

Amendment No. 289

Senate Amendment to Senate Bill No. 365 (BDR 34-184)

Proposed by: Senate Committee on Education

Amends: Summary: Yes 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 underlining* is newly added transitory language.

CLP/KCR



Date: 4/15/2011

S.B. No. 365—Eliminates certain mandates pertaining to school districts and public schools in this State. (BDR 34-184)



SENATE BILL NO. 365—SENATOR MCGINNESS

MARCH 21, 2011

Referred to Committee on Education

SUMMARY—~~[Eliminates]~~ **Requires the board of trustees of each school district to review** certain mandates pertaining to school districts and public schools in this State. (BDR 34-184)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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; ~~[eliminating the requirement for the Superintendent of Public Instruction to prepare a memorandum on newly enacted laws and to disseminate the information to the school districts and charter schools; eliminating certain requirements imposed by statute on school districts and public schools in this State; eliminating the requirement for school districts, public schools and private schools to develop crisis response plans;]~~ **requiring the board of trustees of each school district to review certain plans, policies, programs and procedures and prepare a written report on the costs associated with implementing those plans, policies, programs and procedures;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Under existing law, the Superintendent of Public Instruction is required to prepare a memorandum that includes a description of each statute newly enacted by the Legislature and other bills pertaining to public education. (NRS 385.210) The board of trustees of each school district and the governing body of each charter school is required to disseminate the information received from the Superintendent to the parents and legal guardians of pupils and prepare a plan for implementation of the statutes and bills. (NRS 386.360, 386.552) This bill repeals these statutory requirements.]~~

~~— Under existing federal law, a school which is served under Title I and which is identified as needing improvement pursuant to the federal law is required to develop and implement a school improvement plan. (20 U.S.C. § 6216(b)(3)) Also under existing federal law, a school district which is served under Title I and which is identified as needing improvement pursuant to the federal law is required to develop and implement a plan for improvement for the school district. (20 U.S.C. § 6216(e)(7)) Under existing state law, the board of trustees of each school district is required to prepare a plan to improve the achievement of pupils enrolled in the school district, and each principal of a public school is required to prepare a plan to improve the achievement of pupils enrolled in the school. (NRS 395.248, 395.257) This bill repeals these state statutory requirements.]~~

~~— Under existing law, school districts and public schools in this State are required to develop and adopt plans, policies and procedures including: (1) the development of academic plans for certain pupils enrolled in middle school or junior high school and high school (NRS~~

21 388.165, 388.205); (2) the creation of small learning communities for certain pupils enrolled
22 in middle school or junior high school and high school (NRS 388.171, 388.215); (3) the
23 adoption of policies for peer mentoring (NRS 388.176, 388.221); (4) reporting on the use of
24 physical and mechanical restraint (NRS 388.5217); (5) the creation of advisory boards to
25 review school attendance as an alternative to reporting the truancy of pupils to law
26 enforcement (NRS 392.126-392.149); and (6) the temporary alternative placement of certain
27 pupils with disciplinary issues. (NRS 392.4642-392.4648) This bill repeals these statutory
28 requirements and other statutory mandates imposed on school districts and public schools.

29 ~~Under existing law, school districts, public schools and private schools are required to~~
30 ~~develop policies to respond to a crisis and to establish committees to develop those policies.~~
31 ~~(NRS 392.600-392.656, 394.168-394.1699) This bill repeals the statutory requirements for~~
32 ~~crisis response plans and committees pertaining to school districts, public schools and private~~
33 ~~schools.] This bill requires the board of trustees of each school district to review the~~
34 ~~plans, policies, programs and procedures that the board of trustees is required to~~
35 ~~implement pursuant to title 34 of NRS or pursuant to federal law. Upon such review, the~~
36 ~~board of trustees of each school district is required to prepare a written report on the~~
37 ~~plans, policies, programs and procedures which the board of trustees determines place~~
38 ~~an unfunded mandate and an undue financial burden on the school district and submit~~
39 ~~the written report, on or before August 1, 2012, to the Legislative Committee on~~
40 ~~Education and the Director of the Legislative Counsel Bureau for transmittal to the next~~
41 ~~regular session of the Legislature.~~

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

1 Section 1. (Deleted by amendment.)

2 Sec. 2. (Deleted by amendment.)

3 Sec. 3. (Deleted by amendment.)

4 Sec. 4. (Deleted by amendment.)

5 Sec. 5. (Deleted by amendment.)

6 Sec. 6. (Deleted by amendment.)

7 Sec. 7. (Deleted by amendment.)

8 Sec. 8. (Deleted by amendment.)

9 Sec. 9. (Deleted by amendment.)

10 Sec. 10. (Deleted by amendment.)

11 Sec. 11. (Deleted by amendment.)

12 Sec. 12. (Deleted by amendment.)

13 Sec. 13. (Deleted by amendment.)

14 Sec. 14. (Deleted by amendment.)

15 Sec. 15. (Deleted by amendment.)

16 Sec. 16. (Deleted by amendment.)

17 Sec. 17. (Deleted by amendment.)

18 Sec. 18. (Deleted by amendment.)

19 Sec. 19. (Deleted by amendment.)

20 Sec. 20. (Deleted by amendment.)

21 Sec. 21. (Deleted by amendment.)

22 Sec. 22. (Deleted by amendment.)

23 Sec. 23. (Deleted by amendment.)

24 Sec. 24. (Deleted by amendment.)

25 Sec. 25. (Deleted by amendment.)

26 Sec. 26. (Deleted by amendment.)

27 Sec. 27. (Deleted by amendment.)

28 Sec. 28. (Deleted by amendment.)

Sec. 29. (Deleted by amendment.)

Sec. 30. (Deleted by amendment.)

Sec. 31. (Deleted by amendment.)

Sec. 32. (Deleted by amendment.)

Sec. 33. (Deleted by amendment.)

Sec. 34. (Deleted by amendment.)

Sec. 35. (Deleted by amendment.)

Sec. 36. (Deleted by amendment.)

Sec. 37. (Deleted by amendment.)

Sec. 37.5. 1. The board of trustees of each school district shall review the plans, policies, programs and procedures that the board of trustees is required to implement pursuant to title 34 of NRS or pursuant to federal law to determine which plans, policies, programs and procedures place an unfunded mandate and an undue financial burden upon the school district. The review must include, without limitation, the:

(a) Plans to improve the achievement of pupils;

(b) Academic plans for certain pupils enrolled in middle school or junior high school and high school;

(c) Policies for peer mentoring;

(d) Policies for the provision of a safe and respectful learning environment;

(e) Programs for small learning communities;

(f) Policies for pupil-led conferences;

(g) Plans for the implementation of statutes;

(h) Procedures for reporting the use of physical restraint and mechanical restraint;

(i) Procedures for the creation of advisory boards to review school attendance;

(j) Procedures for the temporary alternative placement of certain pupils with disciplinary issues; and

(k) Plans for responding to a crisis.

2. Upon review of the plans, policies, programs and procedures pursuant to subsection 1, the board of trustees of each school district shall prepare a written report of its review. The report must include, without limitation:

(a) The name of each plan, policy, program or procedure which the board of trustees determines places an unfunded mandate and an undue financial hardship upon the school district;

(b) A description of the plan, policy, program or procedure;

(c) The costs incurred by the school district for implementing the plan, policy, program or procedure and an identification of how much money the school district receives from the State or Federal Government for such implementation; and

(d) The effectiveness of the plan, policy, program or procedure in improving the academic achievement of pupils enrolled in the school district, if applicable, including, without limitation, the assessment of the school district as to whether the plan, policy, program or procedure should continue.

3. On or before August 1, 2012, the board of trustees of each school district shall submit the written report prepared pursuant to subsection 2 to the:

(a) Legislative Committee on Education; and

(b) Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.

Sec. 38. This act becomes effective on July 1, 2011.

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~~LEADLINES OF REPEALED SECTIONS~~

~~NRS 385.210 Form of school register; dissemination of information regarding statutes and regulations relating to schools; memorandum to school districts and charter schools; preparation and publication of Department bulletin.~~

~~NRS 385.348 Plan by school district to improve achievement of pupils; Preparation; contents; submission; annual review.~~

~~NRS 385.357 Plan to improve achievement of pupils for individual schools; duties of school support team in preparing plan; annual review; process for submission and approval of plan; timeline for carrying out plan. Effective July 1, 2010.~~

~~NRS 386.365 Policies and regulations in county whose population is 100,000 or more; Procedure.~~

~~NRS 386.370 Reports to Superintendent of Public Instruction.~~

~~NRS 386.552 Preparation of plan for implementation of statutes; written notice to parents and teachers concerning statutes and plan for implementation.~~

~~NRS 387.613 Review of school districts; recommendations by Legislative Auditor; selection of school districts by Legislature; qualifications and selection of consultant to conduct reviews; monitoring and oversight of consultant; self-assessment by school district required.~~

~~NRS 388.134 Adoption of policy by school districts for provision of safe and respectful learning environment; adoption of policy by school districts for ethical, safe and secure use of computers; provision of training to school personnel; annual report of violations. Effective July 1, 2010.~~

~~NRS 388.1345 Compilation of reports by Superintendent of Public Instruction; submission of written compilation to Attorney General.~~

~~NRS 388.165 Development of academic plan required. Effective July 1, 2011.~~

~~NRS 388.171 Program of small learning communities required in certain schools. Effective July 1, 2011.~~

~~NRS 388.176 Adoption of policy for peer mentoring. Effective July 1, 2011.~~

~~NRS 388.181 Adoption of policy for pupil led conferences. Effective July 1, 2011.~~

~~NRS 388.205 Development of academic plan required for ninth grade pupils.~~

~~NRS 388.215 Program of small learning communities required for ninth grade pupils enrolled in larger schools.~~

~~NRS 388.221 Adoption of policy for peer mentoring.~~

~~NRS 388.5317 Annual report by school districts on use of restraint and violations; compilation of reports by Department; submission of compilation to Legislature.~~

~~NRS 389.011 Administration to pupils who are limited English proficient; State Board required to prescribe modifications and accommodations; administration in language other than English required under certain circumstances; assessment of proficiency in English language.~~

~~NRS 389.065 Instruction on acquired immune deficiency syndrome, human reproductive system, related communicable diseases and sexual responsibility.~~

~~NRS 390.220 Enforcement by board of trustees of use of prescribed textbooks; exception for charter schools.~~

~~NRS 391.235 Program to engage district level administrators in classroom.~~

~~— NRS 392.018 Written notice of certain courses, services and educational programs available to pupils within school district; posting at public schools; availability to parents.~~

~~— NRS 392.126 Creation of advisory board in each county; membership; terms; compensation.~~

~~— NRS 392.127 Administrative support to advisory boards and school attendance councils.~~

~~— NRS 392.128 Duties of advisory boards; division into subcommittees; provision of assistance in conjunction with community service providers; use and accounting of available money by advisory board.~~

~~— NRS 392.129 Establishment of school attendance councils; membership; duties; annual report.~~

~~— NRS 392.141 Applicability of provisions to pupils.~~

~~— NRS 392.146 Contents of written referral to advisory board; notice to parents or guardian.~~

~~— NRS 392.147 Hearing by advisory board; written agreement for participation of pupil in certain programs; reporting of pupil to law enforcement agency under certain circumstances; confidentiality of information.~~

~~— NRS 392.461 Code of honor relating to cheating; contents; distribution.~~

~~— NRS 392.4635 Policy for prohibition of activities of criminal gangs on school property.~~

~~— NRS 392.4637 Policy concerning use and possession of pagers, cellular telephones and other electronic devices.~~

~~— NRS 392.4642 "Principal" defined.~~

~~— NRS 392.4643 Actions taken against pupils with disabilities.~~

~~— NRS 392.4644 Plan for progressive discipline and on-site review of disciplinary decisions; annual review and revision of plan; posting and availability of plan; written reports by superintendent of schools, board of trustees and Superintendent of Public Instruction concerning compliance with section.~~

~~— NRS 392.4645 Removal of pupil from classroom: Notice; assignment to temporary alternative placement; exceptions.~~

~~— NRS 392.4646 Removal of pupil from classroom: Conference; recommendation of principal.~~

~~— NRS 392.4647 Establishment of committee to review temporary alternative placement of pupils.~~

~~— NRS 392.4648 Powers and duties of committee to review temporary alternative placement of pupils.~~

~~— NRS 392.604 "Crisis" defined.~~

~~— NRS 392.608 "Development committee" defined.~~

~~— NRS 392.612 "School committee" defined.~~

~~— NRS 392.616 Development committee: Establishment by school districts and charter schools; membership; terms of members.~~

~~— NRS 392.620 Development committee: Development of plan to be used by schools in responding to crisis; submission of plan to board of trustees or governing body of charter school; compliance with plan required.~~

~~— NRS 392.624 Annual review and update of plan for responding to crisis; maintenance, posting and distribution of plan; annual training for school employees in responding to crisis; acceptance of gifts and grants.~~

~~— NRS 392.628 School committee: Establishment; membership; terms of members.~~

~~— NRS 392.632 School committee: Annual review of plan prepared by development committee; determination whether to request deviation from plan; notice of review.~~

~~— NRS 392.636 Review by development committee of proposed deviation from plan; notice of approval or denial; submission of copy of approved deviation to board of trustees or governing body.~~

~~— NRS 393.097 Duty to submit recommendations for financing costs for construction to Legislature; oversight panels required to approve or deny request for issuance of certain bonds.~~

~~— NRS 394.168 Definitions.~~

~~— NRS 394.1681 “Crisis” defined.~~

~~— NRS 394.1682 “Development committee” defined.~~

~~— NRS 394.1683 “School committee” defined.~~

~~— NRS 394.1685 Development committee: Establishment by private school; membership; terms of members.~~

~~— NRS 394.1687 Development committee: Development of plan to be used by private school in responding to crisis; submission of plan to governing body of private school; compliance with plan required of private school.~~

~~— NRS 394.1688 Annual review and update of plan for responding to crisis; maintenance, posting and distribution of plan; annual training for school employees.~~

~~— NRS 394.169 School committee: Establishment; membership; terms of members.~~

~~— NRS 394.1691 School committee: Annual review of plan prepared by development committee; determination whether to request deviation from plan; notice of review.~~

~~— NRS 394.1692 Review by development committee of proposed deviation from plan; notice of approval or denial; submission of copy of approved deviation to governing body of private school.~~

~~— NRS 394.1694 Adoption of regulations concerning development of plans in responding to crisis; review of proposed deviations and requirements for training.~~

~~— NRS 394.1698 Confidentiality of plans, approved deviations and certain other information.~~

~~— NRS 394.1699 Inapplicability of Open Meeting Law to development committee, school committee and certain meetings of State Board related to crisis response.]~~