

ASSEMBLY BILL NO. 548—COMMITTEE ON EDUCATION

MARCH 28, 2011

Referred to Committee on Education

SUMMARY—Revises provisions governing the system of governance of K-12 public education. (BDR 34-741)

FISCAL NOTE: Effect on Local Government: No.
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; removing the provisions creating an elected State Board of Education; providing for the appointment of members of the State Board of Education by the Governor; revising provisions governing the appointment and duties of the Superintendent of Public Instruction; providing that the Superintendent of Public Instruction is responsible for ensuring that the duties and responsibilities of certain commissions, councils and programs are carried out by those commissions, councils and programs successfully; repealing the P-16 Advisory Council; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Department of Education, which consists of the State Board of Education, the State Board for Career and Technical Education and the Superintendent of Public Instruction. (NRS 385.010) **Section 4** of this bill removes the provisions creating the 10-member elected State Board of Education and provides for the membership of the State Board as follows: (1) nine voting members appointed by the Governor; (2) the Superintendent of Public Instruction and the Chancellor of the Nevada System of Higher Education, or the Chancellor's designee, who serve as ex officio nonvoting members; and (3) a pupil enrolled in a public school in this State, who serves as a nonvoting member.

Under existing law, the Superintendent of Public Instruction is appointed by the State Board to a term of 3 years. (NRS 385.150) **Section 7** of this bill provides for the appointment of the Superintendent by the Governor from a list of candidates submitted by the State Board. **Section 7** further provides that the Superintendent



serves at the pleasure of the Governor and is in the Executive Department of the State Government.

Existing law creates the Commission on Educational Excellence, the Advisory Council on Parental Involvement, the Commission on Educational Technology, the Council to Establish Academic Standards for Public Schools, the Commission on Professional Standards in Education, the regional training programs for the professional development of teachers and administrators and the Statewide Council for the Coordination of the Regional Training Programs. (NRS 385.3784, 385.610, 388.790, 389.510, 391.011, 391.512, 391.516) **Sections 2, 3, 11, 13, 16 and 17** of this bill provide that the Superintendent of Public Instruction is responsible for ensuring that the duties and responsibilities of those commissions, councils and programs are carried out by the commissions, councils and programs successfully.

Existing law creates the P-16 Advisory Council and prescribes the membership, duties and responsibilities of the Council. (NRS 400.010-400.045) **Section 20** of this bill repeals the provisions creating and governing the P-16 Advisory Council.

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 and 3 of this act.

Sec. 2. *The Superintendent of Public Instruction is responsible for ensuring that the duties and responsibilities of the Commission set forth in NRS 385.3781 to 385.379, inclusive, are carried out by the Commission successfully.*

Sec. 3. *The Superintendent of Public Instruction is responsible for ensuring that the duties and responsibilities of the Advisory Council set forth in NRS 385.600, 385.610 and 385.620 are carried out by the Advisory Council successfully.*

Sec. 4. NRS 385.021 is hereby amended to read as follows:

385.021 1. The State Board consists of ~~[10 members elected by the registered voters within the districts described in NRS 385.0225 to 385.0265, inclusive.~~

~~—2. Each member of the State Board 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.]~~ *nine voting members as follows:*

(a) Three members appointed by the Governor;

(b) Three members appointed by the Governor from a list of nine candidates submitted by the Majority Leader of the Senate.

(c) Three members appointed by the Governor from a list of nine candidates submitted by the Speaker of the Assembly.



2. *In addition to the voting members, the State Board consists of the following nonvoting members:*

(a) *The Superintendent of Public Instruction, who serves ex officio.*

(b) *The Chancellor of the Nevada System of Higher Education or his or her designee, who serves ex officio.*

(c) *A pupil enrolled in a public school in this State, appointed by the Governor from a list submitted by the Nevada Association of Student Councils or its successor organization.*

3. *Each voting member of the State Board must:*

(a) *Be a resident of this State;*

(b) *Have a high school diploma or its equivalent; and*

(c) *Be registered to vote in this State.*

4. *The appointing and nominating authorities pursuant to subsection 1 shall ensure that:*

(a) *The members appointed represent the diversity of this State, including, without limitation, giving consideration to persons who are active in a private business or industry in this State and persons who are actively involved in their communities and who have children or grandchildren enrolled in public schools in this State; and*

(b) *Not more than five members of those appointed are from the same political party.*

5. *Each voting member of the State Board serves a term of 3 years. Such a member:*

(a) *May be reappointed for additional terms of 3 years in the same manner as the original appointment.*

(b) *May not serve more than four terms.*

6. *The pupil appointed pursuant to subsection 2 serves a term of 1 year and may be reappointed for an additional 1-year term in the same manner as the original appointment.*

7. *If a vacancy occurs on the State Board, 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.~~*

~~—6. No member of the State Board may be elected to the office more than three times.]~~ *vacancy must be filled in the same manner as the original appointment for the remainder of the unexpired term.*

8. *Each member who is initially appointed to the State Board pursuant to subsection 1 shall, within 1 year after the member is appointed, complete a program of training established by the Department concerning the roles and responsibilities of members of the State Board.*



Sec. 5. NRS 385.030 is hereby amended to read as follows:

385.030 1. At its first meeting , ~~{after each election and qualification of newly elected members.}~~ the State Board ~~{of Education}~~ shall organize by electing ~~{one of its members as President.}~~ *a Chair and a Vice Chair from among its members*, to serve at the pleasure of the *State* Board.

2. The Superintendent of Public Instruction is the Secretary of the Board and shall serve without additional salary.

Sec. 6. NRS 385.040 is hereby amended to read as follows:

385.040 1. The State Board ~~{of Education may}~~ *must* hold at least ~~{four}~~ *six* regular meetings annually at the state capital ~~{-}~~ *and such other meetings as requested by the Governor or the Superintendent of Public Instruction.* The Secretary shall call all regular meetings.

2. The *State* Board may hold special meetings at such other times and places as the *State* Board may direct. The Secretary shall call special meetings upon the written request of the ~~{President}~~ *Chair* or any three members of the *State* Board.

3. A majority of the *State* Board constitutes a quorum for the transaction of business, and no action of the *State* Board is valid unless that action receives, at a legally called meeting, the approval of a majority of all board members.

Sec. 7. NRS 385.150 is hereby amended to read as follows:

385.150 ~~{1. The State Board shall appoint the} The Superintendent of Public Instruction {for a term of 3 years. The State Board may remove the Superintendent of Public Instruction from office for inefficiency, neglect of duty, malfeasance in office or for other just cause.} :~~

1. Is appointed by the Governor from a list of three candidates submitted by the State Board and serves at the pleasure of the Governor.

2. ~~{A vacancy must be filled by the State Board for the remainder of the unexpired term.~~

~~—3. The Superintendent of Public Instruction is}~~ *Is* in the unclassified service of the State.

3. Is in the Executive Department of the State Government.

Sec. 8. NRS 385.175 is hereby amended to read as follows:

385.175 The Superintendent of Public Instruction *is the chief operating officer of the K-12 public education system in this State and* shall:

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

2. Employ personnel for the positions approved by the State Board and necessary for the efficient operation of the Department.



3. Organize the Department in a manner which will assure efficient operation and service.

4. Maintain liaison and coordinate activities with other state agencies performing educational functions.

5. Perform such other duties as are prescribed by law.

Sec. 9. NRS 385.3781 is hereby amended to read as follows:

385.3781 As used in NRS 385.3781 to 385.379, inclusive, *and section 2 of this act*, unless the context otherwise requires, the words and terms defined in NRS 385.3782 and 385.3783 have the meanings ascribed to them in those sections.

Sec. 10. NRS 385.600 is hereby amended to read as follows:

385.600 As used in this section and NRS 385.610 and 385.620, *and section 3 of this act*, "Advisory Council" means the Advisory Council on Parental Involvement established pursuant to NRS 385.610.

Sec. 11. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

The Superintendent of Public Instruction is responsible for ensuring that the duties and responsibilities of the Commission set forth in NRS 388.780 to 388.805, inclusive, are carried out by the Commission successfully.

Sec. 12. NRS 388.780 is hereby amended to read as follows:

388.780 As used in NRS 388.780 to 388.805, inclusive, *and section 11 of this act*, unless the context otherwise requires, the words and terms defined in NRS 388.785 and 388.787 have the meanings ascribed to them in those sections.

Sec. 13. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

The Superintendent of Public Instruction is responsible for ensuring that the duties and responsibilities of the Council set forth in NRS 389.500 to 389.570, inclusive, are carried out by the Council successfully.

Sec. 14. NRS 389.500 is hereby amended to read as follows:

389.500 As used in NRS 389.500 to 389.570, inclusive, *and section 13 of this act*, "Council" means the Council to Establish Academic Standards for Public Schools.

Sec. 15. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 16 and 17 of this act.

Sec. 16. *The Superintendent of Public Instruction is responsible for ensuring that the duties and responsibilities of the Commission set forth in this chapter, are carried out by the Commission successfully.*

Sec. 17. *The Superintendent of Public Instruction is responsible for ensuring that the duties and responsibilities of the Statewide Council and the regional training programs set forth in*



NRS 391.500 to 391.556, inclusive, are carried out by the Statewide Council or the regional training programs, as applicable, successfully.

Sec. 18. NRS 391.500 is hereby amended to read as follows:

391.500 As used in NRS 391.500 to 391.556, inclusive, *and section 17 of this act*, unless the context otherwise requires, the words and terms defined in NRS 391.504 and 391.508 have the meanings ascribed to them in those sections.

Sec. 19. NRS 293.109 is hereby amended to read as follows:

293.109 "State officer" means:

1. The Governor;
2. The Lieutenant Governor;
3. The Secretary of State;
4. The State Treasurer;
5. The State Controller;
6. The Attorney General;
7. A justice of the Supreme Court;
8. A State Senator;
9. A State Assemblyman or Assemblywoman;
10. A regent of the University of Nevada; *or*
11. ~~[A member of the State Board of Education; or~~
12. ~~] A district judge.~~

Sec. 20. NRS 293.195 is hereby amended to read as follows:

293.195 1. Judicial offices, school offices, the office of county sheriff, the Board of Regents of the University of Nevada, city and town officers ~~[, the State Board of Education]~~ and members of boards of hospital trustees of public hospitals are hereby designated nonpartisan offices.

2. No words designating the party affiliation of a candidate for nonpartisan offices may be printed upon the ballot.

Sec. 21. 1. 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 and 385.0265 are hereby repealed.

2. NRS 400.010, 400.015, 400.020, 400.025, 400.030, 400.035, 400.040 and 400.045 are hereby repealed.

Sec. 22. The terms of all members appointed to the P-16 Advisory Council created by NRS 400.030 who are incumbent on June 30, 2011, expire on that date.

Sec. 23. The terms of the members of the State Board of Education who are incumbent on December 31, 2012, expire on that date.

Sec. 24. On or before January 1, 2013:

1. The Governor shall appoint to the State Board of Education:



(a) Two members pursuant to paragraph (a) of subsection 1 of NRS 385.021, as amended by section 4 of this act, to terms which commence on January 1, 2013, and end on December 1, 2014; and

(b) One member pursuant to paragraph (a) of subsection 1 of NRS 385.021, as amended by section 4 of this act, to a term which commences on January 1, 2013, and expires on December 31, 2015.

2. The Senate Majority Leader shall submit a list of nine candidates pursuant to paragraph (b) of subsection 1 of NRS 385.021, as amended by section 4 of this act, to the Governor, and the Governor shall appoint:

(a) Two members from the list to terms which commence on January 1, 2013, and expire on December 31, 2014; and

(b) One member from the list to a term which commences on January 1, 2013, and expires on December 31, 2015.

3. The Speaker of the Assembly shall submit a list of nine candidates pursuant to paragraph (c) of subsection 1 of NRS 385.021, as amended by section 4 of this act, to the Governor, and the Governor shall appoint:

(a) Two members from the list to terms which commence on January 1, 2013, and expire on December 31, 2014; and

(b) One member from the list to a term which commences on January 1, 2013, and expires on December 31, 2015.

4. The Governor shall appoint a pupil enrolled in a public school in this State pursuant to subsection 2 of NRS 385.021, as amended by section 4 of this act, to a term which commences on January 1, 2013, and expires on December 31, 2013.

Sec. 25. The Secretary of State shall not accept any declarations of candidacy or acceptances of candidacy from a person seeking office as a member of the State Board of Education from any districts identified in NRS 385.0225 to 385.0265, inclusive.

Sec. 26. 1. The Superintendent of Public Instruction who was appointed pursuant to NRS 385.150 to a term expiring on December 31, 2013, continues to serve for the remainder of the unexpired term. If a vacancy occurs before the expiration of that term, the Governor shall appoint a Superintendent of Public Instruction in accordance with NRS 385.150, as amended by section 7 of this act, for the remainder of the unexpired term.

2. The Governor shall appoint a Superintendent of Public Instruction pursuant to NRS 385.150, as amended by section 7 of this act, commencing with the term that begins on January 1, 2014.

Sec. 27. 1. The Legislative Counsel shall, in preparing the:

(a) Reprint and supplements 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 references to any officer or agency whose responsibilities have been



1 transferred pursuant to the provisions of this act to refer to the
2 appropriate officer or agency. If any internal reference is made to a
3 section repealed by this act, the Legislative Counsel shall delete the
4 reference and replace it by reference to the superseding section, if
5 any.

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

10 2. Any references in a bill or resolution passed by the 76th
11 Session of the Nevada Legislature to an officer, agency or other
12 entity whose name is changed or whose responsibilities have been
13 transferred pursuant to the provisions of this act to another officer,
14 agency or other entity shall be deemed to refer to the officer, agency
15 or other entity to which the responsibilities are transferred.

16 **Sec. 28.** 1. Any administrative regulations adopted by an
17 officer, agency or other entity whose name has been changed or
18 whose responsibilities have been transferred pursuant to the
19 provisions of this act to another officer, agency or other entity
20 remain in force until amended by the officer, agency or other entity
21 to which the responsibility for the adoption of the regulations is
22 transferred.

23 2. Any contracts or other agreements entered into by an officer,
24 agency or other entity whose name has been changed or whose
25 responsibilities have been transferred pursuant to the provisions of
26 this act to another officer, agency or other entity are binding upon
27 the officer, agency or other entity to which the responsibility for the
28 administration of the provisions of the contract or other agreement
29 has been transferred. Such contracts and other agreements may be
30 enforced by the officer, agency or other entity to which the
31 responsibility for the enforcement of the provisions of the contract
32 or other agreement has been transferred.

33 3. Actions taken by an officer, agency or other entity whose
34 name has been changed or whose responsibilities have been
35 transferred pursuant to the provisions of this act to another officer,
36 agency or other entity remain in effect as if taken by the officer,
37 agency or other entity to which the responsibility for the
38 enforcement of such actions was transferred.

39 **Sec. 29.** 1. This section and subsection 2 of section 21 and
40 sections 22, 27 and 28 of this act become effective upon passage and
41 approval.

42 2. Sections 23 to 26, inclusive, of this act become effective on
43 July 1, 2011.

44 3. Sections 4, 5, 6, 19, 20 and subsection 1 of section 21 of this
45 act become effective on January 1, 2013.



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- 1 4. Sections 1, 2, 3 and 7 to 18, inclusive, of this act, become
2 effective on January 1, 2014.

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.
400.010 Definitions.
400.015 “Council” defined.
400.020 “System” defined.
400.025 Legislative declaration.
400.030 Creation; membership; terms; vacancies.
400.035 Meetings; compensation of members; administrative support and other assistance.
400.040 Powers and duties.
400.045 Annual report.

