, including, without limitation, associations representing educational personnel.

(c) *Appointed pursuant to paragraph (d) of subsection 1 must have experience in postsecondary education and be a resident of this State.*

3. *After the initial terms, each member serves a term of 4 years.*

4. If a vacancy occurs on the State Board ~~{}~~ *during the term of a member who was:*

(a) *Elected pursuant to paragraph (a) of subsection 1*, the Governor shall appoint a member to fill the vacancy until the next general election, at which election a member must be chosen for the balance of the unexpired term. The appointee must be a resident of the district where the vacancy occurs.

(b) *Appointed pursuant to paragraph (b), (c) or (d) of subsection 1, the vacancy must be filled in the manner of the original appointment.*

~~{6.}~~ 5. No member of the State Board may ~~{be elected to the office}~~ *serve* more than three ~~{times}~~ *terms of office*.

1 **Sec. 9.** NRS 385.075 is hereby amended to read as follows:

2 385.075 The State Board shall ~~establish policies~~ :

3 1. *Establish policies* to govern the administration of all functions of the State
4 relating to *the* supervision, management and control of public schools not conferred
5 by law on some other agency.

6 2. *Establish clearly defined goals and benchmarks for improving the*
7 *achievement of pupils in this State, including, without limitation, goals for:*

8 (a) *Improving proficiency results in core academic subject areas;*

9 (b) *Increasing the number of pupils enrolled in middle schools and junior*
10 *high schools in this State who enter high school with the skills necessary to*
11 *succeed in high school;*

12 (c) *Improving the percentage of pupils who enroll in grade 9 in this State*
13 *and who complete high school and obtain a standard diploma upon completion;*

14 (d) *Improving the performance of pupils in this State on standardized college*
15 *entrance examinations;*

16 (e) *Increasing the percentage of pupils enrolled in high schools in this State*
17 *who enter postsecondary educational institutions; and*

18 (f) *Reengaging disengaged youth who have dropped out of high school or*
19 *who are at risk of dropping out of high school, including, without limitation, a*
20 *mechanism for tracking and maintaining communication with those youth who*
21 *have dropped out or who are at risk of doing so.*

22 3. *Establish a mechanism to measure the progress made toward meeting*
23 *statewide educational goals, including, without limitation:*

24 (a) *Establishing measurable outcomes for the achievement of school districts*
25 *and charter schools;*

26 (b) *Developing a system to track progress toward those measurable*
27 *objectives, including data on the results of pupils on the examinations*
28 *administered pursuant to NRS 389.550 and the high school proficiency*
29 *examination; and*

30 (c) *Improving the capacity and maintenance of the automated system of*
31 *accountability information for Nevada established pursuant to NRS 386.650.*

32 4. *Collaborate with the Department and the Nevada System of Higher*
33 *Education to:*

34 (a) *Align the academic standards and curriculum developed for pupils*
35 *enrolled in elementary and secondary education with the academic standards and*
36 *curriculum developed for students enrolled in postsecondary educational*
37 *institutions in this State; and*

38 (b) *Provide professional development and training through the Nevada*
39 *System of Higher Education to assist the Department in ensuring that*
40 *educational personnel are properly trained and that educational personnel are*
41 *exposed to various classroom methodologies.*

42 **Sec. 10.** NRS 385.110 is hereby amended to read as follows:

43 385.110 1. Except as otherwise provided in subsections 2 and 3, the State
44 Board shall prescribe and cause to be enforced the courses of study for the public
45 schools of this State. The courses of study prescribed and enforced by the State
46 Board must comply with the standards of content and performance established by the
47 ~~[Council to Establish Academic Standards for Public Schools]~~ *State Board*
48 *pursuant to NRS 389.520.*

49 2. For those courses of study prescribed by the State Board:

50 (a) High schools may have modified courses of study, subject to the approval
51 of the State Board; and

(b) Any high school offering courses normally accredited as being beyond the level of the 12th grade shall, before offering such courses, have them approved by the State Board.

3. A charter school is not required to offer the courses of study prescribed by the State Board except for those courses of study which are required for promotion to the next grade or graduation from high school.

Sec. 11. ~~NRS 385.150 is hereby amended to read as follows:~~
~~385.150 1. The [State Board] Governor shall nominate and, upon confirmation in accordance with subsection 3, appoint the State Superintendent [of Public Instruction] for Education for a term of [3] 4 years [.] commencing on July 1. The [State Board] Governor may remove the State Superintendent [of Public Instruction] from office for inefficiency, neglect of duty, malfeasance in office or for other just cause. The State Board may provide to the Governor a list of not less than three names of persons that the State Board determines are qualified for appointment as State Superintendent for Education. The Governor shall, to the extent practicable, nominate the State Superintendent for Education from the list of names provided by the State Board.~~

~~2. A vacancy must be filled by the [State Board] Governor nominating and, upon confirmation in accordance with subsection 3, appointing for the remainder of the unexpired term.~~

~~3. On or before February 1, 2011, and on or before February 1 every 4 years thereafter, the Governor shall provide to the Director of the Legislative Counsel Bureau, for transmission to the Senate, the name of the person nominated as the State Superintendent for Education. The Senate shall, within the first 45 days of the next regularly scheduled session of the Legislature, consider the nominee and confirm or deny the nomination. If the Senate denies a nomination, the Governor may nominate another person as the State Superintendent for Education and immediately transmit the name to the Senate. The Senate shall, within 30 days after receiving each subsequent nomination, consider the nominee and confirm or deny the nomination. If the position of State Superintendent for Education is not filled during the regular session of the Legislature or becomes vacant while the Legislature is not in session, the Legislative Commission shall, within 30 days after receiving a nomination from the Governor, consider the nominee and confirm or deny the nomination. The Governor may not nominate as State Superintendent for Education a person who has been previously denied by either the Senate or the Legislative Commission.~~

~~4. The State Superintendent [of Public Instruction] for Education is in the unclassified service of the State.] (Deleted by amendment.)~~

Sec. 12. NRS 385.170 is hereby amended to read as follows:

385.170 The **State** Superintendent **for Education** shall not pursue any other business or occupation or hold any other office of profit. ~~[without the approval of the State Board of Education.]~~

Sec. 13. (Deleted by amendment.)

Sec. 14. ~~NRS 385.190 is hereby amended to read as follows:~~

~~385.190 1. The State Superintendent [of Public Instruction] for Education, in consultation with the Director of Innovation, Research and Professional Development or a staff member designated by [him] the Director, shall:~~

~~(a) Convene teachers' conferences in the various sections of the State in such places and at such times as he deems advisable;~~

~~(b) Engage such conference lecturers and leaders as he deems advisable;~~

~~(c) Preside over and regulate the programs of all teachers' conferences;~~

~~2. No teachers' conference may continue more than 5 days.~~

~~3. The State Superintendent [of Public Instruction] for Education, in consultation with the Director of Innovation, Research and Professional Development or [his designated] a staff member designated by the Director, shall convene, in such places and at such times as he may designate, conferences of school administrators.~~

~~4. The expenses of holding teachers' and administrators' conferences must be paid from the State Distributive School Account in the State General Fund, but the amount must not exceed \$8,400 in any one biennium. The State Controller shall draw his warrants for such expenses upon the order of the State Superintendent [of Public Instruction.] for Education.~~ (Deleted by amendment.)

Sec. 15. NRS 385.290 is hereby amended to read as follows:

385.290 1. The State Superintendent [of Public Instruction] for Education may appoint a Deputy Superintendent of Instructional, Research and Evaluative Services [Curriculum and Instruction] who:

(a) Holds a master's degree in school administration or a related subject from an accredited college or university.

(b) Has a minimum of 3 years of administrative experience which includes:

- (1) Supervision and evaluation of staff;
- (2) Development and administration of budgets; and
- (3) Development of curriculum.

2. The Deputy Superintendent of Instructional, Research and Evaluative Services [Curriculum and Instruction] may perform any duty required of the State Superintendent [of Public Instruction] for Education during the absence of the State Superintendent and shall do such work as the State Superintendent may direct under the laws of the State.

3. No person may be appointed to the position of Deputy Superintendent of Curriculum and Instruction Instructional, Research and Evaluative Services unless he meets the qualifications set forth in subsection 1.

Sec. 16. ~~NRS 385.300 is hereby amended to read as follows:~~

~~385.300 1. The State Superintendent [of Public Instruction] for Education may appoint a Deputy Superintendent [for Administrative and] of Operations, Fiscal Services [,] and Technology.~~

~~2. The Deputy Superintendent [for Administrative and] of Operations, Fiscal Services and Technology must:~~

~~(a) Be a graduate of a 4-year accredited college or university;~~

~~(b) Have familiarity with the field of education, as evidenced by:~~

~~(1) Sufficient college credits in education to qualify for a license to teach in a high school in this state; or~~

~~(2) Participation in recognized educational research and study;~~

~~(c) Have familiarity with the general field of public administration and budgeting, as evidenced by:~~

~~(1) Sufficient college credits to qualify for a minor in public administration, government management or business management; or~~

~~(2) Experience in the preparation of governmental budgets or in governmental accounting or research.~~

~~3. No person may be appointed to the position of Deputy Superintendent [for Administrative and] of Operations, Fiscal Services and Technology unless he has the qualifications outlined in subsection 2.] (Deleted by amendment.)~~

Sec. 17. ~~NRS 385.310 is hereby amended to read as follows:~~

~~385.310 The Deputy Superintendent [for Administrative and] of Operations, Fiscal Services, and Technology, under the direction of the State Superintendent [of Public Instruction,] for Education, 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, 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 State Superintendent [of Public Instruction] for Education for submission to the State Board as he deems advisable.~~

~~4. Recommend to the State Superintendent [of Public Instruction] for Education 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 State Superintendent [of Public Instruction] for Education.~~

~~6. Prepare for the State Superintendent [of Public Instruction] for Education the biennial budgets of the Department for consideration by the State Board and submission to the Governor. (Deleted by amendment.)~~

Sec. 18. NRS 385.315 is hereby amended to read as follows:

385.315 In addition to his other duties, the Deputy Superintendent ~~for Administrative and [of Operations],~~ Fiscal Services, ~~and Technology,~~ under the direction of the ~~State Superintendent [of Public Instruction] for Education,~~ shall:

1. Investigate any claim against any school fund or separate account established under NRS 354.603 whenever a written protest against the drawing of a warrant, check or order in payment of the claim is filed with the county auditor. If, upon investigation, the Deputy Superintendent finds that any such claim is unearned, illegal or unreasonably excessive, he shall notify the county auditor and the clerk of the board of trustees who drew the order for the claim, stating the reasons in writing why the order is unearned, illegal or excessive. If so notified, the county auditor shall not draw his warrant in payment of the claim nor shall the board of trustees draw a check or order in payment of the claim from a separate account established under NRS 354.603. If the Deputy Superintendent finds that any protested claim is legal and actually due the claimant, he shall authorize the county auditor or the board of trustees to draw his warrant or its check or order on an account established under NRS 354.603 for the claim, and the county auditor or the board of trustees shall immediately draw his warrant or its check or order in payment of the claim.

2. Inspect *and, if he determines necessary, audit* the record books and accounts of boards of trustees, and enforce the uniform method of keeping the financial records and accounts of school districts.

3. Inspect *and, if he determines necessary, audit* the school fund accounts of the county auditors of the several counties, and report the condition of the funds of any school district to the board of trustees thereof.

4. Inspect *and, if he determines necessary, audit* the separate accounts established by boards of trustees under NRS 354.603, and report the condition of the accounts to the respective boards of county commissioners and county treasurers.

1 **Sec. 19.** ~~[NRS 385.320 is hereby amended to read as follows:~~
2 ~~385.320 The Deputy Superintendent of Curriculum and Instruction, the~~
3 ~~Deputy Superintendent of Operations, Fiscal Services and Technology, the~~
4 ~~Director of Assessment and Accountability and the Director of [Instructional,~~
5 ~~Research and Evaluative Services and the Deputy Superintendent for~~
6 ~~Administrative and Fiscal Services.] Innovation, Research and Professional~~
7 ~~Development.~~

8 ~~1. Are in the unclassified service of the State.~~
9 ~~2. Except as otherwise provided in NRS 284.142, shall each devote his entire~~
10 ~~time and attention to the business of his office and shall not pursue any other~~
11 ~~business or occupation or hold any other office of profit.] (Deleted by~~
12 ~~amendment.)~~

13 **Sec. 20.** NRS 385.330 is hereby amended to read as follows:

14 385.330 1. Professional staff and other personnel appointed by the *State*
15 Superintendent ~~[of Public Instruction]~~ *for Education* shall perform such duties as
16 are assigned by the *State* Superintendent.

17 2. The *State* Superintendent ~~[of Public Instruction.]~~ *for Education*, under the
18 policies of the State Board, shall locate the offices of professional staff and other
19 personnel ~~[where]:~~

20 (a) *Where* the needs of the education program can best be served ~~[;]~~ *and*

21 (b) *To reflect the geographic diversity of this State.*

22 **Sec. 21.** NRS 385.34691 is hereby amended to read as follows:

23 385.34691 1. The State Board shall prepare a plan to improve the
24 achievement of pupils enrolled in the public schools in this State. The plan:

25 (a) Must be prepared in consultation with:

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

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

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

34 (5) *A representative from the Nevada Youth ~~[Legislative Issues Forum]~~*
35 *Legislature created by NRS 385.515, appointed by the Chairman of the Forum.*

36 (b) May be prepared in consultation with:

37 (1) Representatives of ~~[institutions of higher education;]~~ *the colleges of*
38 *education in the Nevada System of Higher Education;*

39 (2) Representatives of regional educational laboratories;

40 (3) Representatives of outside consultant groups;

41 (4) Representatives of the regional training programs for the professional
42 development of teachers and administrators created by NRS 391.512;

43 (5) The Bureau; and

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

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

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

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

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

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

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

(I) The curriculum appropriate to improve achievement;

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

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

(2) Increase the rate of attendance of pupils, *improve the percentage of pupils who graduate with a high school diploma* 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.

(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 availability of programs of career and technical education in public schools in this State;*

(2) The requirements for admission to an institution of ~~higher~~ *postsecondary* education and the opportunities for financial aid;

~~(2)~~ (3) The availability of Governor Guinn Millennium Scholarships pursuant to NRS 396.911 to 396.938, inclusive; and

~~(3)~~ (4) 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 ~~[]~~, *including, without limitation, a description of the duties of those employees relating to the achievement of pupils and the support of the success of pupils in the classroom.*

(g) ~~[For]~~ *A timeline for carrying out the plan, including benchmarks that indicate the rate of improvement which must be attained annually and, 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, *improving the rate of pupils who graduate with a high school diploma* 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 shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board 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.

(l) Strategies to increase the percentage of classes that are taught by highly qualified teachers in ~~low-poverty~~ high-poverty schools.

3. The State Board shall:

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

(b) Examine the timeline for implementing the plan and the timeline for implementing each provision of the plan to determine whether the annual benchmarks have been attained;

(c) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that ~~the~~:

(1) The benchmarks set forth in the plan are being attained in a timely manner; and

(2) 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 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) Council to Establish Academic Standards for Public Schools created by NRS 389.510;~~

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

~~(g) (f) Governing body of each charter school.~~

5. On or before February 1 of each odd-numbered year, the State Board shall submit the plan or the revised plan, as applicable, to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

Sec. 21.1. NRS 385.3782 is hereby amended to read as follows:

385.3782 *As used in NRS 385.3782 to 385.379, inclusive.* "Account" means the Account for Programs for Innovation and the Prevention of Remediation created by NRS 385.379.

Sec. 21.3. NRS 385.3785 is hereby amended to read as follows:

385.3785 1. The ~~Commission~~ State Board shall:

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

(1) The plan to improve the achievement of pupils prepared by the State Board pursuant to NRS 385.34691;

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

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

(4) Any other information that the ~~{Commission}~~ State Board considers relevant to the development of the program of educational excellence.

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

(c) Develop a concise application and simple procedures for the submission of applications by public schools and consortiums of public schools, including, without limitation, charter schools, for participation in a program of educational excellence and for grants of money from the Account. Grants of money must be made for programs designed for the achievement of pupils that are linked to the plan to improve the achievement of pupils or for innovative programs, or both. The ~~{Commission}~~ State Board shall not award a grant of money from the Account for a program to provide full-day kindergarten. All public schools and consortiums of public schools, including, without limitation, charter schools, are eligible to submit such an application, regardless of whether the schools have made adequate yearly progress or failed to make adequate yearly progress. A public school or a consortium of public schools selected for participation may be approved by the ~~{Commission}~~ State Board for participation for a period not to exceed 2 years, but may reapply.

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

(e) Establish guidelines for the review, evaluation and approval of applications for grants of money from the Account, including, without limitation, consideration of the list of priorities of public schools provided by the Department pursuant to subsection 5. To ensure consistency in the review, evaluation and approval of applications, if the guidelines authorize the review and evaluation of applications by less than the entire membership of the ~~{Commission}~~ State Board or by an advisory committee appointed pursuant to subsection 9, money must not be allocated from the Account for a grant until the entire membership of the ~~{Commission}~~ State Board has reviewed and approved the application for the grant.

(f) Prescribe accountability measures to be carried out by a public school that participates in the program if that public school does not meet the annual measurable objectives established by the State Board pursuant to NRS 385.361, including, without limitation:

(1) The specific levels of achievement expected of schools that participate; and

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

(g) Determine the amount of money that is available from the Account for those public schools and consortiums of public schools that are selected to participate in the program.

(h) Allocate money to public schools and consortiums of public schools from the Account. Allocations must be distributed not later than August 15 of each year.

(i) Establish criteria for public schools and consortiums of public schools that participate in the program and receive an allocation of money from the Account to

1 evaluate the effectiveness of the allocation in improving the achievement of pupils,
2 including, without limitation, a detailed analysis of:

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

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

8 (3) The implementation of the applicable plans for improvement,
9 including, without limitation, an analysis of whether the school is meeting the
10 measurable objectives identified in the plan; and

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

13 2. To the extent money is available, the ~~{Commission}~~ State Board shall
14 make allocations of money to public schools and consortiums of public schools for
15 effective programs for grades 7 through 12 that are designed to improve the
16 achievement of pupils and effective programs of innovation for pupils. In making
17 such allocations, the ~~{Commission}~~ State Board shall comply with the requirements
18 of subsection 1.

19 3. The ~~{Commission}~~ State Board shall ensure, to the extent practicable, that
20 grants of money provided pursuant to this section reflect the economic and
21 geographic diversity of this State.

22 4. If a public school or consortium that receives money pursuant to subsection
23 1 or 2:

24 (a) Does not meet the criteria for effectiveness as prescribed in paragraph (i) of
25 subsection 1;

26 (b) Does not, as a result of the program for which the grant of money was
27 awarded, show improvement in the achievement of pupils, as determined in an
28 evaluation conducted pursuant to subsection 3 of NRS 385.379; or

29 (c) Does not implement the program for which the money was received, as
30 determined in an evaluation conducted pursuant to subsection 3 of NRS 385.379,
31 over a 2-year period, the ~~{Commission}~~ State Board may consider not awarding
32 future allocations of money to that public school or consortium of public schools.

33 5. On or before July 1 of each year, the Department shall provide a list of
34 priorities of public schools that indicates:

35 (a) The adequate yearly progress status of schools in the immediately
36 preceding year; ~~and~~

37 (b) The public schools that are considered Title I eligible by the Department
38 based upon the poverty level of the pupils enrolled in a school in comparison to the
39 poverty level of the pupils in the school district as a whole ~~{H}~~; and

40 (c) The status of the public schools in achieving the goals and measurable
41 outcomes prescribed by the State Board pursuant to NRS 385.075.

42 ~~{H}~~ for consideration by the ~~{Commission}~~ State Board in its development of
43 procedures for the applications.

44 6. A public school, including, without limitation, a charter school, or a
45 consortium of public schools may request assistance from the school district in
46 which the school is located in preparing an application for a grant of money
47 pursuant to this section. A school district shall assist each public school or
48 consortium of public schools that requests assistance pursuant to this subsection to
49 ensure that the application of the school:

50 (a) Is based directly upon the plan to improve the achievement of pupils
51 prepared for the school pursuant to NRS 385.357;

52 (b) Is developed in accordance with the criteria established by the
53 ~~{Commission}~~ State Board; and

(c) Is complete and complies with all technical requirements for the submission of an application.

☞ A school district may make recommendations to the individual schools and consortiums of public schools. Such schools and consortiums of public schools are not required to follow the recommendations of a school district.

7. In carrying out the requirements of this section, the ~~{Commission}~~ State Board 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.

8. If a consortium of public schools is formed for the purpose of submitting an application pursuant to this section, the public schools within the consortium do not need to be located within the same school district.

9. The State Board may appoint an advisory committee composed of six members who are qualified and who represent the ethnic and geographic diversity of the State to carry out the provisions of this section. The advisory committee serves at the pleasure of the State Board and without compensation unless an appropriation or other money for that purpose is provided by the Legislature.

Sec. 21.5. NRS 385.3787 is hereby amended to read as follows:

385.3787 1. A public school or consortium of public schools that receives an allocation of money from the Account shall:

(a) Account for the money separately;

(b) Use the money to supplement and not replace the money that would otherwise be expended by the school district or public school for the achievement of pupils in kindergarten through grade 6 or pupils in grades 7 through 12, as applicable; and

(c) Submit an evaluation of the effectiveness of the allocation in improving the achievement of pupils in kindergarten through grade 6 or pupils in grades 7 through 12, as applicable, in accordance with the criteria for evaluation established by the ~~{Commission}~~ State Board pursuant to NRS 385.3785.

2. A public school or consortium of public schools that receives an allocation of money from the Account shall not:

(a) Use the money to settle or arbitrate disputes or negotiate settlements between an organization that represents licensed employees of the school district or public school and the school district or public school, as applicable.

(b) Use the money to adjust the schedules of salaries and benefits of the employees of the school district or public school, as applicable.

Sec. 21.7. NRS 385.3789 is hereby amended to read as follows:

385.3789 1. The ~~{Commission}~~ State Board shall prepare an annual report that describes the distribution of money to the public schools and consortiums of public schools and the programs for which money was allocated from the Account, including, without limitation, the total amount of money allocated:

(a) To each consortium of public schools, with a designation of which public schools are included in each consortium;

(b) To each public school;

(c) To schools included on the list of priorities of schools provided by the Department pursuant to NRS 385.3785;

(d) For programs that provide services directly to pupils for remediation and innovation, including, without limitation, instruction, instructional materials and support materials;

(e) For programs that provide instructional support and have an indirect effect on pupils, including, without limitation, the provision of professional development for educational personnel and the employment of administrators; ~~and~~

(f) For each program, including, without limitation:

(1) A description of the program, including, without limitation, whether the program is available commercially;

(2) Whether the ~~{Commission}~~ State Board considers the program to be innovative;

(3) Whether the program includes the provision of professional development other than professional development that is related to carrying out a program that provides services directly to pupils;

(4) The costs to implement the program; and

(5) The full-time personnel necessary to implement the program, if any. ~~H~~;

and

(g) For evaluations of programs for which money was allocated from the Account pursuant to subsection 3 of NRS 385.379.

☛ The report must be submitted on or before September 1 of each year to the entities identified in subsection 3.

2. The ~~{Commission}~~ State Board shall:

(a) Prepare an annual report that describes:

(1) The activities of the ~~{Commission}~~ State Board relating to the provisions of NRS 385.3782 to 385.379, inclusive;

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

(3) An analysis of the progress of and strategies proposed by the public schools and consortiums of 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 ~~{Commission}~~ State Board shall submit the reports required by this section to the:

(a) ~~{State Board}~~

~~(b)~~ Governor;

~~(c)~~ (b) Committee;

~~(d)~~ (c) Bureau;

~~(e)~~ (d) Interim Finance Committee; and

~~(f)~~ (e) Board of trustees of each school district.

4. The Legislative Auditor shall audit biennially the programs for which public schools and consortiums of public schools receive an allocation of money. The audit may include a representative sample of programs, based upon geographic location and type of program. The Legislative Auditor shall report the results of each biennial audit to the entities prescribed in subsection 3.

Sec. 21.9. 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 State Superintendent ~~{of Public Instruction}~~ for Education. The State 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 accordance with the terms and conditions of the gift or grant, or in accordance with subsection 2 or 3. The interest and income earned on the sum of:

(a) The money in the Account; and

(b) Unexpended appropriations made to the Account from the State General Fund,

1 ☞ must be credited to the Account. Any money remaining in the Account at the end
2 of a fiscal year does not revert to the State General Fund, and the balance in the
3 Account must be carried forward to the next fiscal year.

4 2. Except as otherwise provided in ~~[NRS 385.3784 and]~~ subsection 3, the
5 money in the Account may only be used for the allocation of money to public
6 schools and consortiums of public schools whose applications are approved by the
7 ~~[Commission]~~ State Board pursuant to NRS 385.3785.

8 3. Upon the request of the ~~[Commission]~~ State Board:

9 (a) Not more than \$50,000 in the Account may be used each biennium to pay:

10 (1) The expenses incurred by members of the ~~[Commission]~~ State Board
11 to travel to the public schools and consortiums of public schools that received
12 allocations of money from the Account; and

13 (2) The costs incurred by the ~~[Commission]~~ State Board to hold meetings
14 or conferences for representatives of public schools and consortiums of schools that
15 received allocations of money from the Account to discuss or display, or both,
16 programs, practices and strategies that have proven effective in improving the
17 academic achievement and proficiency of pupils.

18 (b) Not more than \$450,000 in the Account may be used each biennium to pay
19 for an evaluation of the programs for which money was allocated from the Account.
20 If the ~~[Commission]~~ State Board uses money in the Account for such an evaluation,
21 the ~~[Commission]~~ State Board shall ensure that:

22 (1) A request for proposals is issued and a qualified, independent
23 consultant is selected to conduct the evaluation;

24 (2) Upon selection of the consultant, the ~~[Commission]~~ State Board
25 receives approval of the consultant and the plan for the evaluation from the
26 Committee;

27 (3) The evaluation is designed to determine the effectiveness of the
28 programs for which money was allocated from the Account in improving the
29 achievement of pupils;

30 (4) The evaluation includes an identification of the programs for which
31 money was allocated from the Account that did not improve the achievement of
32 pupils as described in the approved application for the grant;

33 (5) The evaluation includes an identification of the public schools and
34 consortiums of public schools that did not implement the programs for which
35 money was allocated from the Account as described in the approved application for
36 the grant; and

37 (6) The evaluation includes a compilation and review of each evaluation
38 required to be submitted by public schools and consortiums of public schools
39 pursuant to NRS 385.3787.

40 Sec. 22. (Deleted by amendment.)

41 Sec. 23. (Deleted by amendment.)

42 Sec. 24. (Deleted by amendment.)

43 Sec. 25. (Deleted by amendment.)

44 Sec. 26. (Deleted by amendment.)

45 Sec. 27. NRS 385.389 is hereby amended to read as follows:

46 385.389 1. The Department shall adopt programs of remedial study for each
47 subject tested on the examinations administered pursuant to NRS 389.015,
48 including, without limitation, programs that are designed for pupils who are limited
49 English proficient. The programs adopted for pupils who are limited English
50 proficient must be designed to:

51 (a) Improve the academic achievement of those pupils; or

52 (b) Assist those pupils with attaining proficiency in the English language.

1 ☞ In adopting these programs of remedial study, the Department shall consider the
2 recommendations submitted by the Committee pursuant to NRS 218.5354 and
3 programs of remedial study that have proven to be successful in improving the
4 academic achievement of pupils.

5 2. If a school fails to make adequate yearly progress or if less than 60 percent
6 of the pupils enrolled in a school who took the examinations administered pursuant
7 to NRS 389.015 received an average score on those examinations that is at least
8 equal to the 26th percentile of the national reference group of pupils to which the
9 examinations were compared, the school shall adopt a program of remedial study
10 that has been adopted by the Department pursuant to subsection 1 or a program,
11 practice or strategy recommended by the ~~Commission on Educational Excellence~~
12 ~~pursuant to NRS 385.3785;~~ *Committee pursuant to NRS 218.5354*, or any
13 combination thereof, as applicable.

14 3. A school district that includes a school described in subsection 2 shall
15 ensure that each of the pupils enrolled in the school who failed to demonstrate at
16 least adequate achievement on the examinations administered pursuant to NRS
17 389.015 completes, in accordance with the requirements set forth in subsection 4 of
18 NRS 389.015, remedial study that is determined to be appropriate for the pupil.

19 **Sec. 28.** NRS 385.620 is hereby amended to read as follows:

20 385.620 The Advisory Council shall:

21 1. Review the policy of parental involvement adopted by the State Board and
22 the policy of parental involvement adopted by the board of trustees of each school
23 district pursuant to NRS 392.457;

24 2. Review the information relating to communication with and participation
25 of parents that is included in the annual report of accountability for each school
26 district pursuant to paragraph (j) of subsection 2 of NRS 385.347;

27 3. Review any effective practices carried out in individual school districts to
28 increase parental involvement and determine the feasibility of carrying out those
29 practices on a statewide basis;

30 4. Review any effective practices carried out in other states to increase
31 parental involvement and determine the feasibility of carrying out those practices in
32 this State;

33 5. Identify methods to communicate effectively and provide outreach to
34 parents and legal guardians of pupils who have limited time to become involved in
35 the education of their children for various reasons, including, without limitation,
36 work schedules, single-parent homes and other family obligations;

37 6. Identify the manner in which the level of parental involvement affects the
38 performance, attendance and discipline of pupils;

39 7. Identify methods to communicate effectively with and provide outreach to
40 parents and legal guardians of pupils who are limited English proficient;

41 8. Determine the necessity for the appointment of a statewide parental
42 involvement coordinator or a parental involvement coordinator in each school
43 district, or both;

44 9. On or before July 1 of each year, submit a report to the *State Board and*
45 *the* Legislative Committee on Education describing the activities of the Advisory
46 Council and any recommendations for legislation; and

47 10. On or before February 1 of each odd-numbered year, submit a report *to*
48 *the State Board and* to the Director of the Legislative Counsel Bureau for
49 transmission to the next regular session of the Legislature describing the activities
50 of the Advisory Council and any recommendations for legislation.

51 **Sec. 28.5.** NRS 386.650 is hereby amended to read as follows:

52 386.650 1. The Department shall establish and maintain an automated
53 system of accountability information for Nevada. The system must:

(a) Have the capacity to provide and report information, including, without limitation, the results of the achievement of pupils:

(1) In the manner required by 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, and NRS 385.3469 and 385.347; and

(2) In a separate reporting for each group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361;

(b) Include a system of unique identification for each pupil:

(1) To ensure that individual pupils may be tracked over time throughout this State; and

(2) That, to the extent practicable, may be used for purposes of identifying a pupil for both the public schools and the Nevada System of Higher Education, if that pupil enrolls in the System after graduation from high school;

(c) Have the capacity to provide longitudinal comparisons of the academic achievement, rate of attendance and rate of graduation of pupils over time throughout this State;

(d) Have the capacity to perform a variety of longitudinal analyses of the results of individual pupils on assessments, including, without limitation, the results of pupils by classroom and by school;

(e) Have the capacity to identify which teachers are assigned to individual pupils and which paraprofessionals, if any, are assigned to provide services to individual pupils;

(f) Have the capacity to provide other information concerning schools and school districts that is not linked to individual pupils, including, without limitation, the designation of schools and school districts pursuant to NRS 385.3623 and 385.377, respectively, and an identification of which schools, if any, are persistently dangerous;

(g) Have the capacity to access financial accountability information for each public school, including, without limitation, each charter school, for each school district and for this State as a whole; and

(h) Be designed to improve the ability of the Department, school districts and the public schools in this State, including, without limitation, charter schools, to account for the pupils who are enrolled in the public schools, including, without limitation, charter schools.

➤ The information maintained pursuant to paragraphs (c), (d) and (e) must be used for the purpose of improving the achievement of pupils and improving classroom instruction . ~~{of Public Instruction} for Education~~ ~~{but must not be used for the purpose of evaluating an individual teacher or paraprofessional.}~~

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

(a) Adopt and maintain the program prescribed by the ~~State Superintendent {of Public Instruction}~~ ~~for Education~~ pursuant to subsection 3 for the collection, maintenance and transfer of data from the records of individual pupils to the automated system of information, including, without limitation, the development of plans for the educational technology which is necessary to adopt and maintain the program;

(b) Provide to the Department electronic data concerning pupils as required by the ~~State Superintendent {of Public Instruction}~~ ~~for Education~~ pursuant to subsection 3; and

(c) Ensure that an electronic record is maintained in accordance with subsection 3 of NRS 386.655.

3. The ~~State Superintendent {of Public Instruction}~~ ~~for Education~~ shall:

(a) Prescribe a uniform program throughout this State for the collection, maintenance and transfer of data that each school district must adopt, which must include standardized software;

(b) Prescribe the data to be collected and reported to the Department by each school district and each sponsor of a charter school pursuant to subsection 2 and by each university school for profoundly gifted pupils;

(c) Prescribe the format for the data;

(d) Prescribe the date by which each school district shall report the data to the Department;

(e) Prescribe the date by which each charter school shall report the data to the sponsor of the charter school;

(f) Prescribe the date by which each university school for profoundly gifted pupils shall report the data to the Department;

(g) Prescribe standardized codes for all data elements used within the automated system and all exchanges of data within the automated system, including, without limitation, data concerning:

(1) Individual pupils;

(2) Individual teachers and paraprofessionals;

(3) Individual schools and school districts; and

(4) Programs and financial information;

(h) Provide technical assistance to each school district to ensure that the data from each public school in the school district, including, without limitation, each charter school and university school for profoundly gifted pupils located within the school district, is compatible with the automated system of information and comparable to the data reported by other school districts; and

(i) Provide for the analysis and reporting of the data in the automated system of information.

4. The Department shall establish, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, a mechanism by which persons or entities, including, without limitation, state officers who are members of the Executive or Legislative Branch, administrators of public schools and school districts, teachers and other educational personnel, and parents and guardians, will have different types of access to the accountability information contained within the automated system to the extent that such information is necessary for the performance of a duty or to the extent that such information may be made available to the general public without posing a threat to the confidentiality of an individual pupil.

5. The Department may, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, enter into an agreement with the Nevada System of Higher Education to provide access to data contained within the automated system for research purposes.

Sec. 29. ~~[NRS 387.303 is hereby amended to read as follows:]~~

~~387.303 — 1. Not later than November 10 of each year, the board of trustees of each school district shall submit to the State Superintendent [of Public Instruction] for Education and the Department of Taxation a report which includes the following information:~~

~~(a) For each fund within the school district, including, without limitation, the school district's general fund and any special revenue fund which receives state money, the total number and salaries of licensed and nonlicensed persons whose salaries are paid from the fund and who are employed by the school district in full-time positions or in part-time positions added together to represent full-time positions. Information must be provided for the current school year based upon the school district's final budget, including any amendments and augmentations thereto, and for the preceding school year. An employee must be categorized as filling an instructional, administrative, instructional support or other position.~~

~~1 (b) The count of pupils computed pursuant to paragraph (a) of subsection 1 of~~
~~2 NRS 387.1223;~~

~~3 (c) The school district's actual expenditures in the fiscal year immediately~~
~~4 preceding the report;~~

~~5 (d) The school district's proposed expenditures for the current fiscal year;~~

~~6 (e) The schedule of salaries for licensed employees in the current school year~~
~~7 and a statement of whether the negotiations regarding salaries for the current school~~
~~8 year have been completed. If the negotiations have not been completed at the time~~
~~9 the schedule of salaries is submitted, the board of trustees shall submit a~~
~~10 supplemental report to the State Superintendent [of Public Instruction] for~~
~~11 Education upon completion of negotiations or the determination of an arbitrator~~
~~12 concerning the negotiations that includes the schedule of salaries agreed to or~~
~~13 required by the arbitrator;~~

~~14 (f) The number of employees who received an increase in salary pursuant to~~
~~15 subsection 2, 3 or 4 of NRS 391.160 for the current and preceding fiscal years. If~~
~~16 the board of trustees is required to pay an increase in salary retroactively pursuant~~
~~17 to subsection 2 of NRS 391.160, the board of trustees shall submit a supplemental~~
~~18 report to the State Superintendent [of Public Instruction] for Education not later~~
~~19 than February 15 of the year in which the retroactive payment was made that~~
~~20 includes the number of teachers to whom an increase in salary was paid~~
~~21 retroactively;~~

~~22 (g) The number of employees eligible for health insurance within the school~~
~~23 district for the current and preceding fiscal years and the amount paid for health~~
~~24 insurance for each such employee during those years;~~

~~25 (h) The rates for fringe benefits, excluding health insurance, paid by the school~~
~~26 district for its licensed employees in the preceding and current fiscal years;~~

~~27 (i) The amount paid for extra duties, supervision of extracurricular activities~~
~~28 and supplemental pay and the number of employees receiving that pay in the~~
~~29 preceding and current fiscal years;~~

~~30 (j) The expenditures from the account created pursuant to subsection [3] 4 of~~
~~31 NRS 179.1187. The report must indicate the total amount received by the district in~~
~~32 the preceding fiscal year, and the specific amount spent on books and computer~~
~~33 hardware and software for each grade level in the district;~~

~~34 2. On or before November 25 of each year, the State Superintendent [of~~
~~35 Public Instruction] for Education shall submit to the Department of Administration~~
~~36 and the Fiscal Analysis Division of the Legislative Counsel Bureau, in a format~~
~~37 approved by the Director of the Department of Administration, a compilation of the~~
~~38 reports made by each school district pursuant to subsection 1;~~

~~39 3. In preparing the agency biennial budget request for the State Distributive~~
~~40 School Account for submission to the Department of Administration, the State~~
~~41 Superintendent [of Public Instruction:] for Education:~~

~~42 (a) Shall compile the information from the most recent compilation of reports~~
~~43 submitted pursuant to subsection 2;~~

~~44 (b) May increase the line items of expenditures or revenues based on merit~~
~~45 salary increases and cost of living adjustments or inflation, as deemed credible and~~
~~46 reliable based upon published indexes and research relevant to the specific line item~~
~~47 of expenditure or revenue;~~

~~48 (c) May adjust expenditures and revenues pursuant to paragraph (b) for any~~
~~49 year remaining before the biennium for which the budget is being prepared and for~~
~~50 the 2 years of the biennium covered by the biennial budget request to project the~~
~~51 cost of expenditures or the receipt of revenues for the specific line items;~~

~~52 (d) May consider the cost of enhancements to existing programs or the~~
~~53 projected cost of proposed new educational programs, regardless of whether those~~

enhancements or new programs are included in the per pupil basic support guarantee for inclusion in the biennial budget request to the Department of Administration; and

~~—(c) Shall obtain approval from the State Board for any inflationary increase, enhancement to an existing program or addition of a new program included in the agency biennial budget request.~~

~~4. The State Superintendent [of Public Instruction] for Education shall, in the compilation required by subsection 2, reconcile the revenues of the school districts with the apportionment received by those districts from the State Distributive School Account for the preceding year.~~

~~5. The request prepared pursuant to subsection 2 must:~~

~~—(a) Be presented by the State Superintendent [of Public Instruction] for Education to such standing committees of the Legislature as requested by the standing committees for the purposes of developing educational programs and providing appropriations for those programs; and~~

~~—(b) Provide for a direct comparison of appropriations to the proposed budget of the Governor submitted pursuant to subsection 4 of NRS 353.230. (Deleted by amendment.)~~

Sec. 30. (Deleted by amendment.)

Sec. 31. NRS 388.795 is hereby amended to read as follows:

388.795 1. The ~~{Commission}~~ Department shall establish a plan for the use of educational technology in the public schools of this State. In preparing the plan, the ~~{Commission}~~ Department shall consider:

(a) Plans that have been adopted by ~~{the Department and}~~ the school districts and charter schools 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;

(d) The results of the assessment of needs conducted pursuant to subsection ~~{6}~~ 5; and

(e) Any other information that the ~~{Commission}~~ Department or the Legislative Committee on Education deems relevant to the preparation of the plan.

2. The plan established by the ~~{Commission}~~ Department 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, without limitation, 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, without limitation, the completion of training that is sufficient to enable the teachers to instruct pupils in the use of educational technology.

3. ~~{The Department shall provide:~~

~~—(a) Administrative support;~~

~~—(b) Equipment; and~~

~~—(c) Office space;~~

~~—as is necessary for the Commission to carry out the provisions of this section.~~

1 ~~4.~~ The following entities shall cooperate with the ~~{Commission}~~ *Department*
2 in carrying out the provisions of this section:

- 3 (a) The State Board.
4 (b) The board of trustees of each school district.
5 (c) The superintendent of schools of each school district.

6 (d) The ~~{Department}~~.
7 ~~5.~~ ~~*Deputy Superintendent of Operations, Fiscal Services and Technology,*~~
8 ~~*(e) The governing body of each charter school.*~~

9 4. The ~~{Commission}~~ *Department* shall:

10 (a) Develop technical standards for educational technology and any electrical
11 or structural appurtenances necessary thereto, including, without limitation,
12 uniform specifications for computer hardware and wiring, to ensure that such
13 technology is compatible, uniform and can be interconnected throughout the public
14 schools of this State.

15 (b) Allocate money to the school districts ~~{from the Trust Fund for Educational~~
16 ~~Technology created pursuant to NRS 388.800}~~ *and charter schools pursuant to*
17 *paragraph (a) of subsection 2 of section 5.5 of this act* and any money
18 appropriated by the Legislature for educational technology, subject to any priorities
19 for such allocation established by the Legislature.

20 (c) Establish criteria for the board of trustees of a school district *and governing*
21 *bodies of charter schools* that ~~{receives}~~ *receive* an allocation of money from the
22 ~~{Commission}~~ *Department pursuant to paragraph (a) of subsection 2 of section*
23 *5.5 of this act* to:

24 (1) Repair, replace and maintain computer systems.

25 (2) Upgrade and improve computer hardware and software and other
26 educational technology.

27 (3) Provide training, installation and technical support related to the use of
28 educational technology within the district ~~{}~~ *or charter school*.

29 (d) Submit to the Governor ~~{}~~ *and* the *Legislative* Committee ~~{and the~~
30 ~~Department}~~ *on Education* its plan for the use of educational technology in the
31 public schools of this State and any recommendations for legislation.

32 (e) Review the plan annually and make revisions as ~~{it}~~ *the Department* deems
33 necessary. ~~{for as directed by the Committee or the Department.}~~

34 (f) In addition to the recommendations set forth in the plan pursuant to
35 subsection 2, make further recommendations to the *Legislative* Committee ~~{and the~~
36 ~~Department}~~ *on Education* as the ~~{Commission}~~ *Department* deems necessary.

37 ~~{6.}~~ 5. During the spring semester of each even-numbered school year, the
38 ~~{Commission}~~ *Department* shall conduct an assessment of the needs of each school
39 district *and charter school* relating to educational technology. In conducting the
40 assessment, the ~~{Commission}~~ *Department* shall consider:

41 (a) The recommendations set forth in the plan pursuant to subsection 2;

42 (b) The plan for educational technology of each school district ~~{}~~ *and charter*
43 *school*, if applicable;

44 (c) Evaluations of educational technology conducted for the State, ~~{or}~~ for a
45 school district ~~{}~~ *or for a charter school*, if applicable; and

46 (d) Any other information deemed relevant by the ~~{Commission}~~ *Department*.

47 ➤ The ~~{Commission}~~ *Department* shall submit a final written report of the
48 assessment to the *State Superintendent* ~~{of Public Instruction}~~ *for Education* on or
49 before April 1 of each even-numbered year.

50 ~~{7.}~~ 6. The *State Superintendent* ~~{of Public Instruction}~~ *for Education* shall
51 prepare a written compilation of the results of the assessment conducted by the
52 ~~{Commission}~~ *Department* and transmit the written compilation on or before June 1
53 of each even-numbered year to the Legislative Committee on Education and to the

Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

~~[8.]~~ 7. The ~~{Commission}~~ *Department* may appoint an advisory committee composed of *six* members ~~[of the Commission or other qualified persons]~~ *who are qualified and who represent the ethnic and geographic diversity of this State* to provide recommendations to the ~~{Commission}~~ *Department* regarding standards for the establishment, coordination and use of a telecommunications network in the public schools throughout ~~[the various school districts in]~~ this State. The advisory committee serves at the pleasure of the ~~{Commission}~~ *Department* and without compensation unless an appropriation or other money for that purpose is provided by the Legislature.

~~[9.]~~ 8. As used in this section, "public school" includes 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.

Sec. 32. (Deleted by amendment.)

Sec. 33. (Deleted by amendment.)

Sec. 34. NRS 389.012 is hereby amended to read as follows:

389.012 1. The State Board shall:

(a) In accordance with guidelines established by the National Assessment Governing Board and National Center for Education Statistics and in accordance with 20 U.S.C. §§ 6301 et seq. and the regulations adopted pursuant thereto, adopt regulations requiring the schools of this State that are selected by the National Assessment Governing Board or the National Center for Education Statistics to participate in the examinations of the National Assessment of Educational Progress.

(b) Report the results of those examinations to the:

(1) Governor;

(2) Board of trustees of each school district of this State;

(3) Legislative Committee on Education created pursuant to NRS 218.5352; and

(4) Legislative Bureau of Educational Accountability and Program Evaluation created pursuant to NRS 218.5356.

(c) Include in the report required pursuant to paragraph (b) an analysis and comparison of the results of pupils in this State on the examinations required by this section with:

(1) The results of pupils throughout this country who participated in the examinations of the National Assessment of Educational Progress; and

(2) The results of pupils on the achievement and proficiency examinations administered pursuant to this chapter.

2. If the report required by subsection 1 indicates that the percentage of pupils enrolled in the public schools in this State who are proficient on the National Assessment of Educational Progress differs by more than 10 percent of the pupils who are proficient on the examinations administered pursuant to NRS 389.550 and the high school proficiency examination administered pursuant to NRS 389.015, the Department shall prepare a written report describing the discrepancy. The report must include, without limitation, a comparison and evaluation of:

(a) The standards of content and performance for English and mathematics established pursuant to NRS 389.520 with the standards for English and mathematics that are tested on the National Assessment.

(b) The standards for proficiency established for the National Assessment with the standards for proficiency established for the examinations that are administered pursuant to NRS 389.550 and the high school proficiency examination administered pursuant to NRS 389.015.

3. The report prepared by the Department pursuant to subsection 2 must be submitted to the:

- (a) Governor;
 - (b) Legislative Committee on Education;
 - (c) Legislative Bureau of Educational Accountability and Program Evaluation;
- and
- (d) ~~{Council to Establish Academic Standards for Public Schools.}~~ *State Board.*

4. The ~~{Council to Establish Academic Standards for Public Schools.}~~ *State Board* shall review and evaluate the report provided to the ~~{Council}~~ *State Board* pursuant to subsection 3 to identify any discrepancies in the standards of content and performance established by the ~~{Council}~~ *State Board* that require revision and a timeline for carrying out the revision, if necessary. The ~~{Council}~~ *State Board* shall submit a written report of its review and evaluation to the Legislative Committee on Education and Legislative Bureau of Educational Accountability and Program Evaluation.

Sec. 35. (Deleted by amendment.)

Sec. 36. NRS 389.019 is hereby amended to read as follows:

389.019 Except as otherwise provided in NRS 389.180, boards of trustees of school districts in this State shall enforce in schools:

1. The standards of content and performance established by the ~~{Council to Establish Academic Standards for Public Schools.}~~ *State Board* and the courses of study related to those standards; and

2. The courses of study prescribed and adopted by the State Board.

Sec. 37. NRS 389.520 is hereby amended to read as follows:

389.520 1. The ~~{Council}~~ *State Board* 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}~~ *State Board* shall establish *and adopt* standards of content and performance for each grade level in kindergarten and grades 1 to 8, inclusive, for English and mathematics. The ~~{Council}~~ *State Board* shall establish *and adopt* standards of content and performance for the grade levels selected by the ~~{Council}~~ *State Board* for the other courses of study prescribed in subsection 1.

3. ~~{The Council shall forward to the State Board the standards of content and performance established by the Council for each course of study. The State Board shall:~~

~~—(a) Adopt the standards for each course of study, as submitted by the Council; or~~

~~—(b) If the State Board objects to the standards for a course of study or a particular grade level for a course of study, return those standards to the Council with a written explanation setting forth the reason for the objection.~~

~~4. If the State Board returns to the Council the standards of content and performance for a course of study or a grade level, the Council shall:~~

~~—(a) Consider the objection provided by the State Board and determine whether to revise the standards based upon the objection; and~~

~~—(b) Return the standards or the revised standards, as applicable, to the State Board.~~

~~↪ The State Board shall adopt the standards of content and performance or the revised standards, as applicable.~~

~~5. The Council shall work in cooperation with the~~ **The** State Board ~~{to}~~ **shall** prescribe the examinations required by NRS 389.550.

Sec. 38. NRS 389.530 is hereby amended to read as follows:

389.530 ~~{1. The Department shall provide:~~

~~—(a) Administrative support;~~

~~—(b) Equipment; and~~

~~—(c) Office space;~~

~~↪ as is necessary for the Council to carry out its duties.~~

~~2. The Council may request assistance from any agency of this state if the assistance is necessary for the Council to carry out its duties.~~ **The State Board may appoint an advisory committee composed of six members who are qualified and who represent the ethnic and geographic diversity of this State to carry out the provisions of NRS 389.520 to 389.570, inclusive. The advisory committee serves at the pleasure of the State Board and without compensation unless an appropriation or other money for that purpose is provided by the Legislature.**

Sec. 39. 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}~~ **State Board** pursuant to NRS 389.520 and if revision of the courses of study is necessary to ensure compliance.

Sec. 40. NRS 389.550 is hereby amended to read as follows:

389.550 1. The State Board shall ~~{, in consultation with the 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 8 in the standards of content established by the ~~{Council}~~ **State Board** for the subjects of English and mathematics.

(b) For grades 5 and 8, in the standards of content established by the ~~{Council}~~ **State Board** 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 shall ~~{, in consultation with the 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. 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.

(b) Administered in each school in accordance with uniform procedures adopted by the State Board. 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) 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.

Sec. 41. NRS 389.560 is hereby amended to read as follows:

389.560 1. The State Board shall adopt regulations that require the board of trustees of each school district and the governing body of each charter school to submit to the *State Superintendent* ~~{of Public Instruction,}~~ *for Education*, the Department and the ~~{Council,}~~ *State Board*, in the form and manner prescribed by the Superintendent, the results of the examinations administered pursuant to NRS 389.550. The State Board shall not include in the regulations any provision that would violate the confidentiality of the test scores of an individual pupil.

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

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

(b) The percentage of pupils who have demonstrated proficiency, as defined by the Department, and 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 examinations, the Department shall transmit a copy of the results to the Legislative Bureau of Educational Accountability and Program Evaluation 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;

(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 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 *State Superintendent [of Public Instruction] for Education* shall:

(a) Report the number of pupils who were not exempt from taking the examinations but 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 exempt from taking the examinations or absent from school on the day that the examinations were administered.

Sec. 42. NRS 389.570 is hereby amended to read as follows:

389.570 1. The *[Council] State Board* shall review the results of pupils on the examinations administered pursuant to NRS 389.550, including, without limitation, for each school in a school district and each charter school that is located within a school district, a review of the results for the current school year and a comparison of the progress, if any, made by the pupils enrolled in the school from preceding school years.

2. After the completion of the review pursuant to subsection 1, the *[Council] State Board* shall evaluate:

(a) Whether the standards of content and performance established by the *[Council] State Board* require revision; and

(b) The success of pupils, as measured by the results of the examinations, in achieving the standards of performance established by the *[Council] State Board*.

3. The *[Council] State Board* shall report the results of the evaluation conducted pursuant to subsection 2 to the *[State Board and the] Legislative Committee on Education*.

Sec. 43. (Deleted by amendment.)

Sec. 44. NRS 390.140 is hereby amended to read as follows:

390.140 1. The State Board 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] State Board* pursuant to NRS 389.520, the State Board shall not select the textbook unless the State Board determines that the textbook adequately supports the standards for that subject area.

2. A textbook must not be selected by the State Board 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. 45. ~~[Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 46, 47 and 47.5 of this act.] (Deleted by amendment.)~~

Sec. 46. (Deleted by amendment.)

Sec. 47. ~~[1. Within the limits of money available from the Endowment Fund for a Program of Performance Pay created pursuant to section 47.5 of this act or otherwise available for that purpose, the Department shall establish a program of performance pay for voluntary participation by licensed educational personnel and other school personnel of public schools that demonstrate improvement and exceptional performance.~~

~~2. The program must prescribe a formula for determining the classroom performance of each teacher who voluntarily participates in the program, which must give equal consideration to~~

~~(a) The achievement and progress made by the pupils enrolled in the teacher's classroom, as measured by the model adopted pursuant to section 5 of this act and the information obtained from the automated system of accountability information for Nevada maintained pursuant to NRS 386.650; and~~

~~(b) The professional accomplishments of the teacher, as evidenced by:~~

~~(1) Evaluations of the teacher conducted in accordance with the policies adopted pursuant to NRS 391.3125;~~

~~(2) The participation of the teacher in professional development and other trainings;~~

~~(3) The results of peer reviews and parent satisfaction surveys concerning the school, if enough completed surveys are available to assess performance; and~~

~~(4) Any other measure of the professional accomplishments of the teacher deemed appropriate by the Department.~~

~~3. The program must prescribe a formula for determining the performance of each public school for purposes of awarding enhanced performance pay to other school personnel who voluntarily participate in the program and who are not teachers. The formula must give equal consideration to:~~

~~(a) The achievement and progress of pupils enrolled in the public school which is tracked from year to year to determine whether the school has made progress in the achievement of pupils, as measured by the model adopted pursuant to section 5 of this act and the information obtained from the automated system of accountability information for Nevada maintained pursuant to NRS 386.650; and~~

~~(b) The professional accomplishments of the school personnel, as evidenced by:~~

~~(1) The participation of the school personnel in development and training in their area of employment;~~

~~(2) The results of parent satisfaction surveys concerning the school, if enough completed surveys are available to assess the performance of the school; and~~

~~(3) Any other measure of the accomplishments of school personnel deemed appropriate by the Department.~~

~~4. The Department shall provide enhanced compensation to licensed educational personnel and other school personnel who voluntarily participate in the program and, as calculated pursuant to this section, are in the top quartile of progress in pupil achievement and professional accomplishment. (Deleted by amendment.)~~

~~Sec. 47.5. [1. There is hereby created the Endowment Fund for a Program of Performance Pay to be administered by the Department.~~

~~2. The money in the Fund must be used to provide enhanced compensation to licensed educational personnel and other school personnel who voluntarily participate in the program of performance pay established pursuant to section 47 of this act.~~

~~3. The Department shall deposit in the Fund any money received for the purpose of carrying out the provisions of section 47 of this act.~~

~~4. Any interest or other income earned on the money in the Fund must be credited to the Fund.~~

~~5. Any money that remains in the Fund at the end of a fiscal year does not revert to the State General Fund, and the balance in the Fund must be carried forward to the next fiscal year. (Deleted by amendment.)~~

Sec. 48. (Deleted by amendment.)

Sec. 49. (Deleted by amendment.)

1 **Sec. 50.** (Deleted by amendment.)

2 **Sec. 51.** (Deleted by amendment.)

3 **Sec. 52.** (Deleted by amendment.)

4 **Sec. 53.** (Deleted by amendment.)

5 **Sec. 54.** (Deleted by amendment.)

6 **Sec. 55.** (Deleted by amendment.)

7 **Sec. 56.** (Deleted by amendment.)

8 **Sec. 57.** NRS 391.038 is hereby amended to read as follows:

9 391.038 1. The State Board, in consultation with educational institutions in
10 this State which offer courses of study and training for the education of teachers,
11 the board of trustees of each school district in this State and other educational
12 personnel, shall review and evaluate a course of study and training offered by an
13 educational institution which is designed to provide the education required for:

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

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

16 (c) An endorsement in a field of specialization.

17 ➤ If the course of study and training meets the requirements established by the
18 State Board, it must be approved by the State Board. The State Board shall not
19 approve a course of study or training unless the course of study and training
20 provides instruction, to the extent deemed necessary by the State Board, in the
21 standards of content and performance prescribed by the ~~{Council to Establish~~
22 ~~Academic Standards for Public Schools}~~ **State Board** pursuant to NRS 389.520.

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

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

29 4. The State Board, in consultation with educational institutions in this State
30 which offer courses of study and training for the education of teachers and other
31 educational personnel, and the Nevada Association of Colleges for Teacher
32 Education and the Nevada Association of Teacher Educators, shall adopt
33 regulations governing the approval by the State Board of courses of study and
34 training which are accredited by the National Council for Accreditation of Teacher
35 Education, and those which are not so accredited.

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

39 **Sec. 58.** (Deleted by amendment.)

40 **Sec. 59.** (Deleted by amendment.)

41 **Sec. 60.** NRS 391.520 is hereby amended to read as follows:

42 391.520 1. The Statewide Council shall meet not less than four times per
43 year.

44 2. The Statewide Council shall:

45 (a) Adopt uniform standards for use by the governing body of each regional
46 training program in the review and approval by the governing body of the training
47 to be provided by the regional training program pursuant to NRS 391.540 and
48 391.544. The standards must ensure that the training provided by the regional
49 training programs includes activities set forth in 20 U.S.C. § 7801(34), as
50 appropriate for the type of training offered, is of high quality and is effective in
51 addressing the training programs specified in subsection 1 of NRS 391.544.

(b) Coordinate the dissemination of information to school districts, administrators and teachers concerning the training, programs and services provided by the regional training programs.

(c) Disseminate information to the regional training programs concerning innovative and effective methods to provide professional development.

(d) Conduct long-range planning concerning the professional development needs of teachers and administrators employed in this state.

(e) Adopt uniform procedures for use by the governing body of each regional training program to report the evaluation conducted pursuant to NRS 391.552.

(f) Collaborate with the Nevada System of Higher Education concerning the programs offered by the colleges of education at the institutions within the System and the programs of professional development for teachers.

3. The Statewide Council may:

(a) Accept gifts and grants from any source for use by the Statewide Council in carrying out its duties pursuant to this section and accept gifts and grants from any source on behalf of one or more regional training programs to assist with the training provided pursuant to NRS 391.544; and

(b) Comply with applicable federal laws and regulations governing the provision of federal grants to assist the Statewide Council in carrying out its duties pursuant to this section and comply with applicable federal laws and regulations governing the provision of federal grants to assist with the training provided pursuant to NRS 391.544, including, without limitation, providing money from the budget of the Statewide Council to match the money received from a federal grant.

Sec. 61. (Deleted by amendment.)

Sec. 62. 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}~~ **State Board** 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.
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}~~ **State Board** 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. 63.** (Deleted by amendment.)
- Sec. 64.** 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, the Commission, the Legislative Committee on Education and the Legislative Bureau of Educational Accountability and Program Evaluation 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}~~ **State Board** pursuant to NRS 389.520.
- Sec. 65.** NRS 396.5195 is hereby amended to read as follows:
- 396.5195 The Board of Regents shall, in cooperation with the State Board , ~~{and the Council to Establish Academic Standards for 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. 66.** (Deleted by amendment.)
- Sec. 67.** NRS 218.5354 is hereby amended to read as follows:
- 218.5354 1. The Committee may:
- (a) Evaluate, review and comment upon issues related to education within this State, including, but not limited to:
 - (1) Programs to enhance accountability in education;

(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 of Education pursuant to NRS 385.361 ~~;~~ *, the defined goals and benchmarks and the measurable outcomes established by the State Board of Education pursuant to NRS 385.075;*

(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, 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, subsection 2 of NRS 385.389 and section 5.5 of this act, recommend to the ~~Commission on Educational Excellence created by NRS 385.3784~~ State Board ~~Department of Education~~ programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.

Sec. 68. (Deleted by amendment.)

Sec. 69. NRS 385.017, 385.0175, 385.018, 385.019, 385.0225, 385.023, 385.0235, 385.024, 385.0245, 385.025, 385.0255, 385.0257, 385.026, 385.0265, 385.3781, ~~385.3782,~~ 385.3783, 385.3784, ~~385.3785, 385.3787, 385.3789, 385.379,~~ 388.780, 388.785, 388.787, 388.790, 388.800, 388.805, 389.500 and 389.510 are hereby repealed.

Sec. 69.3. In addition to the study of the governance of the system of K-12 public education, the committee appointed by the Legislative Commission pursuant to Assembly Concurrent Resolution Number 2 of the 2009 Legislature, File No. 89, shall also study the establishment of a program of

performance pay for voluntary participation by licensed educational personnel and other school personnel employed in the public schools in this State. As part of the study, the interim committee shall consider and make recommendations concerning:

1. The development of a formula for determining the classroom performance of a teacher who voluntarily participates in the program, including, without limitation:

(a) The achievement and progress made by the pupils enrolled in the teacher's classroom; and

(b) The professional accomplishments of the teacher.

2. The development of a formula for determining the performance of each public school for purposes of awarding enhanced compensation pay to other school personnel who voluntarily participate in the program, including, without limitation:

(a) The achievement and progress made by the pupils enrolled in the public school in a manner that tracks their progress from year to year; and

(b) The professional accomplishments of the school personnel.

Sec. 69.5. ~~[1. Any money remaining unexpended on June 30, 2009, in the Account for Programs for Innovation and the Prevention of Remediation must not be committed for expenditure after June 30, 2009, by the entity which is responsible for the administration of the Account or any entity to which money from the Account is granted or otherwise transferred in any manner. The State Treasurer shall, on June 30, 2009, revert to the State General Fund any money remaining unexpended in the Account on that date.~~

~~2.] Any money remaining unexpended on June 30, 2009, in the Trust Fund for Educational Technology must not be committed for expenditure after June 30, 2009, by the entity which is responsible for the administration of the Trust Fund or any entity to which money from the Trust Fund is granted or otherwise transferred in any manner. [The State Treasurer shall, on June 30, 2009, revert] and must be reverted to the State General Fund [any money remaining unexpended in the Trust Fund on that date]. on or before September 18, 2009.~~

Sec. 70. 1. The Legislative Commission shall:

(a) Monitor the State Board of Education and the Department of Education in carrying out the amendatory provisions of this act.

(b) Review the implementation of the amendatory provisions of this act.

2. The State Board of Education and the Department of Education shall work cooperatively with the Legislative Commission to carry out the provisions of this section.

Sec. 71. 1. The terms of all members of the State Board of Education who are incumbent on December 31, 2010, expire on that date.

2. On or before January 1, 2011:

(a) The Governor shall appoint one member who meets the qualifications set forth in paragraph (b) of subsection 2 of NRS 385.021, as amended by section 8 of this act, to a term which commences on January 1, 2011, and expires on December 31, 2013.

(b) The Legislative Commission shall appoint one member who meets the qualifications set forth in paragraph (b) of subsection 2 of NRS 385.021, as amended by section 8 of this act, to a term which commences on January 1, 2011, and expires on December 31, 2015.

(c) The Legislative Commission shall appoint one member who meets the qualifications set forth in paragraph (b) of subsection 2 of NRS 385.021, as amended by section 8 of this act, to a term which commences on January 1, 2011, and expires on December 31, 2013.

(d) The Board of Regents of the University of Nevada shall appoint one member who meets the qualifications set forth in paragraph (c) of subsection 2 of NRS 385.021, as amended by section 8 of this act, to a term which commences on January 1, 2011, and expires on December 31, 2015.

3. The member who is elected in the 2010 general election who is a resident of:

(a) Congressional District 1, as described in NRS 304.100, serves an initial term of 2 years and serves a term of 4 years thereafter.

(b) Congressional District 2, as described in NRS 304.110, serves a term of 4 years.

(c) Congressional District 3, as described in NRS 304.120, serves a term of 4 years.

Sec. 72. 1. The terms of all members of the Commission on Educational Excellence who are incumbent on June 30, 2009, expire on that date.

2. The terms of all members of the Commission on Educational Technology who are incumbent on June 30, 2009, expire on that date.

3. The terms of all members of the Council to Establish Academic Standards for Public Schools who are incumbent on June 30, 2009, expire on that date.

Sec. 73. ~~1. The term of the Superintendent of Public Instruction who was appointed pursuant to NRS 385.150 before the effective date of this act continues to serve for the remainder of that unexpired term. Upon expiration of the term or if a vacancy occurs before the expiration of that term, the Governor shall nominate and the Legislative Commission may confirm a State Superintendent for Education in accordance with NRS 385.150, as amended by section 11 of this act, for a term which expires on June 30, 2010.~~

~~2. Commencing on February 1, 2011, the Governor shall nominate, and the Senate may confirm in accordance with NRS 385.150, as amended by section 11 of this act, a State Superintendent for Education for a term which commences on July 1, 2011.~~ **(Deleted by amendment.)**

Sec. 74. 1. The Legislative Counsel shall, in preparing the:

(a) Reprint and supplement to the Nevada Revised Statutes with respect to any section which is not amended by this act or is adopted or amended by another act, appropriately change any reference to an officer, agency or other entity whose responsibilities have been transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or entity. If any internal reference is made to a section repealed by this act, the Legislative Counsel shall delete the reference and replace it by reference to the superseding section, if any.

(b) Supplements to the Nevada Administrative Code, appropriately change any reference to an officer, agency or other entity whose responsibilities have been transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or entity.

2. Any references in a bill or resolution passed by the 75th 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.

Sec. 75. Any policies adopted by the Commission on Educational Excellence pursuant to NRS 385.3781 to 385.379, inclusive, before July 1, 2009:

1. Remain in effect and may be enforced by the Department of Education and the State Board of Education as if adopted by the State Board in accordance with the provisions of this act; and

2. May be amended or repealed by the State Board of Education in accordance with the provisions of this act.

1 **Sec. 76.** On or before July 1, 2009, the:

2 1. The State Board of Education shall appoint members to the advisory
3 committee authorized pursuant to NRS 385.3785, as amended by section 21.3
4 of this act. Persons appointed by the State Board may be persons who served
5 on the Commission for Educational Excellence as it existed before the effective
6 date of this act. The term of each member appointed pursuant to this
7 subsection expires on June 30, 2011, unless the State Board decides to
8 reappoint a member.

9 2. Department of Education shall appoint members to the advisory committee
10 authorized pursuant to NRS 388.795, as amended by section 31 of this act. Persons
11 appointed by the Department may be persons who served on the Commission on
12 Educational Technology as it existed before the effective date of this act. The term
13 of each member appointed pursuant to this subsection expires on June 30, 2011,
14 unless the Department decides to reappoint the member.

15 ~~2.3.~~ 3. State Board of Education shall appoint members to the advisory
16 committee authorized pursuant to NRS 389.530, as amended by section 38 of this
17 act. Persons appointed by the State Board may be persons who served on the
18 Council to Establish Academic Standards for Public Schools as it existed before the
19 effective date of this act. The term of each member appointed pursuant to this
20 subsection expires on June 30, 2011, unless the State Board decides to reappoint the
21 member.

22 **Sec. 77.** 1. Any contract entered into by the Commission on Educational
23 Excellence or the Council to Establish Academic Standards for Public Schools
24 before July 1, 2009, remains in effect and may be administered and enforced by the
25 State Board of Education.

26 2. Any contract entered into by the ~~Commission on Educational Excellence~~
27 ~~or the~~ Commission on Educational Technology before July 1, 2009, remains in
28 effect and may be administered and enforced by the Department of Education.

29 **Sec. 78.** 1. The Department of Personnel shall, upon the request of an
30 employee of the Department of Education or the State Board of Education whose
31 employment is terminated as a result of this act, place the employee on an
32 appropriate reemployment list maintained by the Department of Personnel and
33 allow a preference for each of those employees on that list. The Department of
34 Personnel shall maintain each such employee on the reemployment list until
35 October 1, 2011, or until the employee is reemployed by the Executive Branch of
36 State Government, whichever occurs earlier.

37 2. The provisions of this section apply regardless of whether the employee
38 was in the classified, unclassified or nonclassified service of the State of Nevada.

39 **Sec. 79.** 1. This section and sections 69.3 and 69.5 become effective upon
40 passage and approval.

41 2. Sections ~~70.1~~ 72 and 76 of this act become effective on passage and
42 approval for purposes of:

43 (a) Expiring terms pursuant to section 72 of this act; and

44 (b) Making appointments pursuant to ~~sections 70 and 71~~ section 76 of this act,
45 ➤ and on July 1, 2009, for all other purposes.

46 ~~2.3.~~ 3. Sections 8 and 71 of this act become effective upon passage and
47 approval for purposes of electing members from each of the congressional districts
48 in the 2010 general election and expiring the terms of the incumbent members of
49 the State Board of Education pursuant to section 71 of this act, and on January 1,
50 2011, for all other purposes.

51 ~~2.4.~~ 4. Sections 1 to 7, inclusive, 9 to ~~49, inclusive, 51, 52, 53, 55 to~~ 69,
52 inclusive, ~~70, 73, 74, 75, 77 and 78~~ of this act become effective on July 1, 2009.

53 ~~4. Sections 50 and 54 of this act become effective on July 1, 2011.~~

~~5. Section 56 of this act expires by limitation on the date on which 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~~
~~(b) Are in arrears in the payment for the support of one or more children;~~
~~are repealed by the Congress of the United States.]~~

LEADLINES OF REPEALED SECTIONS

385.017 Definitions.
385.0175 Maps of districts: Duties of Director of Legislative Counsel Bureau.
385.018 Maps of districts: Duties of Secretary of State.
385.019 Attachment of omitted area to appropriate district.
385.0225 District 1.
385.023 District 2.
385.0235 District 3.
385.024 District 4.
385.0245 District 5.
385.025 District 6.
385.0255 District 7.
385.0257 District 8.
385.026 District 9.
385.0265 District 10.
385.3781 Definitions.
~~[385.3782 "Account" defined.]~~
385.3783 "Commission" defined.
385.3784 Commission: Creation; membership; terms; meetings; compensation of members; duty of Department to provide administrative support; involvement of the Legislative Counsel Bureau in activities of Commission.
~~[385.3785 Commission: Establishment of program of educational excellence; allocations of money to public schools and consortiums of public schools; Department required to provide list of priorities of schools; review of certain information by Commission.~~
~~385.3787 Use of money by public schools and consortiums of public schools that receive allocations from Account; submission of evaluation of effectiveness.~~
~~385.3789 Submission of annual reports by Commission; biennial audit of programs by Legislative Auditor.~~
~~385.379 Creation of Account for Programs for Innovation and the Prevention of Remediation; acceptance of gifts and grants; use of money in Account.]~~
388.780 Definitions.
388.785 "Commission" defined.
388.787 "Committee" defined.
388.790 Commission on Educational Technology: Creation; membership; terms; removal and vacancy; quarterly meetings required; compensation.

388.800 Trust Fund for Educational Technology: Creation; administration; interest and income; use of money in Fund.

388.805 Trust Fund for Educational Technology: Program for school districts to apply for money from Fund.

389.500 "Council" defined.

389.510 Council to Establish Academic Standards: Creation; membership; terms; compensation.