

Amendment No. 541

Senate Amendment to Senate Bill No. 365

(BDR 34-184)

Proposed by: Senate Committee on Education**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 underlining* is newly added transitory language.

CLP/KCR



Date: 4/26/2011

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 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.

~

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;]~~ authorizing the board of trustees of each school district to review certain 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 law, the board of trustees of each school district is required to adopt a policy to engage certain administrators in the classroom. (NRS 391.235) Section 21.5 of this bill makes the adoption of such a policy permissive rather than mandatory.

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. § 6316(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. § 6316(c)(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 385.248, 385.257)]~~ (NRS 385.348) This bill repeals [these] that state statutory [requirements.] requirement.

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 388.165, 388.205); (2)]~~ adopt a policy providing for the creation of small learning

communities for certain pupils enrolled in middle school or junior high school and high school
 (NRS 388.171, 388.215) ~~[(3) the adoption of policies for peer mentoring (NRS 388.176,
 388.221); (4) reporting on the use of physical and mechanical restraint (NRS 388.5317); (5)
 the creation of advisory boards to review school attendance as an alternative to reporting the
 truancy of pupils to law enforcement (NRS 392.126 392.149); and (6) the temporary
 alternative placement of certain pupils with disciplinary issues. (NRS 392.4642 392.4648)]~~
 This bill repeals these statutory requirements ~~and other statutory mandates imposed on
 school districts and public schools.~~

~~Under existing law, school districts, public schools and private schools are required to
 develop policies to respond to a crisis and to establish committees to develop those policies.
 (NRS 392.600 392.656, 394.168 394.1699) This bill repeals the statutory requirements for
 crisis response plans and committees pertaining to school districts, public schools and private
 schools.]~~

Under existing law, the boards of trustees of school districts are required to enforce
 in the public schools the use of textbooks prescribed by the State Board of Education.
 (NRS 390.220) This bill repeals that statutory requirement.

Under existing law, effective on July 1, 2011, an academic plan must be developed
 for each pupil enrolled in middle school or junior high school in accordance with a
 policy adopted by the board of trustees of the school district. Section 36.5 of this bill
 extends the date for adoption of such a policy to January 1, 2013, for implementation
 beginning with the 2013-2014 school year.

Section 37.5 of this bill authorizes the board of trustees of each school district to
 review certain plans, policies, programs and procedures. If the board of trustees of a
 school district conducts such a review, the board of trustees is required to prepare a
 written report on the plans, policies, programs and procedures which the board of
 trustees determines place an unfunded mandate and an undue financial hardship on the
 school district and submit the written report, on or before August 1, 2012, to the
 Legislative Committee on Education and the Director of the Legislative Counsel Bureau
 for transmittal to the next regular session of the Legislature.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 385.359 is hereby amended to read as follows:

385.359 1. The Bureau shall contract with a person or entity to:

(a) Review and analyze, in accordance with the standards prescribed by the
 Committee pursuant to subsection 2 of NRS 218E.615, the:

(1) Annual report of accountability prepared by:

(I) The State Board pursuant to NRS 385.3469; and

(II) The board of trustees of each school district pursuant to NRS

385.347.

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

~~(I) The ~~the~~ State Board pursuant to NRS 385.34691 ; and~~

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

~~(III) Each school pursuant to NRS 385.357 identified by the Bureau
 for review, if any, or if such a plan has not been prepared, the ~~by any~~ turnaround
 plan for the schools identified by the Bureau, if any, implemented pursuant to NRS
 385.37603 or the plan for restructuring the school implemented pursuant to NRS
 385.37607, as applicable.~~

(b) Submit a written report to and consult with the State Board and the
 Department regarding any methods by which the State Board may improve the

accuracy of the report of accountability required pursuant to NRS 385.3469 and the plan to improve the achievement of pupils required pursuant to NRS 385.34691, and the purposes for which the report and plan to improve are used.

(c) Submit a written report to and consult with each school district regarding any methods by which the district may improve the accuracy of the report required pursuant to subsection 2 of NRS 385.347 ~~and the plan to improve the achievement of pupils required pursuant to NRS 385.348;~~ and the purposes for which the report ~~and plan to improve are~~ is used.

(d) If requested by the Bureau, submit a written report to and consult with individual schools identified by the Bureau regarding any methods by which the school may improve the accuracy of the information required to be reported for the school pursuant to subsection 2 of NRS 385.347 and the:

(1) Plan to improve the achievement of pupils required pursuant to NRS 385.357;

(2) Turnaround plan for the school implemented pursuant to NRS 385.37603; or

(3) ~~(2)~~ Plan for restructuring the school implemented pursuant to NRS 385.37607,

whichever is applicable for the school.

(e) Submit written reports and any recommendations to the Committee and the Bureau concerning:

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

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

(3) Any other matter related to the accountability of the public schools of this State, as deemed necessary by the Bureau.

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

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 385.3785 is hereby amended to read as follows:

385.3785 1. The Commission 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, the turnaround plan for the school implemented pursuant to NRS 385.37603 or the plan for restructuring the school implemented pursuant to NRS 385.37607, whichever is ~~is~~ applicable for the school; and

~~(4)~~ (3) Any other information that the Commission 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, or that are linked to the turnaround plan for the school or the plan for restructuring the school, if applicable, or for innovative programs, or both. The Commission 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 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 6. 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, money must not be allocated from the Account for a grant until the entire membership of the Commission 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 evaluate the effectiveness of the allocation in improving the achievement of pupils, including, without limitation, a detailed analysis of:

(1) The achievement of pupils enrolled at each school that received money from the allocation based upon measurable criteria ~~including, without limitation, if applicable for the school, measurable criteria~~ identified in as applicable, the:

(I) Plan to improve the achievement of pupils for the school prepared pursuant to NRS 385.357;

1 (II) Turnaround plan for the school implemented pursuant to NRS
2 385.37603; or

3 (III) ~~(III)~~ Plan for restructuring the school implemented pursuant to
4 NRS 385.37607;

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

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

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

12 2. To the extent money is available, the Commission shall make allocations of
13 money to public schools and consortiums of public schools for effective programs
14 for grades 7 through 12 that are designed to improve the achievement of pupils and
15 effective programs of innovation for pupils. In making such allocations, the
16 Commission shall comply with the requirements of this section.

17 3. An application submitted pursuant to this section must include a written
18 statement which:

19 (a) Indicates whether the public school or consortium of public schools is
20 submitting the application for the continuation of an existing program or for the
21 establishment of a new program; and

22 (b) Identifies all other sources of money that the public school or consortium of
23 public schools has requested or received for the continuation or establishment of:

24 (1) The program for which the application is submitted; or

25 (2) A substantially similar program.

26 4. The Commission shall ensure, to the extent practicable, that grants of
27 money provided pursuant to this section reflect the economic and geographic
28 diversity of this State.

29 5. If a public school or consortium of public schools that receives money
30 pursuant to subsection 1 or 2:

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

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

36 (c) Does not implement the program for which the money was received, as
37 determined in an audit conducted pursuant to subsection 4 of NRS 385.3789 or an
38 evaluation conducted pursuant to subsection 3 of NRS 385.379,

39 over a 2-year period, the Commission may consider not awarding future
40 allocations of money to that public school or consortium of public schools.

41 6. On or before July 1 of each year, the Department shall provide a list of
42 priorities of public schools that indicates:

43 (a) The adequate yearly progress status of schools in the immediately
44 preceding year; and

45 (b) The public schools that are considered Title I eligible by the Department
46 based upon the poverty level of the pupils enrolled in a school in comparison to the
47 poverty level of the pupils in the school district as a whole,

48 over a 2-year period, the Commission in its development of procedures for the
49 applications.

50 7. A public school, including, without limitation, a charter school, or a
51 consortium of public schools may request assistance from the school district in
52 which the school is located in preparing an application for a grant of money
53 pursuant to this section. A school district shall assist each public school or

consortium of public schools that requests assistance pursuant to this subsection to ensure that the application of the school:

(a) Is based directly upon, as applicable, ~~if applicable for the school,~~ the:

(1) Plan to improve the achievement of pupils prepared for the school pursuant to NRS 385.357;

(2) Turnaround plan for the school implemented pursuant to NRS 385.37603; or

(3) ~~(2)~~ Plan for restructuring the school implemented pursuant to NRS 385.37607;

(b) Is developed in accordance with the criteria established by the Commission; 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.

8. In carrying out the requirements of this section, the Commission shall review and consider the programs of remedial study adopted by the Department pursuant to NRS 385.389, the list of approved providers of supplemental educational services maintained by the Department pursuant to NRS 385.384 and the recommendations submitted by the Committee pursuant to NRS 218E.615 concerning programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.

9. The Commission shall not award a grant of money from the Account for a program of remedial study that is available commercially unless that program has been adopted by the Department pursuant to NRS 385.389.

10. 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.

Sec. 10. ~~(Deleted by amendment.)~~

Sec. 11. ~~(Deleted by amendment.)~~

Sec. 12. ~~(Deleted by amendment.)~~

Sec. 13. ~~(Deleted by amendment.)~~

Sec. 14. ~~(Deleted by amendment.)~~

Sec. 15. ~~(Deleted by amendment.)~~

Sec. 16. ~~(Deleted by amendment.)~~

Sec. 17. ~~(Deleted by amendment.)~~

Sec. 18. ~~(Deleted by amendment.)~~

Sec. 19. ~~(Deleted by amendment.)~~

Sec. 20. ~~(Deleted by amendment.)~~

Sec. 21. ~~(Deleted by amendment.)~~

Sec. 21.5. NRS 391.235 is hereby amended to read as follows:

391.235 1. The board of trustees of each school district ~~shall~~ may adopt a policy that sets forth procedures and conditions for a program to engage administrators employed by the school district at the district level in annual classroom instruction, observation and other activities in a manner that is appropriate for the responsibilities, position and duties of the administrators. ~~The~~ If the board of trustees adopts such a policy, the policy must require each administrator employed by the school district at the district level to:

(a) If the administrator holds a license to teach, provide instruction in a core academic subject in a classroom for at least 1 regularly scheduled full instructional day in each school year; or

(b) If the administrator does not hold a license to teach:

(1) Personally observe a classroom for at least one-half of a regularly scheduled full instructional day in each school year; or

(2) Otherwise participate in activities with pupils in the classroom in each school year, including, without limitation, serving as a guest speaker in the classroom, reading to pupils in elementary school and participating in career day.

2. ~~[(A)]~~ If the board of trustees of a school district adopts a policy pursuant to subsection 1, a district-level administrator may choose a school within the school district at which the administrator will carry out the ~~requirements~~ provisions of this section.

3. ~~[(A)]~~ If the board of trustees of a school district adopts a policy pursuant to subsection 1, an administrator who provides instruction pursuant to paragraph (a) of subsection 1 must be assigned as a substitute teacher for the full instructional day in which the administrator carries out the ~~requirements~~ provisions of this section.

4. The provisions of this section do not apply to administrators who are employed by a school district to provide administrative service at the school level, including, without limitation, a principal or vice principal.

5. As used in this section, "core academic subject" means the core academic subjects designated pursuant to NRS 389.018.

Sec. 22. NRS 391.298 is hereby amended to read as follows:

391.298 If the board of trustees of a school district or the superintendent of schools of a school district schedules a day or days for the professional development of teachers or administrators employed by the school district:

1. The primary focus of that scheduled professional development must be to improve the achievement of the pupils enrolled in the school district ~~as set forth in the:~~

(a) ~~Plan to improve the achievement of pupils enrolled in the school district prepared pursuant to NRS 385.348;~~

~~(b) Plan to improve the achievement of pupils prepared pursuant to NRS 385.357;~~

~~(c) Turnaround plan for the school implemented pursuant to NRS 385.37603; or~~

~~(d) Plan for restructuring the school implemented pursuant to NRS 385.37607.~~

as applicable.

2. The scheduled professional development must be structured so that teachers attend professional development that is designed for the specific subject areas or grades taught by those teachers.

Sec. 23. NRS 391.540 is hereby amended to read as follows:

391.540 1. The governing body of each regional training program shall:

(a) Adopt a training model, taking into consideration other model programs, including, without limitation, the program used by the Geographic Alliance in Nevada.

(b) Assess the training needs of teachers and administrators who are employed by the school districts within the primary jurisdiction of the regional training program and adopt priorities of training for the program based upon the assessment of needs. The board of trustees of each such school district may submit recommendations to the appropriate governing body for the types of training that should be offered by the regional training program.

(c) In making the assessment required by paragraph (b) ~~review the plans to improve the achievement of pupils prepared pursuant to NRS 385.348 by the school districts within the primary jurisdiction of the regional training program~~ and ~~as~~ as deemed necessary by the governing body, review the:

(1) Plans to improve the achievement of pupils prepared pursuant to NRS 385.357;

(2) Turnaround plans for schools implemented pursuant to NRS 385.37603; and

(3) ~~(2)~~ Plans for restructuring schools implemented pursuant to NRS 385.37607,

for individual schools within the primary jurisdiction of the regional training program ~~which are required to implement a turnaround plan or plan for restructuring.~~

(d) Prepare a 5-year plan for the regional training program, which includes, without limitation:

(1) An assessment of the training needs of teachers and administrators who are employed by the school districts within the primary jurisdiction of the regional training program; and

(2) Specific details of the training that will be offered by the regional training program for the first 2 years covered by the plan.

(e) Review the 5-year plan on an annual basis and make revisions to the plan as are necessary to serve the training needs of teachers and administrators employed by the school districts within the primary jurisdiction of the regional training program.

2. The Department, the Nevada System of Higher Education and the board of trustees of a school district may request the governing body of the regional training program that serves the school district to provide training, participate in a program or otherwise perform a service that is in addition to the duties of the regional training program that are set forth in the plan adopted pursuant to this section or otherwise required by statute. An entity may not represent that a regional training program will perform certain duties or otherwise obligate the regional training program as part of an application by that entity for a grant unless the entity has first obtained the written confirmation of the governing body of the regional training program to perform those duties or obligations. The governing body of a regional training program may, but is not required to, grant a request pursuant to this subsection.

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

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. 36.5. Section 7 of chapter 311, Statutes of Nevada 2009, at page 1334, is hereby amended to read as follows:

Sec. 7. 1. The board of trustees of each school district shall adopt the policy required by section 2 of this act not later than January 1, 2013, for implementation beginning with the 2013-2014 School Year. On or before June 1, 2012, the board of trustees of each school district shall provide a report to the Superintendent of Public Instruction on the status of the adoption of the policy required by section 2 of this act, including,

without limitation, a plan for the implementation of that policy beginning with the 2013-2014 School Year. On or before July 1, 2012, the Superintendent of Public Instruction shall compile the reports and provide a report of the compilation to the Legislative Committee on Education.

2. The board of trustees of each school district shall adopt the policies required by sections ~~293~~ 3, 5 and 6 of this act not later than January 1, 2011, for implementation beginning with the 2011-2012 School Year.

~~293~~ 3. On or before June 1, 2010, the board of trustees of each school district shall provide a report to the Superintendent of Public Instruction on the status of the adoption of the policies required by sections ~~293~~ 3, 5 and 6 of this act, including, without limitation, a plan for implementation of those policies beginning with the 2011-2012 School Year. On or before July 1, 2010, the Superintendent of Public Instruction shall compile the reports and provide a report of the compilation to the Legislative Committee on Education.

Sec. 36.7. Section 8 of chapter 311, Statutes of Nevada 2009, at page 1334, is hereby amended to read as follows:

Sec. 8. 1. This section and section 7 of this act become effective on July 1, 2009.

2. Sections ~~293~~ 3 to 6, inclusive, of this act become effective on July 1, 2009, for the purpose of adopting the policies required by sections ~~293~~ 3, 5 and 6 of this act and on July 1, 2011, for all other purposes.

3. Section 2 of this act becomes effective on July 1, 2009, for the purpose of adopting the policy required by that section and on July 1, 2013, for all other purposes.

Sec. 37. NRS ~~[385.210, 385.348, 385.357, 386.265, 386.370, 386.552, 387.613, 388.134, 388.1345, 388.165, 388.171, 388.176, 388.181, 388.205, 388.215, 388.221, 388.5317, 389.011, 389.065, 390.220, 391.235, 392.018, 392.126, 392.127, 392.128, 392.129, 392.141, 392.146, 392.147, 392.461, 392.4635, 392.4637, 392.4642, 392.4643, 392.4644, 392.4645, 392.4646, 392.4647, 392.4648, 392.604, 392.608, 392.612, 392.616, 392.620, 392.624, 392.628, 392.632, 392.636, 392.097, 394.168, 394.1681, 394.1682, 394.1683, 394.1685, 394.1687, 394.1688, 394.169, 394.1691, 394.1692, 394.1694, 394.1698 and 394.1699]~~ are hereby repealed.

Sec. 37.5. 1. The board of trustees of each school district may 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 hardship upon the school district. If the board of trustees of a school district conducts such a review, the review must include, without limitation, the:

- (a) Plans to improve the academic 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) Policies for pupil-led conferences;
- (f) Plans for the implementation of statutes;
- (g) Procedures for reporting the use of physical restraint and mechanical restraint;

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

(i) Plans for responding to a crisis.

2. If the board of trustees of a school district reviews the plans, policies, programs and procedures pursuant to subsection 1, the board of trustees 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. If the board of trustees of a school district prepares a written report pursuant to subsection 2, the board of trustees shall, on or before August 1, 2012, submit the written report 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.

~~[HEADLINES]~~ TEXT 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.~~

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

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

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

~~(a) A description of each statute newly enacted by the Legislature which affects the public schools in this State and the pupils who are enrolled in the public~~

~~schools in this State. The memorandum may compile all the statutes into one document.~~

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

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

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

~~4. If a statute or bill described in subsection 3 is enacted during a special session of the Legislature that concludes after July 1, the Superintendent shall prepare an addendum to the memorandum that includes the information required by this section for each such statute or bill. The addendum must be provided to the board of trustees of each school district and the governing body of each charter school not later than 20 days after the special session concludes.~~

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

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

385.348 1. The board of trustees of each school district shall, in consultation with the employees of the school district, prepare a plan to improve the achievement of pupils enrolled in the school district, excluding pupils who are enrolled in charter schools located in the school district. If the school district is a Title I school district designated as demonstrating need for improvement pursuant to NRS 385.377, the plan must also be prepared in consultation with parents and guardians of pupils enrolled in the school district and other persons who the board of trustees determines are appropriate.

2. Except as otherwise provided in this subsection, the plan must include the items set forth in 20 U.S.C. § 6316(c)(7) and the regulations adopted pursuant thereto. If a school district has not been designated as demonstrating need for improvement pursuant to NRS 385.377, the board of trustees of the school district is not required to include those items set forth in 20 U.S.C. § 6316(c)(7) and the regulations adopted pursuant thereto that directly relate to the status of a school district as needing improvement.

3. In addition to the requirements of subsection 2, a plan to improve the achievement of pupils enrolled in a school district must include:

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

(b) The identification of any problems or factors at individual schools that are 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 the school district, 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 and reduce the number of pupils who drop out of school;

(3) Integrate technology into the instructional and administrative programs of the school district;

(4) Manage effectively the discipline of pupils; and

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

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

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

(g) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

(h) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

(i) Strategies to improve the allocation of resources from the school district, by program and by school, 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, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its 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 school district to carry out the plan, including, without limitation, a budget of the overall cost for carrying out the plan.

(k) A summary of the effectiveness of appropriations made by the Legislature that are available to the school district or the schools within the school district to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(l) An identification of the programs, practices and strategies that are used throughout the school district and by the schools within the school district that have proven successful in improving the achievement and proficiency of pupils, including, without limitation:

(1) An identification of each school that carries out such a program, practice or strategy;

(2) An indication of which programs, practices and strategies are carried out throughout the school district and which programs, practices and strategies are carried out by individual schools;

(3) The extent to which the programs, practices and strategies include methods to improve the achievement and proficiency of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361; and

(4) A description of how the school district disseminates information concerning the successful programs, practices and strategies to all schools within the school district.

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

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

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

5. On or before December 15 of each year, the board of trustees of each school district shall submit the plan or the revised plan, as applicable, to the:

(a) Superintendent of Public Instruction;

(b) Governor;

(c) State Board;

(d) Department;

(e) Committee; and

(f) Bureau.

~~{ 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.

388.171 1. The board of trustees of each school district which includes at least one middle school or junior high school with an enrollment of 500 pupils or more shall adopt a policy for each of those middle schools and junior high schools to provide a program of small learning communities for pupils enrolled in the grade level at which those middle schools or junior high schools initially enroll pupils. The policy must require:

(a) Where practicable, the designation of a separate area geographically within the middle school or junior high school where the pupils enrolled in their initial year at the middle school or junior high school attend classes;

(b) The collection and maintenance of information relating to pupils enrolled in their initial year at the middle school or junior high school, including, without limitation, credits earned, attendance, truancy and indicators that a pupil may be at risk of dropping out of middle school or junior high school;

(c) Based upon the information collected pursuant to paragraph (b), the timely identification of any special needs of a pupil enrolled in his or her initial year at the middle school or junior high school, including, without limitation, any need for programs of remedial study for a particular subject area and appropriate counseling;

(d) Methods to increase the involvement of parents and legal guardians of pupils enrolled in their initial year in a middle school or junior high school in the education of their children; and

(e) The assignment of:

(1) Guidance counselors;

(2) At least one licensed school administrator or a designee of such an administrator; and

(3) Appropriate adult mentors,

↳ specifically for the pupils enrolled in their initial year at the middle school or junior high school.

2. The principal of each middle school or junior high school in which 500 pupils or more are enrolled shall:

(a) Carry out a program of small learning communities in accordance with the policy prescribed by the board of trustees pursuant to subsection 1; and

(b) Submit an annual report, on a date prescribed by the board of trustees, that sets forth the specific strategies, programs and methods which are used to focus on the pupils enrolled in their initial year at the middle school or junior high school, including, without limitation, the program of mentoring provided pursuant to NRS 388.176.

~~[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.

388.215 1. The board of trustees of each school district which includes at least one high school with an enrollment of 1,200 pupils or more, including pupils enrolled in ninth grade, shall adopt a policy for each of those high schools to provide a program of small learning communities. The policy must require:

(a) Where practicable, the designation of a separate area geographically within the high school where the pupils enrolled in ninth grade attend classes;

(b) The collection and maintenance of information relating to pupils enrolled in ninth grade, including, without limitation, credits earned, attendance, truancy and indicators that a pupil may be at risk of dropping out of high school;

(c) Based upon the information collected pursuant to paragraph (b), the timely identification of any special needs of a pupil enrolled in ninth grade, including, without limitation, any need for programs of remedial study for a particular subject area and appropriate counseling;

(d) Methods to increase the involvement of parents and legal guardians of pupils enrolled in ninth grade in the education of their children; and

(e) The assignment of:

(1) Guidance counselors;

- (2) At least one licensed school administrator; and
 - (3) Appropriate adult mentors,
 - ☛ specifically for the pupils enrolled in ninth grade.
2. The principal of each high school in which 1,200 pupils or more are enrolled, including pupils enrolled in ninth grade, shall:
- (a) Carry out a program of small learning communities in accordance with the policy prescribed by the board of trustees pursuant to subsection 1; and
 - (b) Submit an annual report, on a date prescribed by the board of trustees, that sets forth the specific strategies, programs and methods that are used to focus on the pupils enrolled in ninth grade at the school.

~~{ 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.

390.220 Boards of trustees of school districts in this State shall enforce in the public schools, excluding charter schools, the use of textbooks prescribed and adopted by the State Board.

~~{ 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 392.4625 Policy for prohibition of activities of criminal gangs on school property;~~

~~NRS 392.4627 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.]~~