

SENATE BILL NO. 70—COMMITTEE ON EDUCATION

(ON BEHALF OF THE GOVERNOR)

PREFILED DECEMBER 15, 2010

Referred to Committee on Education

SUMMARY—Revises provisions governing the system of governance of K-12 public education. (BDR 34-424)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to education; removing the provisions creating an elected State Board of Education; providing for the appointment of an advisory State Board of Education; transferring the powers and duties of the elected State Board of Education to the Department of Education and the Superintendent of Public Instruction; providing for the appointment of the Superintendent of Public Instruction by the Governor; revising the powers and duties of the Superintendent of Public Instruction; revising the manner in which certain money in the State Distributive School Account for K-12 public education is disbursed to the school districts; revising provisions governing the regional training programs for the professional development of teachers and administrators; removing the provisions creating certain boards, commissions and councils relating to public education; repealing the requirement for a certain ratio of pupils to licensed teachers for certain grades; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law establishes the Department of Education which consists of the
- 2 State Board of Education, the State Board for Career and Technical Education and
- 3 the Superintendent of Public Instruction. (NRS 385.010) **Sections 4, 6, 7 and 267**
- 4 of this bill remove the provisions creating the 10-member elected State Board of
- 5 Education and provide for the appointment of a 5-member advisory State Board of



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6 Education. **Section 268** of this bill provides that the terms of all members of the
7 elected State Board who are incumbent on June 30, 2011, expire on that date.
8 **Section 267** of this bill removes the provisions creating the State Board for Career
9 and Technical Education, the Subcommittee on Charter Schools, the Advisory
10 Council on Parental Involvement, the Commission on Educational Excellence, the
11 Account for Programs for Innovation and the Prevention of Remediation, the
12 Commission on Educational Technology, the Council to Establish Academic
13 Standards for Public Schools, the Legislative Bureau of Educational Accountability
14 and Program Evaluation and the P-16 Advisory Council. This bill further transfers
15 certain duties and responsibilities formerly assigned to those bodies to the
16 Department and the Superintendent of Public Instruction.

17 Under existing law, the Superintendent of Public Instruction is appointed by the
18 State Board of Education to a term of 3 years. (NRS 385.150) **Section 17** of this
19 bill provides for the appointment of the Superintendent by the Governor, who
20 serves at the pleasure of the Governor.

21 This bill repeals the requirements for the reduction of pupil-teacher ratios in
22 certain grades, commonly referred to as the "class-size reduction program." (NRS
23 388.700, 388.710, 388.720)

24 **Section 81** of this bill requires that certain money appropriated from the State
25 General Fund to the State Distributive School Account for K-12 public education,
26 other than money for the basic support guarantee, the basic support guarantee for
27 special education program units and the Nutrition State Match, must be accounted
28 for separately in the State Distributive School Account. The money which is
29 separately accounted for must be disbursed to each school district, excluding
30 charter schools and university schools for profoundly gifted pupils, based upon a
31 prescribed percentage formula. **Section 81** also requires the board of trustees of
32 each school district to develop a plan for spending the money based upon the
33 identified needs of the pupils enrolled in the school district. **Section 81** further
34 requires the Superintendent of Public Instruction to establish benchmarks that a
35 school district which receives such money must achieve within a certain time
36 frame.

37 Under existing law, the amount of the quarterly apportionments paid to a school
38 district or charter school is based upon the enrollment of pupils. If a school district
39 or charter school experiences declining enrollment in the current school year, the
40 higher enrollment number from a preceding school year is used to calculate the
41 quarterly apportionment, which is commonly referred to as the "hold harmless"
42 provision. (NRS 387.1233) **Section 91** of this bill removes the hold harmless
43 provision from the basic support calculation.

44 Existing law creates three regional training programs for the professional
45 development of teachers and administrators, the Statewide Council for the
46 Coordination of the Regional Training Programs and a governing body of each
47 regional training program. (NRS 391.500-391.556) **Sections 182-191** of this bill
48 removes the requirement for the creation of the training programs, the Statewide
49 Council and the governing bodies and makes their establishment and maintenance
50 permissive, to the extent money is available.



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 a new section to read as follows:

1. The Department shall establish policies to govern the administration of all functions of the State relating to the system of public education and to the supervision, management and control of public schools in this State not conferred by law on some other agency.

2. The Department may adopt regulations as necessary for its own government and as necessary for the execution of the powers and duties conferred upon it by law.

Sec. 2. NRS 385.005 is hereby amended to read as follows:

385.005 1. The Legislature reaffirms its intent that public education in the State of Nevada is essentially a matter for local control by local school districts. The provisions of this title are intended to reserve to the boards of trustees of local school districts within this state such rights and powers as are necessary to maintain control of the education of the children within their respective districts. These rights and powers may only be limited by other specific provisions of law.

2. The responsibility of establishing a statewide policy of integration or desegregation of public schools is reserved to the Legislature. The responsibility for establishing a local policy of integration or desegregation of public schools consistent with the statewide policy established by the Legislature is delegated to the respective boards of trustees of local school districts and to the governing body of each charter school.

3. The ~~{State Board}~~ *Department* shall, and each board of trustees of a local school district, the governing body of each charter school and any other school officer may, advise the Legislature at each regular session of any recommended legislative action to ensure high standards of equality of educational opportunity for all children in the State of Nevada.

Sec. 3. NRS 385.007 is hereby amended to read as follows:

385.007 As used in this title, unless the context otherwise requires:

1. "Charter school" means a public school that is formed pursuant to the provisions of NRS 386.500 to 386.610, inclusive.

2. "Department" means the Department of Education.

3. "Homeschooled child" means a child who receives instruction at home and who is exempt from compulsory attendance pursuant to NRS 392.070.



1 4. "Limited English proficient" has the meaning ascribed to it
2 in 20 U.S.C. § 7801(25).

3 5. "Public schools" means all kindergartens and elementary
4 schools, junior high schools and middle schools, high schools,
5 charter schools and any other schools, classes and educational
6 programs which receive their support through public taxation and,
7 except for charter schools, whose textbooks and courses of study are
8 under the control of the ~~[State Board.]~~ *Department.*

9 6. "State Board" means the State Board of Education.

10 7. "University school for profoundly gifted pupils" has the
11 meaning ascribed to it in NRS 392A.040.

12 **Sec. 4.** NRS 385.010 is hereby amended to read as follows:

13 385.010 1. A Department of Education is hereby created.

14 2. ~~[The Department consists of the State Board of Education,~~
15 ~~the State Board for Career and Technical Education and the~~
16 ~~Superintendent of Public Instruction.~~

17 ~~—3.]~~ The Superintendent of Public Instruction is the executive
18 head of the Department.

19 **Sec. 5.** NRS 385.014 is hereby amended to read as follows:

20 385.014 When required, the Attorney General shall give an
21 opinion in writing and without fee to the State Board, *the*
22 *Department*, the Superintendent of Public Instruction and the
23 Commission on Professional Standards in Education on matters
24 relating to the powers and duties of the Department.

25 **Sec. 6.** NRS 385.021 is hereby amended to read as follows:

26 385.021 1. The State Board consists of ~~[40]~~ *five* members
27 ~~[elected by the registered voters within the districts described in~~
28 ~~NRS 385.0225 to 385.0265, inclusive.]~~ *appointed as follows:*

29 *(a) Three members appointed by the Governor;*

30 *(b) One member appointed by the Majority Leader of the*
31 *Senate; and*

32 *(c) One member appointed by the Speaker of the Assembly.*

33 2. Each member of the State Board must ~~[be]~~ :

34 *(a) Be* a resident of ~~[the district from which that member is~~
35 ~~elected.]~~ *this State.*

36 *(b) Be a citizen of the United States.*

37 *(c) Have adequate time to devote to the duties required of*
38 *members of the State Board.*

39 *(d) Have knowledge and experience in public education,*
40 *including, without limitation:*

41 *(1) A demonstrated interest in public education;*

42 *(2) Evidence of support for improving the academic*
43 *achievement and proficiency of pupils in this State;*

44 *(3) An exemplary record of service to this State; and*



1 (4) *Knowledge, experience or interest in identifying and*
2 *addressing problems associated with improving the academic*
3 *achievement and proficiency of pupils.*

4 3. ~~[At the general election in 2002, and every 4 years~~
5 ~~thereafter, one member of the State Board must be elected for a term~~
6 ~~of 4 years from Districts Numbers 2, 5, 6 and 10.]~~ *Each member of*
7 *the State Board serves for a term of 3 years. A member may be*
8 *removed by the appointing authority for good cause shown. A*
9 *member may be reappointed.*

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

13 ~~—5.]~~ *Each member of the State Board must not be employed by*
14 *or under contract with the:*

15 (a) *Board of trustees of a school district;*

16 (b) *Governing body of a charter school;*

17 (c) *Governing body of a university school for profoundly gifted*
18 *pupils;*

19 (d) *Governing body of a private school; or*

20 (e) *Board of Regents of the University of Nevada.*

21 5. If a vacancy occurs ~~[on the State Board, the Governor shall~~
22 ~~appoint a member to fill the vacancy until the next general election,~~
23 ~~at which election a member must be chosen for the balance of the~~
24 ~~unexpired term. The appointee must be a resident of the district~~
25 ~~where the vacancy occurs.~~

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

30 **Sec. 7.** NRS 385.075 is hereby amended to read as follows:

31 385.075 The State Board *is advisory and* shall ~~[establish~~
32 ~~policies to govern the administration of all functions of the State]~~
33 *advise the Superintendent of Public Instruction and the*
34 *Department on matters* relating to ~~[supervision, management and~~
35 ~~control of public schools not conferred by law on some other~~
36 ~~agency.]~~ *the system of public education, including, without*
37 *limitation:*

38 1. *Academic standards;*

39 2. *The licensing of educational personnel;*

40 3. *Career and technical education; and*

41 4. *Educational policies and guidelines for public schools.*

42 **Sec. 8.** NRS 385.091 is hereby amended to read as follows:

43 385.091 The ~~[State Board,]~~ *Department,* in the name and on
44 behalf of the system of public schools in this State, may:



1 1. Cause to be formed a nonprofit corporation pursuant to
2 chapter 82 of NRS for the acquisition of money and personal
3 property for awards in recognition of exceptional teachers, pupils
4 and public schools and for special projects regarding educational
5 enhancement, including, but not limited to, any unique educational
6 activity which is conducted by officials of the public schools to
7 improve the educational performance of or learning opportunities
8 for pupils or teachers in the public schools.

9 2. Determine the name of the corporation.

10 3. Specify that the corporation is formed for charitable and
11 educational purposes, subject to the basic purpose of the corporation
12 as set forth in subsection 1.

13 4. Specify any incidental powers which the corporation may
14 exercise, including:

15 (a) The power to solicit and receive contributions, gifts, grants,
16 devises and bequests of money and personal property, or any
17 combination thereof;

18 (b) Any of the powers enumerated in NRS 82.121 except that
19 the corporation may not receive or hold real property; and

20 (c) The power to do all acts as may be necessary, convenient or
21 desirable to carry out the purposes for which the corporation is
22 formed.

23 5. Provide for:

24 (a) The location and relocation of the office of the corporation;

25 (b) Upon the dissolution of the corporation and the liquidation
26 of its obligations, the distribution of its assets to the system of
27 public schools in this State;

28 (c) The perpetual existence of the corporation;

29 (d) The governing body of the corporation and the appointment
30 and reappointment of members thereto; and

31 (e) The adoption of the bylaws for the corporation and any
32 amendments thereto.

33 **Sec. 9.** NRS 385.095 is hereby amended to read as follows:

34 385.095 Except as otherwise provided in NRS 385.091:

35 1. All gifts of money which the ~~[State Board]~~ *Department* is
36 authorized to accept must be deposited in a special revenue fund in
37 the State Treasury designated as the Education Gift Fund.

38 2. The money available in the Education Gift Fund must be
39 used only for the purpose specified by the donor, within the scope of
40 the ~~[State Board's]~~ powers and duties ~~[.]~~ *of the Department* and no
41 expenditure may be made until approved by the Legislature in an
42 authorized expenditure act or by the Interim Finance Committee if
43 the Legislature is not in session.

44 3. If all or part of the money accepted by the ~~[State Board]~~
45 *Department* from a donor is not expended before the end of any



1 fiscal year, the remaining balance of the amount donated must
2 remain in the Education Gift Fund until needed for the purpose
3 specified by the donor.

4 **Sec. 10.** NRS 385.100 is hereby amended to read as follows:

5 385.100 1. The ~~{State Board of Education}~~ **Department** shall
6 prescribe regulations under which contracts, agreements or
7 arrangements may be made with agencies of the Federal
8 Government for money, services, commodities or equipment to be
9 made available to the public schools, subject to the supervision and
10 control of the Superintendent of Public Instruction.

11 2. All contracts, agreements or arrangements made by public
12 schools in the State of Nevada involving money, services,
13 commodities or equipment which may be provided by agencies of
14 the Federal Government, must be entered into in accordance with
15 the regulations prescribed by the ~~{State Board}~~ **Department** and in
16 no other manner.

17 3. This section does not apply to any money received by any
18 school district in the State of Nevada pursuant to the provisions of:

19 (a) "An Act to provide financial assistance for local educational
20 agencies in areas affected by federal activities, and for other
21 purposes," being Public Law ~~{874 81st Congress;}~~ **No. 81-874;** and

22 (b) "An Act relating to the construction of school facilities in
23 areas affected by federal activities, and for other purposes," being
24 Public Law ~~{815-81st Congress;}~~ **No. 81-815,**

25 ➤ as these statutes were enacted and may be amended.

26 **Sec. 11.** NRS 385.104 is hereby amended to read as follows:

27 385.104 1. The Higher Education Student Loan Program is
28 hereby established.

29 2. Money available for the Higher Education Student Loan
30 Program must be used to provide loans to further the educational
31 goals of Nevada residents who are admitted to and attending
32 institutions of higher education.

33 3. The ~~{State Board}~~ **Department** shall establish policies and
34 may adopt regulations for the administration of the Higher
35 Education Student Loan Program.

36 **Sec. 12.** NRS 385.106 is hereby amended to read as follows:

37 385.106 1. The Superintendent of Public Instruction may
38 administer the Higher Education Student Loan Program and may
39 consult with any public officer or private person in the State who
40 may have an interest in higher education or in the Program. The
41 Superintendent of Public Instruction shall notify the ~~{State Board}~~
42 **Governor** at least 30 days in advance if the Superintendent intends
43 to stop administering the Program.

44 2. After receiving notice from the Superintendent of Public
45 Instruction that he or she intends to stop administering the Program,



1 but before the Superintendent actually stops administering it, ~~the~~
2 ~~State Board, with the concurrence of~~ the Governor ~~[-]~~ shall
3 designate another public agency or private nonprofit organization to
4 administer the Program in a manner which ensures continued access
5 to the Program by postsecondary schools in this State, including all
6 of the institutions of the Nevada System of Higher Education. The
7 designation may authorize assumption of any reserves or liability
8 accruing to an agency or organization engaged in administering the
9 Program or the guarantee of student loans.

10 3. If the Superintendent of Public Instruction administers the
11 Program, the ~~State Board~~ **Department** may:

12 (a) Negotiate and accept federal and other money appropriated
13 and available to insure loans for student educational purposes under
14 the Program.

15 (b) Negotiate and enter into such agreements with other agencies
16 as it deems proper for the administration and conduct of the
17 Program.

18 (c) Accept gifts, grants and contributions from any source that
19 will facilitate and assist the higher education of Nevada residents.

20 **Sec. 13.** NRS 385.109 is hereby amended to read as follows:

21 385.109 The ~~State Board~~ **Department** shall:

22 1. Cooperate with the Aging and Disability Services Division
23 of the Department of Health and Human Services in the planning of
24 programs whereby the school districts may prepare hot lunches for
25 persons 60 years of age or older and their spouses or any group of
26 such persons by utilizing the systems and procedures already
27 developed for use in the operation of school lunch programs; and

28 2. Adopt regulations containing guidelines for boards of
29 trustees of school districts entering into such agreements.

30 **Sec. 14.** NRS 385.110 is hereby amended to read as follows:

31 385.110 1. Except as otherwise provided in subsections 2 and
32 3, the ~~State Board~~ **Department** shall prescribe and cause to be
33 enforced the courses of study for the public schools of this State.
34 The courses of study prescribed and enforced by the ~~State Board~~
35 **Department** must comply with the standards of content and
36 performance established by the ~~Council to Establish Academic~~
37 ~~Standards for Public Schools~~ **Department** pursuant to
38 NRS 389.520.

39 2. For those courses of study prescribed by the ~~State Board;~~
40 **Department:**

41 (a) High schools may have modified courses of study, subject to
42 the approval of the ~~State Board;~~ **Department;** and

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



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

Sec. 15. NRS 385.115 is hereby amended to read as follows:

385.115 The ~~{State Board}~~ *Department* shall cooperate with the Attorney General in the establishment in the schools, including, without limitation, charter schools, of programs of information about missing children and adopt regulations containing guidelines for such programs.

Sec. 16. NRS 385.125 is hereby amended to read as follows:

385.125 1. The ~~{State Board}~~ *Department* may adopt standard plans, designs and specifications for the construction of school buildings by the boards of trustees of the various school districts. If such plans, designs and specifications are adopted, provision must be made for the production and distribution of such plans, designs and specifications by appropriate rules and regulations. The board of trustees of a school district may use any such plans, designs and specifications if it determines that the plans, designs and specifications are in the best interests of the district.

2. Before the adoption of any such standard plans, designs and specifications, the ~~{State Board}~~ *Department* shall submit the plans, designs and specifications to the State Public Works Board, whose written approval thereof must be obtained before any further consideration by the ~~{State Board.}~~ *Department*. The State Public Works Board shall verify that the plans, designs and specifications comply with all applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations. The requirements of this subsection are not satisfied if the plans, designs and specifications comply solely with the ~~{Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.}~~ *standards for the design, construction and alteration of buildings prescribed by the Administrator of the United States General Services Administration.*

3. The State Public Works Board may charge and collect and the ~~{State Board}~~ *Department* may pay a reasonable fee for the costs incurred by the State Public Works Board in approving the standard plans, designs and specifications submitted.

Sec. 17. 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 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.

Sec. 18. NRS 385.170 is hereby amended to read as follows:

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

Sec. 19. NRS 385.175 is hereby amended to read as follows:

385.175 The Superintendent of Public Instruction shall:

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

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. 20. NRS 385.210 is hereby amended to read as follows:

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]~~ *Department* 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 30 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.

Sec. 21. NRS 385.230 is hereby amended to read as follows:

385.230 1. The Superintendent of Public Instruction shall report to the Governor biennially, on or before December 1, in the year immediately preceding a regular session of the Legislature concerning matters relating to education in this state, including, without limitation, an analysis of each annual report of accountability prepared by the ~~{State Board}~~ **Department** pursuant to NRS 385.3469 in the immediately preceding 2 years.

2. The Superintendent of Public Instruction shall report to the Legislature during each regular session of the Legislature concerning matters relating to education in this state, including, without limitation, an analysis of each annual report of accountability prepared by the ~~{State Board}~~ **Department** pursuant to NRS 385.3469 in the immediately preceding 2 years.



Sec. 22. NRS 385.240 is hereby amended to read as follows:

385.240 ~~[[~~ The Superintendent of Public Instruction shall approve or disapprove lists of books for use in public school libraries except for the libraries of charter schools. Such lists must not include books containing or including any story in prose or poetry the tendency of which would be to influence the minds of children in the formation of ideals not in harmony with truth and morality or the American way of life, or not in harmony with the Constitution and laws of the United States or of the State of Nevada.

~~[2. Actions of the Superintendent with respect to lists of books are subject to review and approval or disapproval by the State Board.]~~

Sec. 23. NRS 385.310 is hereby amended to read as follows:

385.310 The Deputy Superintendent for Administrative and Fiscal Services, under the direction of the Superintendent of Public Instruction, shall:

1. Determine the apportionment of all state school money to schools of the State as prescribed by law.

2. Develop for public schools of the State a uniform system of budgeting and accounting. The system must provide for the separate reporting of expenditures for each:

(a) School district; and

(b) School within a school district.

➤ Upon approval of the ~~[State Board.]~~ *Superintendent of Public Instruction*, the system is mandatory for all public schools in this State and must be enforced as provided in subsection 2 of NRS 385.315.

3. Carry on a continuing study of school finance in the State, particularly the method by which schools are financed on the state level, and make such recommendations to the Superintendent of Public Instruction ~~[for submission to the State Board]~~ as he or she deems advisable.

4. Recommend to the Superintendent of Public Instruction ~~[for submission to the State Board]~~ such changes in budgetary and financial procedures as the studies may show to be advisable.

5. Perform such other statistical and financial duties pertaining to the administration and finances of the schools of the State as may be required by the Superintendent of Public Instruction.

6. Prepare for the Superintendent of Public Instruction the biennial budgets of the Department for ~~[consideration by the State Board and]~~ submission to *and consideration by* the Governor.

Sec. 24. NRS 385.330 is hereby amended to read as follows:

385.330 1. Professional staff and other personnel appointed by the Superintendent of Public Instruction shall perform such duties as are assigned by the Superintendent.



2. The Superintendent of Public Instruction ~~[, under the policies of the State Board,]~~ shall locate the offices of professional staff and other personnel where the needs of the education program can best be served.

Sec. 25. NRS 385.3455 is hereby amended to read as follows:

385.3455 As used in NRS 385.3455 to 385.391, inclusive, unless the context otherwise requires, the words and terms defined in NRS ~~[385.346 to]~~ **385.3465, 385.3467 and 385.34675** ~~[inclusive,]~~ have the meanings ascribed to them in those sections.

Sec. 26. NRS 385.3469 is hereby amended to read as follows:

385.3469 1. The ~~[State Board]~~ **Department** shall prepare an annual report of accountability that includes, without limitation:

(a) Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Except as otherwise provided in subsection 2, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(1) Pupils who are economically disadvantaged, as defined by the ~~[State Board;]~~ **Department;**

(2) Pupils from major racial and ethnic groups, as defined by the ~~[State Board;]~~ **Department;**

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the ~~[State Board;]~~ **Department.**

(c) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the ~~[State Board;]~~ **Department.**

(d) The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(e) Except as otherwise provided in subsection 2, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in paragraph (b).

(f) The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.



(g) Information on whether each school district has made adequate yearly progress, including, without limitation, the name of each school district, if any, designated as demonstrating need for improvement pursuant to NRS 385.377 and the number of consecutive years that the school district has carried that designation.

(h) Information on whether each public school, including, without limitation, each charter school, has made:

(1) Adequate yearly progress, including, without limitation, the name of each public school, if any, designated as demonstrating need for improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(2) Progress based upon the model adopted by the Department pursuant to NRS 385.3595, if applicable for the grade level of pupils enrolled at the school.

(i) Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 389.012.

(j) The ratio of pupils to teachers in kindergarten and at each grade level for all elementary schools, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school, reported for each school district and for this State as a whole.

(k) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, information on the professional qualifications of teachers employed by the school districts and charter schools, including, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the



purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) ~~{On and after July 1, 2005, the}~~ **The** number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) ~~{On and after July 1, 2006, the}~~ **The** number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) ~~{On and after July 1, 2005, the}~~ **The** number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) ~~{On and after July 1, 2006, the}~~ **The** number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(l) The total expenditure per pupil for each school district in this State, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the ~~{State Board}~~ **Department** shall use that statewide program in complying with this paragraph. If a statewide program is not available, the ~~{State Board}~~ **Department** shall use ~~{the Department's}~~ **its** own financial analysis program in complying with this paragraph.

(m) The total statewide expenditure per pupil. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the ~~{State Board}~~ **Department** shall use that statewide program in complying with this paragraph. If a statewide program is not available, the ~~{State Board}~~ **Department** shall use ~~{the Department's}~~ **its** own financial analysis program in complying with this paragraph.

(n) For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district,



1 including, without limitation, each charter school in the district, and
2 for this State as a whole.

3 (o) The annual rate of pupils who drop out of school in grade 8
4 and a separate reporting of the annual rate of pupils who drop out of
5 school in grades 9 to 12, inclusive, reported for each school district,
6 including, without limitation, each charter school in the district, and
7 for this State as a whole. The reporting for pupils in grades 9 to 12,
8 inclusive, excludes pupils who:

9 (1) Provide proof to the school district of successful
10 completion of the examinations of general educational development.

11 (2) Are enrolled in courses that are approved by the
12 Department as meeting the requirements for an adult standard
13 diploma.

14 (3) Withdraw from school to attend another school.

15 (p) The attendance of teachers who provide instruction, reported
16 for each school district, including, without limitation, each charter
17 school in the district, and for this State as a whole.

18 (q) Incidents involving weapons or violence, reported for each
19 school district, including, without limitation, each charter school in
20 the district, and for this State as a whole.

21 (r) Incidents involving the use or possession of alcoholic
22 beverages or controlled substances, reported for each school district,
23 including, without limitation, each charter school in the district, and
24 for this State as a whole.

25 (s) The suspension and expulsion of pupils required or
26 authorized pursuant to NRS 392.466 and 392.467, reported for each
27 school district, including, without limitation, each charter school in
28 the district, and for this State as a whole.

29 (t) The number of pupils who are deemed habitual disciplinary
30 problems pursuant to NRS 392.4655, reported for each school
31 district, including, without limitation, each charter school in the
32 district, and for this State as a whole.

33 (u) The number of pupils in each grade who are retained in the
34 same grade pursuant to NRS 392.033 or 392.125, reported for each
35 school district, including, without limitation, each charter school in
36 the district, and for this State as a whole.

37 (v) The transiency rate of pupils, reported for each school
38 district, including, without limitation, each charter school in the
39 district, and for this State as a whole. For the purposes of this
40 paragraph, a pupil is not a transient if the pupil is transferred to a
41 different school within the school district as a result of a change in
42 the zone of attendance by the board of trustees of the school district
43 pursuant to NRS 388.040.

44 (w) Each source of funding for this State to be used for the
45 system of public education.



(x) A compilation of the programs of remedial study purchased in whole or in part with money received from this State that are used in each school district, including, without limitation, each charter school in the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study.

(2) An identification of each program of remedial study, listed by subject area.

(y) The percentage of pupils who graduated from a high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(z) The technological facilities and equipment available for educational purposes, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(aa) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) An adjusted diploma.

(3) A certificate of attendance.

(bb) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who failed to pass the high school proficiency examination.

(cc) The number of habitual truants who are reported to a school police officer or local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(dd) Information on the paraprofessionals employed at public schools in this State, including, without limitation, the charter schools in this State. The information must include:



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(1) The number of paraprofessionals employed, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole; and

(2) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in programs supported with Title I money and to paraprofessionals who are not employed in programs supported with Title I money.

(ee) An identification of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(ff) A compilation of the special programs available for pupils at individual schools, listed by school and by school district, including, without limitation, each charter school in the district.

(gg) For each school district, including, without limitation, each charter school in the district and for this State as a whole, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

2. A separate reporting for a group of pupils must not be made pursuant to this section if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The ~~[State Board]~~ *Department* shall prescribe a mechanism



1 for determining the minimum number of pupils that must be in a
2 group for that group to yield statistically reliable information.

3 3. The annual report of accountability must:

4 (a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations
5 adopted pursuant thereto;

6 (b) Be prepared in a concise manner; and

7 (c) Be presented in an understandable and uniform format and,
8 to the extent practicable, provided in a language that parents can
9 understand.

10 4. On or before September 1 of each year, the ~~[State Board]~~
11 *Department* shall:

12 (a) Provide for public dissemination of the annual report of
13 accountability by posting a copy of the report on the Internet
14 website maintained by the Department; and

15 (b) Provide written notice that the report is available on the
16 Internet website maintained by the Department. The written notice
17 must be provided to the:

18 (1) Governor;

19 (2) Committee;

20 (3) ~~[Bureau;]~~ *State Board*;

21 (4) Board of Regents of the University of Nevada;

22 (5) Board of trustees of each school district; and

23 (6) Governing body of each charter school.

24 5. Upon the request of the Governor, an entity described in
25 paragraph (b) of subsection 4 or a member of the general public, the
26 ~~[State Board]~~ *Department* shall provide a portion or portions of the
27 annual report of accountability.

28 6. As used in this section:

29 (a) "Highly qualified" has the meaning ascribed to it in 20
30 U.S.C. § 7801(23).

31 (b) "Paraprofessional" has the meaning ascribed to it in
32 NRS 391.008.

33 **Sec. 27.** NRS 385.34691 is hereby amended to read as
34 follows:

35 385.34691 1. The ~~[State Board]~~ *Department* shall prepare a
36 plan to improve the achievement of pupils enrolled in the public
37 schools in this State. The plan:

38 (a) Must be prepared in consultation with:

39 (1) ~~[Employees of the Department;~~

40 ~~—(2)]~~ At least one employee of a school district in a county
41 whose population is 100,000 or more, appointed by the Nevada
42 Association of School Boards;

43 ~~{(3)}~~ (2) At least one employee of a school district in a
44 county whose population is less than 100,000, appointed by the
45 Nevada Association of School Boards; and



~~[(4)]~~ (3) At least one representative of the Statewide Council for the Coordination of the Regional Training Programs *if such a Council is* created by NRS 391.516, appointed by the Council; and

(b) May be prepared in consultation with:

(1) Representatives of institutions of higher education;

(2) Representatives of regional educational laboratories;

(3) Representatives of outside consultant groups;

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

(5) ~~The Bureau; and~~

~~—(6)—~~ Other persons who the ~~[State Board]~~ *Department* determines are appropriate.

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

(a) A review and analysis of the data upon which the report required pursuant to NRS 385.3469 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 common among the school districts or charter schools in this State, as revealed by the review and analysis.

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

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

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

(I) The curriculum appropriate to improve achievement;

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

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

(2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;

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

(4) Manage effectively the discipline of pupils; and

(5) Enhance the professional development offered for the teachers and administrators employed at public schools in this State



1 to include the activities set forth in 20 U.S.C. § 7801(34) and to
2 address the specific needs of the pupils enrolled in public schools in
3 this State, as deemed appropriate by the ~~{State Board}~~ **Department**.

4 (e) Strategies designed to provide to the pupils enrolled in
5 middle school, junior high school and high school, the teachers and
6 counselors who provide instruction to those pupils, and the parents
7 and guardians of those pupils information concerning:

8 (1) The requirements for admission to an institution of higher
9 education and the opportunities for financial aid;

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

12 (3) The need for a pupil to make informed decisions about
13 his or her curriculum in middle school, junior high school and high
14 school in preparation for success after graduation.

15 (f) An identification, by category, of the employees of the
16 Department who are responsible for ensuring that each provision of
17 the plan is carried out effectively.

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

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

26 (i) Strategies to improve the allocation of resources from this
27 State, by program and by school district, in a manner that will
28 improve the academic achievement of pupils. If this State has a
29 financial analysis program that is designed to track educational
30 expenditures and revenues to individual schools, the ~~{State Board}~~
31 **Department** shall use that statewide program in complying with this
32 paragraph. If a statewide program is not available, the ~~{State Board}~~
33 **Department** shall use ~~{the Department's}~~ **its** own financial analysis
34 program in complying with this paragraph.

35 (j) Based upon the reallocation of resources set forth in
36 paragraph (i), the resources available to the ~~{State Board and the}~~
37 Department to carry out the plan, including, without limitation, a
38 budget for the overall cost of carrying out the plan.

39 (k) A summary of the effectiveness of appropriations made by
40 the Legislature to improve the academic achievement of pupils and
41 programs approved by the Legislature to improve the academic
42 achievement of pupils.

43 3. The ~~{State Board}~~ **Department** shall:

44 (a) Review the plan prepared pursuant to this section annually to
45 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 public schools in this State.

4. On or before December 15 of each year, the ~~{State Board}~~ **Department** shall submit the plan or the revised plan, as applicable, to the:

(a) Governor;

(b) Committee;

(c) ~~{Bureau;}~~ **State Board;**

(d) Board of Regents of the University of Nevada;

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

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

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

Sec. 28. NRS 385.34692 is hereby amended to read as follows:

385.34692 1. The ~~{State Board}~~ **Department** shall prepare a summary of the annual report of accountability prepared pursuant to NRS 385.3469 that includes, without limitation, a summary of the following information for each school district, each charter school and the State as a whole:

(a) Demographic information of pupils, including, without limitation, the number and percentage of pupils:

(1) Who are economically disadvantaged, as defined by the ~~{State Board;}~~ **Department;**

(2) Who are from major racial or ethnic groups, as defined by the ~~{State Board;}~~ **Department;**

(3) With disabilities;

(4) Who are limited English proficient; and

(5) Who are migratory children, as defined by the ~~{State Board;}~~ **Department;**

(b) The average daily attendance of pupils, reported separately for the groups identified in paragraph (a);

(c) The transiency rate of pupils;

(d) The percentage of pupils who are habitual truants;

(e) The percentage of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655;

(f) The number of incidents resulting in suspension or expulsion for:

(1) Violence to other pupils or to school personnel;

(2) Possession of a weapon;

(3) Distribution of a controlled substance;

(4) Possession or use of a controlled substance; and

(5) Possession or use of alcohol;



(g) For kindergarten through grade 8, the number and percentage of pupils who are retained in the same grade;

(h) For grades 9 to 12, inclusive, the number and percentage of pupils who are deficient in the number of credits required for promotion to the next grade or graduation from high school;

(i) The pupil-teacher ratio for kindergarten and grades 1 to 8, inclusive;

(j) The average class size for the subject area of mathematics, English, science and social studies in schools where pupils rotate to different teachers for different subjects;

(k) The number and percentage of pupils who graduated from high school;

(l) The number and percentage of pupils who received a:

(1) Standard diploma;

(2) Adult diploma;

(3) Adjusted diploma; and

(4) Certificate of attendance;

(m) The number and percentage of pupils who graduated from high school and enrolled in remedial courses at the Nevada System of Higher Education;

(n) Per pupil expenditures;

(o) Information on the professional qualifications of teachers;

(p) The average daily attendance of teachers and licensure information;

(q) Information on the adequate yearly progress of the schools and school districts;

(r) Pupil achievement based upon the:

(1) Examinations administered pursuant to NRS 389.550, including, without limitation, whether public schools have made progress based upon the model adopted by the Department pursuant to NRS 385.3595; and

(2) High school proficiency examination;

(s) To the extent practicable, pupil achievement based upon the examinations administered pursuant to NRS 389.015 for grades 4, 7 and 10; and

(t) Other information required by the Superintendent of Public Instruction . ~~[in consultation with the Bureau.]~~

2. The summary prepared pursuant to subsection 1 must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents will likely understand.



3. On or before September 7 of each year, the ~~{State Board}~~
Department shall:

(a) Provide for public dissemination of the summary prepared pursuant to subsection 1 by posting the summary on the Internet website maintained by the Department; and

(b) Submit a copy of the summary in an electronic format to the:

(1) Governor;

(2) Committee;

(3) ~~{Bureau;}~~ *State Board*;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district; and

(6) Governing body of each charter school.

4. The board of trustees of each school district and the governing body of each charter school shall ensure that the parents and guardians of pupils enrolled in the school district or charter school, as applicable, have sufficient information concerning the availability of the summary prepared by the ~~{State Board}~~
Department pursuant to subsection 1, including, without limitation, information that describes how to access the summary on the Internet website maintained by the Department. Upon the request of a parent or guardian of a pupil, the Department shall provide the parent or guardian with a written copy of the summary.

5. The Department shall, in consultation with the ~~{Bureau and the}~~ school districts, prescribe a form for the summary required by this section.

Sec. 29. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the ~~{State Board}~~ *Department* as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the ~~{State Board}~~ *Department* for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools in the school district. The board of trustees of each school district shall report the information required by subsection 2 for each charter school that is located within the school district, regardless of the sponsor of the charter school. The information for charter schools must be reported separately and must denote the charter schools sponsored by the school district, the charter schools sponsored by the ~~{State Board}~~ *Department* and the charter schools sponsored by a college or university within the Nevada System of Higher Education.

2. The board of trustees of each school district shall, on or before August 15 of each year, prepare an annual report of accountability concerning:



(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school in the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school in the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations.

(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school.

(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(I) Pupils who are economically disadvantaged, as defined by the ~~{State Board;}~~ **Department;**

(II) Pupils from major racial and ethnic groups, as defined by the ~~{State Board;}~~ **Department;**

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the ~~{State Board;}~~ **Department.**

(4) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the ~~{State Board;}~~ **Department.**

(5) The percentage of pupils who were not tested.

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in subparagraph (3).

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools in the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.



(9) For each school in the district, including, without limitation, each charter school in the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(10) Information on whether each school in the district, including, without limitation, each charter school in the district, has made progress based upon the model adopted by the Department pursuant to NRS 385.3595.

↪ A separate reporting for a group of pupils must not be made pursuant to this paragraph if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The ~~[State Board]~~ *Department* shall prescribe the mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school in the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school in the district.

(d) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school in the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this



subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) ~~{On and after July 1, 2005, the}~~ **The** number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) ~~{On and after July 1, 2006, the}~~ **The** number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) ~~{On and after July 1, 2005, the}~~ **The** number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) ~~{On and after July 1, 2006, the}~~ **The** number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(e) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school in the district. 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.

(f) The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school in the district.

(g) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.



(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school in the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(h) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(i) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(j) Efforts made by the school district and by each school in the district, including, without limitation, each charter school in the district, to increase:

(1) Communication with the parents of pupils in the district; and

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees.

(k) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school in the district.

(l) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school in the district.

(m) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(n) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.



(o) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(p) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school in the district. For the purposes of this paragraph, a pupil is not transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(q) Each source of funding for the school district.

(r) A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) An identification of each program of remedial study, listed by subject area.

(s) For each high school in the district, including, without limitation, each charter school in the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.

(t) The technological facilities and equipment available at each school, including, without limitation, each charter school, and the district's plan to incorporate educational technology at each school.

(u) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) An adjusted diploma.

(3) A certificate of attendance.

(v) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who failed to pass the high school proficiency examination.



(w) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

(x) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school in the district.

(y) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

(z) Information on whether each public school in the district, including, without limitation, each charter school in the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(aa) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school in the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

(bb) For each high school in the district, including, without limitation, each charter school that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.



(cc) An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

(dd) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(ee) Such other information as is directed by the Superintendent of Public Instruction.

3. The records of attendance maintained by a school for purposes of paragraph (i) of subsection 2 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which the teacher is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

4. The annual report of accountability prepared pursuant to subsection 2 must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.



5. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsection 2 and provide the forms to the respective school districts.

(b) Provide statistical information and technical assistance to the school districts to ensure that the reports provide comparable information with respect to each school in each district and among the districts throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Department of Administration;

and

(6) Legislative Counsel Bureau,

➔ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

6. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. On or before August 15 of each year, the board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (g) of subsection 2.

8. On or before August 15 of each year, the board of trustees of each school district shall:

(a) Provide written notice that the report required pursuant to subsection 2 is available on the Internet website maintained by the school district, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

(1) Governor;

(2) State Board;

(3) Department; *and*

(4) Committee. *[-; and*

~~(5) Bureau.]~~

(b) Provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district,



1 including, without limitation, each charter school in the district, the
2 residents of the district, and the parents and guardians of pupils
3 enrolled in schools in the district, including, without limitation, each
4 charter school in the district.

5 9. Upon the request of the Governor, an entity described in
6 paragraph (a) of subsection 8 or a member of the general public, the
7 board of trustees of a school district shall provide a portion or
8 portions of the report required pursuant to subsection 2.

9 10. As used in this section:

10 (a) "Highly qualified" has the meaning ascribed to it in 20
11 U.S.C. § 7801(23).

12 (b) "Paraprofessional" has the meaning ascribed to it in
13 NRS 391.008.

14 **Sec. 30.** NRS 385.348 is hereby amended to read as follows:

15 385.348 1. The board of trustees of each school district shall,
16 in consultation with the employees of the school district, prepare a
17 plan to improve the achievement of pupils enrolled in the school
18 district, excluding pupils who are enrolled in charter schools located
19 in the school district. If the school district is a Title I school district
20 designated as demonstrating need for improvement pursuant to NRS
21 385.377, the plan must also be prepared in consultation with parents
22 and guardians of pupils enrolled in the school district and other
23 persons who the board of trustees determines are appropriate.

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

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

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

39 (b) The identification of any problems or factors at individual
40 schools that are revealed by the review and analysis.

41 (c) Strategies based upon scientifically based research, as
42 defined in 20 U.S.C. § 7801(37), that will strengthen the core
43 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.



1 If a statewide program is not available, each school district shall use
2 its own financial analysis program in complying with this
3 paragraph.

4 (j) Based upon the reallocation of resources set forth in
5 paragraph (i), the resources available to the school district to carry
6 out the plan, including, without limitation, a budget of the overall
7 cost for carrying out the plan.

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

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

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

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

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

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

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

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

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

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

39 (a) Superintendent of Public Instruction;

40 (b) Governor;

41 (c) State Board;

42 (d) Department; *and*

43 (e) Committee. ~~}; and~~

44 ~~—(f) Bureau.}~~



Sec. 31. NRS 385.349 is hereby amended to read as follows:

385.349 1. The board of trustees of each school district shall prepare a summary of the annual report of accountability prepared pursuant to NRS 385.347 on the form prescribed by the Department pursuant to subsection 3 or an expanded form, as applicable. The summary must include, without limitation:

(a) The information set forth in subsection 1 of NRS 385.34692, reported for the school district as a whole and for each school within the school district;

(b) Information on the involvement of parents and legal guardians in the education of their children; and

(c) Other information required by the Superintendent of Public Instruction . ~~[in consultation with the Bureau.]~~

2. The summary prepared pursuant to subsection 1 must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents will likely understand.

3. The Department shall, in consultation with ~~[the Bureau and]~~ the school districts, prescribe a form that contains the basic information required by subsection 1. The board of trustees of a school district may use an expanded form that contains additions to the form prescribed by the Department if the basic information contained in the expanded form complies with the form prescribed by the Department.

4. On or before September 7 of each year, the board of trustees of each school district shall:

(a) Submit the summary in an electronic format to the:

(1) Governor;

(2) State Board;

(3) Department;

(4) Committee; *and*

(5) ~~[Bureau; and~~

~~—(6)]~~ Schools within the school district.

(b) Provide for the public dissemination of the summary by posting a copy of the summary on the Internet website maintained by the school district, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the summary. The board of trustees of each school district shall ensure that the parents and guardians of pupils enrolled in the school district have sufficient information concerning the availability of the summary, including, without limitation, information that describes how to access the summary on the Internet website maintained by the school district, if any. Upon the request of a parent or legal



guardian, the school district shall provide the parent or legal guardian with a written copy of the summary.

5. The board of trustees of each school district shall report the information required by this section for each charter school that is located within the school district, regardless of the sponsor of the charter school. The information for charter schools must be reported separately and must denote the charter schools sponsored by the school district, the charter schools sponsored by the ~~{State-Board}~~ *Department* and the charter schools sponsored by a college or university within the Nevada System of Higher Education.

Sec. 32. NRS 385.357 is hereby amended to read as follows:

385.357 1. Except as otherwise provided in NRS 385.37603 and 385.37607, the principal of each school, including, without limitation, each charter school, shall, in consultation with the employees of the school, prepare a plan to improve the achievement of the pupils enrolled in the school.

2. The plan developed pursuant to subsection 1 must include:

(a) A review and analysis of the data pertaining to the school 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 the school 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 defined in NRS 389.018.

(d) Policies and practices concerning the core academic subjects which have the greatest likelihood of ensuring that each group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361 who are enrolled in the school will make adequate yearly progress and meet the minimum level of proficiency prescribed by the ~~{State-Board}~~ *Department*.

(e) Annual measurable objectives, consistent with the annual measurable objectives established by the ~~{State-Board}~~ *Department* pursuant to NRS 385.361, for the continuous and substantial progress by each group of pupils identified in paragraph (b) of subsection 1 of that section who are enrolled in the school to ensure that each group will make adequate yearly progress and meet the level of proficiency prescribed by the ~~{State-Board}~~ *Department*.

(f) Strategies, consistent with the policy adopted pursuant to NRS 392.457 by the board of trustees of the school district in which the school is located, to promote effective involvement by parents and families of pupils enrolled in the school in the education of their children.



(g) As appropriate, programs of remedial education or tutoring to be offered before and after school, during the summer, or between sessions if the school operates on a year-round calendar for pupils enrolled in the school who need additional instructional time to pass or to reach a level considered proficient.

(h) Strategies to improve the academic achievement of pupils enrolled in the school, 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;

(4) Manage effectively the discipline of pupils; and

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

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

(j) In consultation with the school district or governing body, as applicable, an identification, by category, of the employees of the school district or governing body, if any, who are responsible for ensuring that the plan is carried out effectively or for overseeing and monitoring whether the plan is carried out effectively.

(k) 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.

(l) 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.

(m) 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



1 of attendance of pupils and reducing the number of pupils who drop
2 out of school.

3 (n) The resources available to the school to carry out the plan. If
4 this State has a financial analysis program that is designed to track
5 educational expenditures and revenues to individual schools, each
6 school shall use that statewide program in complying with this
7 paragraph. If a statewide program is not available, each school shall
8 use the financial analysis program used by the school district in
9 which the school is located in complying with this paragraph.

10 (o) A summary of the effectiveness of appropriations made by
11 the Legislature that are available to the school to improve the
12 academic achievement of pupils and programs approved by the
13 Legislature to improve the academic achievement of pupils.

14 (p) A budget of the overall cost for carrying out the plan.

15 3. In addition to the requirements of subsection 2, if a school
16 has been designated as demonstrating need for improvement
17 pursuant to NRS 385.3623, the plan must comply with 20 U.S.C. §
18 6316(b)(3) and the regulations adopted pursuant thereto.

19 4. Except as otherwise provided in subsection 5, the principal
20 of each school shall, in consultation with the employees of the
21 school:

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

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

27 5. If a school has been designated as demonstrating need for
28 improvement pursuant to NRS 385.3623 and a support team has
29 been established for the school, the support team shall review the
30 plan and make revisions to the most recent plan for improvement of
31 the school pursuant to NRS 385.36127. If the school is a Title I
32 school that has been designated as demonstrating need for
33 improvement, the support team established for the school shall, in
34 making revisions to the plan, work in consultation with parents and
35 guardians of pupils enrolled in the school and, to the extent deemed
36 appropriate by the entity responsible for creating the support team,
37 outside experts.

38 6. On or before November 1 of each year, the principal of each
39 school or the support team established for the school, as applicable,
40 shall submit the plan or the revised plan, as applicable, to:

41 (a) If the school is a public school of the school district, the
42 superintendent of schools of the school district.

43 (b) If the school is a charter school, the governing body of the
44 charter school.



7. If a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623, the superintendent of schools of the school district or the governing body, as applicable, shall carry out a process for peer review of the plan or the revised plan, as applicable, in accordance with 20 U.S.C. § 6316(b)(3)(E) and the regulations adopted pursuant thereto. Not later than 45 days after receipt of the plan, the superintendent of schools of the school district or the governing body, as applicable, shall approve the plan or the revised plan, as applicable, if it meets the requirements of 20 U.S.C. § 6316(b)(3) and the regulations adopted pursuant thereto and the requirements of this section. The superintendent of schools of the school district or the governing body, as applicable, may condition approval of the plan or the revised plan, as applicable, in the manner set forth in 20 U.S.C. § 6316(b)(3)(B) and the regulations adopted pursuant thereto. The ~~{State Board}~~ Department shall prescribe the requirements for the process of peer review, including, without limitation, the qualifications of persons who may serve as peer reviewers.

8. If a school is designated as demonstrating exemplary achievement, high achievement or adequate achievement, or if a school that is not a Title I school is designated as demonstrating need for improvement, not later than 45 days after receipt of the plan or the revised plan, as applicable, the superintendent of schools of the school district or the governing body, as applicable, shall approve the plan or the revised plan if it meets the requirements of this section.

9. On or before December 15 of each year, the principal of each school or the support team established for the school, as applicable, shall submit the final plan or the final revised plan, as applicable, to the:

- (a) Superintendent of Public Instruction;
- (b) Governor;
- (c) State Board;
- (d) Department;
- (e) Committee; *and*
- (f) ~~{Bureau; and~~

~~(g)}~~ Board of trustees of the school district in which the school is located.

10. A plan for the improvement of a school must be carried out expeditiously, but not later than January 1 after approval of the plan pursuant to subsection 7 or 8, as applicable.

Sec. 33. NRS 385.358 is hereby amended to read as follows:

385.358 1. The principal of each public school, including, without limitation, each charter school, shall prepare a summary of accountability information on the form prescribed by the



1 Department pursuant to subsection 3 or an expanded form, as
2 applicable. The summary must include, without limitation:

3 (a) The information set forth in subsection 1 of NRS 385.34692,
4 reported only for the school;

5 (b) Information on the involvement of parents and legal
6 guardians in the education of their children; and

7 (c) Such other information as is directed by the Superintendent
8 of Public Instruction. ~~[in consultation with the Bureau.]~~

9 2. The summary prepared pursuant to subsection 1 must be
10 presented in an understandable and uniform format and, to the
11 extent practicable, provided in a language that parents will likely
12 understand.

13 3. The Department shall, in consultation with the ~~[Bureau and~~
14 ~~the]~~ school districts, prescribe a form that contains the basic
15 information required by subsection 1. The principal of a school may
16 use an expanded form that contains additions to the form prescribed
17 by the Department if the basic information contained in the
18 expanded form complies with the form prescribed by the
19 Department.

20 4. On or before September 7 of each year:

21 (a) The principal of each public school shall submit the
22 summary in electronic format to the:

23 (1) Department; *and*

24 (2) ~~[Bureau; and~~

25 ~~— (3)]~~ Board of trustees of the school district in which the
26 school is located.

27 (b) The school district in which the school is located shall
28 ensure that the summary is posted on the Internet website
29 maintained by the school, if any, or the Internet website maintained
30 by the school district, if any. If the summary is not posted on the
31 website of the school or the school district, the school district shall
32 otherwise provide for public dissemination of the summary.

33 (c) The principal of each public school shall ensure that the
34 parents and legal guardians of the pupils enrolled in the school have
35 sufficient information concerning the availability of the summary,
36 including, without limitation, information that describes how to
37 access the summary on the Internet website, if any, and how a
38 parent or guardian may otherwise access the summary.

39 (d) The principal of each public school shall provide a written
40 copy of the summary to each parent and legal guardian of a pupil
41 enrolled in the school.

42 **Sec. 34.** NRS 385.361 is hereby amended to read as follows:

43 385.361 1. The ~~[State Board]~~ *Department* shall define the
44 measurement for determining whether each public school, each



1 school district and this State are making adequate yearly progress.
2 The definition of adequate yearly progress must:

3 (a) Comply with 20 U.S.C. § 6311(b)(2) and the regulations
4 adopted pursuant thereto;

5 (b) Be designed to ensure that all pupils will meet or exceed the
6 minimum level of proficiency set by the ~~{State Board,}~~ **Department,**
7 including, without limitation:

8 (1) Pupils who are economically disadvantaged, as defined
9 by the ~~{State Board,}~~ **Department;**

10 (2) Pupils from major racial and ethnic groups, as defined by
11 the ~~{State Board,}~~ **Department;**

12 (3) Pupils with disabilities; and

13 (4) Pupils who are limited English proficient;

14 (c) Be based primarily upon the measurement of progress of
15 pupils on the examinations administered pursuant to NRS 389.550
16 or the high school proficiency examination, as applicable;

17 (d) Include annual measurable objectives established pursuant to
18 20 U.S.C. § 6311(b)(2)(G) and the regulations adopted pursuant
19 thereto;

20 (e) For high schools, include the rate of graduation; and

21 (f) For elementary schools, junior high schools and middle
22 schools, include the rate of attendance.

23 2. The examination in science must not be included in the
24 definition of adequate yearly progress.

25 3. The ~~{State Board}~~ **Department** shall prescribe, by regulation,
26 the differentiated corrective actions, the consequences or the
27 sanctions, or any combination thereof, based upon the identified
28 needs of a public school, including, without limitation, the
29 educational needs of English language learners, pupils with
30 disabilities or other groups of pupils identified in paragraph (b) of
31 subsection 1, that apply to the public school that has been
32 designated as demonstrating need for improvement for 4
33 consecutive years or more, including, without limitation, the
34 establishment of a support team for a school if deemed necessary by
35 the Department in accordance with the regulations of the ~~{State~~
36 ~~Board,}~~ **Department.** In no event may the consequences or sanctions
37 be more strict than the restructuring that applies to Title I schools.

38 **Sec. 35.** NRS 385.3611 is hereby amended to read as follows:

39 385.3611 The ~~{State—Board}~~ **Department** shall adopt
40 regulations that prescribe the criteria to be used for designating:

41 1. Public schools that do not satisfy the criteria for
42 demonstrating adequate achievement or need for improvement:

43 (a) As demonstrating exemplary achievement.

44 (b) As demonstrating high achievement.



2. School districts that do not satisfy the criteria for demonstrating adequate achievement or need for improvement:

- (a) As demonstrating exemplary achievement.
- (b) As demonstrating high achievement.

Sec. 36. NRS 385.3612 is hereby amended to read as follows:

385.3612 1. The ~~{State Board}~~ **Department** shall adopt regulations that prescribe, consistent with 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, the manner in which pupils enrolled in:

(a) A program of distance education pursuant to NRS 388.820 to 388.874, inclusive;

(b) An alternative program for the education of pupils at risk of dropping out of school pursuant to NRS 388.537; or

(c) A program of education that:

(1) Primarily serves pupils with disabilities; or

(2) Is operated within a:

(I) Local, regional or state facility for the detention of children;

(II) Juvenile forestry camp;

(III) Child welfare agency; or

(IV) Correctional institution,

↪ will be included within the statewide system of accountability set forth in NRS 385.3455 to 385.391, inclusive.

2. The regulations adopted pursuant to subsection 1 must also set forth the manner in which:

(a) The progress of pupils enrolled in a program of distance education, an alternative program or a program of education described in subsection 1 will be accounted for within the statewide system of accountability; and

(b) The results of pupils enrolled in a program of distance education, an alternative program or a program of education described in subsection 1 on the examinations administered pursuant to NRS 389.015 and 389.550 will be reported.

Sec. 37. NRS 385.36125 is hereby amended to read as follows:

385.36125 1. If a school support team is established in accordance with the regulations adopted by the ~~{State Board}~~ **Department** pursuant to NRS 385.361, the membership of the support team must consist of, without limitation:

(a) Teachers and principals who are considered highly qualified and who are not employees of the public school for which the support team is established;

(b) One member appointed in accordance with subsection 3, who must serve as the team leader of the support team;



(c) Except for a charter school, at least one administrator at the district level who is employed by the board of trustees of the school district;

(d) At least one parent or guardian of a pupil who is enrolled in the public school for which the support team is established; and

(e) In addition to the requirements of paragraphs (a) to (d), inclusive, for a charter school:

(1) At least one member of the governing body of the charter school, regardless of the sponsor of the charter school; and

(2) If the charter school is sponsored by the board of trustees of a school district, at least one employee of the school district, which may include an administrator.

2. If a school support team is established in accordance with the regulations adopted by the ~~[State Board]~~ *Department* pursuant to NRS 385.361, the membership of the support team may consist of, without limitation:

(a) Except for a charter school, one or more members of the board of trustees of the school district in which the school is located;

(b) Representatives of institutions of higher education;

(c) Representatives of regional educational laboratories;

(d) Representatives of outside consultant groups;

(e) Representatives of the regional training program for the professional development of teachers and administrators created by NRS 391.512 that provides services to the school district in which the school is located; *and*

(f) ~~[The Bureau; and~~

~~—(g)]~~ Other persons who the Department determines are appropriate.

3. The member appointed pursuant to paragraph (b) of subsection 1 must:

(a) Be employed by the Department; or

(b) If the member is not employed by the Department, have the training and experience required by the Department.

Sec. 38. NRS 385.36127 is hereby amended to read as follows:

385.36127 1. If a school support team is established pursuant to the regulations adopted by the ~~[State Board]~~ *Department* pursuant to NRS 385.361, the support team shall:

(a) Review and analyze the operation of the school, including, without limitation, the design and operation of the instructional program of the school.

(b) Review and analyze the data pertaining to the school upon which the report required pursuant to subsection 2 of NRS 385.347 is based and review and analyze any data that is more recent than the data upon which the report is based.



(c) Review the most recent plan to improve the achievement of the school's pupils.

(d) Review the information concerning the educational involvement accords provided to the support team pursuant to NRS 392.4575 and the information concerning the reports provided to the support team pursuant to NRS 392.456.

(e) Identify and investigate the problems and factors at the school that contributed to the designation of the school as demonstrating need for improvement.

(f) Assist the school in developing recommendations for improving the performance of pupils who are enrolled in the school.

(g) Except as otherwise provided in this paragraph, make recommendations to the board of trustees of the school district ~~[-, the State Board]~~ and the Department concerning additional assistance for the school in carrying out the plan for improvement of the school, the turnaround plan for the school or the plan for restructuring the school, whichever is applicable for the school. For a charter school sponsored by the ~~[-State Board,]~~ Department, the support team shall make the recommendations to the ~~[-State Board and the]~~ Department. For a charter school sponsored by a college or university within the Nevada System of Higher Education, the support team shall make the recommendations to the sponsor ~~[-, the State Board]~~ and the Department.

(h) In accordance with its findings pursuant to this section and NRS 385.36129, submit, on or before November 1, written revisions to the most recent plan to improve the achievement of the school's pupils for approval pursuant to NRS 385.357, or submit, on or before May 1, written recommendations for revisions to 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 applicable for the school. The written revisions or recommendations, as applicable, must:

(1) Comply with NRS 385.357 if the school has demonstrated need for improvement for less than 5 years or with NRS 385.37603 or 385.37607, as applicable, if the school has demonstrated need for improvement for 5 or more consecutive years;

(2) If the school is a Title I school, be developed in consultation with parents and guardians of pupils enrolled in the school and, to the extent deemed appropriate by the entity that created the support team, outside experts;

(3) Include the data and findings of the support team that provide support for the revisions;

(4) Set forth goals, objectives, tasks and measures for the school that are:



(I) Designed to improve the achievement of the school's pupils;

(II) Specific;

(III) Measurable; and

(IV) Conducive to reliable evaluation;

(5) Set forth a timeline to carry out the revisions;

(6) Set forth priorities for the school in carrying out the revisions; and

(7) Set forth the name and duties of each person who is responsible for carrying out the revisions.

(i) Except as otherwise provided in this paragraph, work cooperatively with the board of trustees of the school district in which the school is located, the employees of the school, and the parents and guardians of pupils enrolled in the school to carry out and monitor the plan for improvement of the school. If a charter school is sponsored by the ~~{State—Board,}~~ *Department*, the Department shall assist the school with carrying out and monitoring the plan for improvement of the school. If a charter school is sponsored by a college or university within the Nevada System of Higher Education, that institution shall assist the school with carrying out and monitoring the plan for improvement of the school.

(j) Prepare a quarterly progress report in the format prescribed by the Department and:

(1) Submit the progress report to the Department.

(2) Distribute copies of the progress report to each employee of the school for review.

(k) In addition to the requirements of this section, if the support team is established for a Title I school, carry out the requirements of 20 U.S.C. § 6317(a)(5).

2. A school support team may require the school for which the support team was established to submit plans, strategies, tasks and measures that, in the determination of the support team, will assist the school in improving the achievement and proficiency of pupils enrolled in the school.

3. The Department shall prescribe a concise quarterly progress report for use by each support team in accordance with paragraph (j) of subsection 1.

Sec. 39. NRS 385.36129 is hereby amended to read as follows:

385.36129 1. In addition to the duties prescribed in NRS 385.36127, a support team established for a school shall prepare an annual written report that includes:

(a) Information concerning the most recent plan to improve the achievement of the school's pupils, the turnaround plan for the school or the plan for restructuring the school, whichever is



1 applicable for the school, including, without limitation, an
2 evaluation of:

3 (1) The appropriateness of the plan for the school; and

4 (2) Whether the school has achieved the goals and objectives
5 set forth in the plan;

6 (b) The written revisions to the plan to improve the achievement
7 of the school's pupils or written recommendations for revisions to
8 the turnaround plan for the school or the plan for restructuring the
9 school, whichever is applicable for the school, submitted by the
10 support team pursuant to NRS 385.36127;

11 (c) A summary of each program for remediation, if any,
12 purchased for the school with money that is available from the
13 Federal Government, this state and the school district in which the
14 school is located, including, without limitation:

15 (1) The name of the program;

16 (2) The date on which the program was purchased and the
17 date on which the program was carried out by the school;

18 (3) The percentage of personnel at the school who were
19 trained regarding the use of the program;

20 (4) The satisfaction of the personnel at the school with the
21 program; and

22 (5) An evaluation of whether the program has improved the
23 academic achievement of the pupils enrolled in the school who
24 participated in the program;

25 (d) An analysis of the problems and factors at the school which
26 contributed to the designation of the school as demonstrating need
27 for improvement, including, without limitation, issues relating to:

28 (1) The financial resources of the school;

29 (2) The administrative and educational personnel of the
30 school;

31 (3) The curriculum of the school;

32 (4) The facilities available at the school, including the
33 availability and accessibility of educational technology; and

34 (5) Any other factors that the support team believes
35 contributed to the designation of the school as demonstrating need
36 for improvement; and

37 (e) Other information concerning the school, including, without
38 limitation:

39 (1) The results of the pupils who are enrolled in the school
40 on the examinations that are administered pursuant to NRS 389.550
41 or the high school proficiency examination, as applicable;

42 (2) Records of the attendance and truancy of pupils who are
43 enrolled in the school;

44 (3) The transiency rate of pupils who are enrolled in the
45 school;



(4) A description of the number of years that each teacher has provided instruction at the school and the rate of turnover of teachers and other educational personnel employed at the school;

(5) A description of the participation of parents and legal guardians in the educational process and other activities relating to the school;

(6) A description of each source of money for the remediation of pupils who are enrolled in the school; and

(7) A description of the disciplinary problems of the pupils who are enrolled in the school, including, without limitation, the information contained in paragraphs (k) to (n), inclusive, of subsection 2 of NRS 385.347.

2. On or before November 1, the support team shall submit a copy of the final written report to the:

(a) Principal of the school;

(b) Board of trustees of the school district in which the school is located;

(c) Superintendent of schools of the school district in which the school is located; **and**

(d) Department . ~~[-; and~~

~~-(e) Bureau.]~~

➔ The support team shall make the written report available, upon request, to each parent or legal guardian of a pupil who is enrolled in the school.

Sec. 40. NRS 385.3613 is hereby amended to read as follows:

385.3613 1. Except as otherwise provided in subsection 2, on or before June 15 of each year, the Department shall determine whether each public school is making adequate yearly progress, as defined by the ~~[State Board]~~ **Department** pursuant to NRS 385.361.

2. On or before June 30 of each year, the Department shall determine whether each public school that operates on a schedule other than a traditional 9-month schedule is making adequate yearly progress, as defined by the ~~[State Board]~~ **Department** pursuant to NRS 385.361.

3. The determination pursuant to subsection 1 or 2, as applicable, for a public school, including, without limitation, a charter school sponsored by the board of trustees of the school district, must be made in consultation with the board of trustees of the school district in which the public school is located. If a charter school is sponsored by the ~~[State Board]~~ **Department** or by a college or university within the Nevada System of Higher Education, the Department shall make a determination for the charter school in consultation with the ~~[State Board or the]~~ institution that sponsors the charter school . ~~[-; as applicable.]~~ The determination made for each school must be based only upon the information and data for



1 those pupils who are enrolled in the school for a full academic year.
2 On or before June 15 or June 30 of each year, as applicable, the
3 Department shall transmit:

4 (a) Except as otherwise provided in paragraph (b) , ~~{or (c);}~~ the
5 determination made for each public school to the board of trustees
6 of the school district in which the public school is located.

7 (b) ~~{To the State Board the determination made for each charter~~
8 ~~school that is sponsored by the State Board.~~

9 ~~—(c)}~~ The determination made for the charter school to the
10 institution that sponsors the charter school if a charter school is
11 sponsored by a college or university within the Nevada System of
12 Higher Education.

13 4. Except as otherwise provided in this subsection, the
14 Department shall determine that a public school has failed to make
15 adequate yearly progress if any group identified in paragraph (b) of
16 subsection 1 of NRS 385.361 does not satisfy the annual measurable
17 objectives established by the ~~{State Board}~~ **Department** pursuant to
18 that section. To comply with 20 U.S.C. § 6311(b)(2)(I) and the
19 regulations adopted pursuant thereto, the ~~{State Board}~~ **Department**
20 shall prescribe by regulation the conditions under which a school
21 shall be deemed to have made adequate yearly progress even though
22 a group identified in paragraph (b) of subsection 1 of NRS 385.361
23 did not satisfy the annual measurable objectives of the ~~{State~~
24 ~~Board.}~~ **Department.**

25 5. In addition to the provisions of subsection 4, the Department
26 shall determine that a public school has failed to make adequate
27 yearly progress if:

28 (a) The number of pupils enrolled in the school who took the
29 examinations administered pursuant to NRS 389.550 or the high
30 school proficiency examination, as applicable, is less than 95
31 percent of all pupils enrolled in the school who were required to
32 take the examinations; or

33 (b) Except as otherwise provided in subsection 6, for each group
34 of pupils identified in paragraph (b) of subsection 1 of NRS
35 385.361, the number of pupils in the group enrolled in the school
36 who took the examinations administered pursuant to NRS 389.550
37 or the high school proficiency examination, as applicable, is less
38 than 95 percent of all pupils in that group enrolled in the school who
39 were required to take the examinations.

40 6. If the number of pupils in a particular group who are
41 enrolled in a public school is insufficient to yield statistically
42 reliable information:

43 (a) The Department shall not determine that the school has
44 failed to make adequate yearly progress pursuant to paragraph (b) of
45 subsection 5 based solely upon that particular group.



(b) The pupils in such a group must be included in the overall count of pupils enrolled in the school who took the examinations.

➔ The ~~[State Board]~~ Department shall prescribe the mechanism for determining the number of pupils that must be in a group for that group to yield statistically reliable information.

7. If an irregularity in testing administration or an irregularity in testing security occurs at a school and the irregularity invalidates the test scores of pupils, those test scores must be included in the scores of pupils reported for the school, the attendance of those pupils must be counted towards the total number of pupils who took the examinations and the pupils must be included in the total number of pupils who were required to take the examinations.

8. As used in this section:

(a) "Irregularity in testing administration" has the meaning ascribed to it in NRS 389.604.

(b) "Irregularity in testing security" has the meaning ascribed to it in NRS 389.608.

Sec. 41. NRS 385.362 is hereby amended to read as follows:

385.362 1. If a public school fails to make adequate yearly progress for 1 year:

(a) Except as otherwise provided in paragraph (b), the board of trustees of the school district in which the school is located shall ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto. For a charter school sponsored by the school district, the board of trustees shall provide the technical assistance to the charter school in conjunction with the governing body of the charter school.

(b) For a charter school sponsored by the ~~[State Board]~~ Department or by a college or university within the Nevada System of Higher Education, the Department shall ensure, in conjunction with the governing body of the charter school, that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

2. If a public school fails to make adequate yearly progress for 1 year, the principal of the school shall ensure that the plan to improve the achievement of pupils enrolled in the school is reviewed, revised and approved in accordance with NRS 385.357.

Sec. 42. NRS 385.3623 is hereby amended to read as follows:

385.3623 1. Except as otherwise provided in paragraph (b) of subsection 4, a school must be designated as demonstrating exemplary achievement if the school:

(a) Makes adequate yearly progress, as determined by the Department pursuant to NRS 385.3613; and

(b) Satisfies the requirements of the ~~[State Board]~~ Department prescribed pursuant to NRS 385.3611.



2. Except as otherwise provided in paragraph (b) of subsection 4, a school must be designated as demonstrating high achievement if the school:

(a) Makes adequate yearly progress, as determined by the Department pursuant to NRS 385.3613; and

(b) Satisfies the requirements of the ~~[State Board]~~ Department prescribed pursuant to NRS 385.3611.

3. Except as otherwise provided in paragraph (b) of subsection 4, a school must be designated as demonstrating adequate achievement if the school makes adequate yearly progress, as determined by the Department pursuant to NRS 385.3613.

4. A school must be designated as demonstrating need for improvement if the school:

(a) Fails to make adequate yearly progress, as determined by the Department pursuant to NRS 385.3613; or

(b) The school makes adequate yearly progress, as determined by the Department pursuant to NRS 385.3613, but was designated as demonstrating need for improvement pursuant to paragraph (a) in the immediately preceding year for failing to make adequate yearly progress.

➔ The initial designation of a school as demonstrating need for improvement must be based upon 2 consecutive years of data and information for that school.

5. If a public school is designated as demonstrating need for improvement pursuant to paragraph (a) of subsection 4, the designation of the school as demonstrating need for improvement must not be removed until the school has made adequate yearly progress for 2 consecutive years.

Sec. 43. NRS 385.366 is hereby amended to read as follows:

385.366 1. Based upon the information received from the Department pursuant to NRS 385.3613, the board of trustees of each school district shall, on or before July 1 of each year, issue a preliminary designation for each public school in the school district in accordance with the criteria set forth in NRS 385.3623, excluding charter schools sponsored by the ~~[State Board]~~ Department or by a college or university within the Nevada System of Higher Education. The board of trustees shall make preliminary designations for all charter schools that are sponsored by the board of trustees. The Department shall make preliminary designations for all charter schools that are sponsored by the ~~[State Board]~~ Department and all charter schools sponsored by a college or university within the Nevada System of Higher Education. The initial designation of a school as demonstrating need for improvement must be based upon 2 consecutive years of data and information for that school.



2. Before making a final designation for a school, the board of trustees of the school district or the Department, as applicable, shall provide the school an opportunity to review the data upon which the preliminary designation is based and to present evidence in the manner set forth in 20 U.S.C. § 6316(b)(2) and the regulations adopted pursuant thereto. If the school is a public school of the school district or a charter school sponsored by the board of trustees, the board of trustees of the school district shall, in consultation with the Department, make a final determination concerning the designation for the school on August 1. If the school is a charter school sponsored by the ~~{State Board}~~ *Department* or by a college or university within the Nevada System of Higher Education, the Department shall make a final determination concerning the designation for the school on August 1.

3. On or before August 1 of each year, the Department shall provide written notice of the determinations made pursuant to NRS 385.3613 and the final designations made pursuant to this section as follows:

(a) The determinations and final designations made for all schools in this State to the:

- (1) Governor;
- (2) State Board; *and*
- (3) Committee . ~~;~~ *and*
- ~~(4) Bureau.]~~

(b) The determinations and final designations made for all schools within a school district to the:

- (1) Superintendent of schools of the school district; and
- (2) Board of trustees of the school district.

(c) The determination and final designation made for each school to the principal of the school.

Sec. 44. NRS 385.3661 is hereby amended to read as follows:

385.3661 1. Except as otherwise provided in subsection 2, if a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 and the provisions of NRS 385.3693, 385.3721, 385.3745, 385.3746, 385.37603 or 385.37607 do not apply, the board of trustees of the school district shall:

(a) Provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382; and

(b) Ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

2. If a charter school is designated as demonstrating need for improvement pursuant to NRS 385.3623 and the provisions of



1 NRS 385.3693, 385.3721, 385.3745, 385.3746, 385.37603 or
2 385.37607 do not apply:

3 (a) The governing body of the charter school shall provide
4 notice of the designation to the parents and guardians of pupils
5 enrolled in the charter school on the form prescribed by the
6 Department pursuant to NRS 385.382.

7 (b) For a charter school sponsored by the board of trustees of a
8 school district, the board of trustees shall, in conjunction with the
9 governing body of the charter school, ensure that the charter school
10 receives technical assistance in the manner set forth in 20 U.S.C. §
11 6316(b)(4) and the regulations adopted pursuant thereto.

12 (c) For a charter school sponsored by the ~~[State—Board]~~
13 **Department** or by a college or university within the Nevada System
14 of Higher Education, the Department shall, in conjunction with the
15 governing body of the charter school, ensure that the charter school
16 receives technical assistance in the manner set forth in 20 U.S.C. §
17 6316(b)(4) and the regulations adopted pursuant thereto.

18 3. In addition to the requirements of subsection 1 or 2, as
19 applicable, if a Title I school is designated as demonstrating need
20 for improvement pursuant to NRS 385.3623 and the provisions of
21 NRS 385.3693, 385.3721, 385.3745, 385.3746, 385.37603 or
22 385.37607 do not apply:

23 (a) Except as otherwise provided in paragraph (b), the board of
24 trustees of the school district shall provide school choice to the
25 parents and guardians of pupils enrolled in the school, including,
26 without limitation, a charter school sponsored by the school district,
27 in accordance with 20 U.S.C. § 6316(b)(1) and the regulations
28 adopted pursuant thereto.

29 (b) For a charter school sponsored by the ~~[State—Board]~~
30 **Department** or by a college or university within the Nevada System
31 of Higher Education, the Department shall work cooperatively with
32 the board of trustees of the school district in which the charter
33 school is located to provide school choice to the parents and
34 guardians of pupils enrolled in the charter school in accordance with
35 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.

36 **Sec. 45.** NRS 385.3693 is hereby amended to read as follows:

37 385.3693 1. Except as otherwise provided in subsection 2, if
38 a public school is designated as demonstrating need for
39 improvement pursuant to NRS 385.3623 for 2 consecutive years, the
40 board of trustees of the school district shall:

41 (a) Provide notice of the designation to the parents and
42 guardians of pupils enrolled in the school on the form prescribed by
43 the Department pursuant to NRS 385.382; and



(b) Ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

2. If a charter school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 2 consecutive years:

(a) The governing body of the charter school shall provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382.

(b) For a charter school sponsored by the board of trustees of a school district, the board of trustees shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(c) For a charter school sponsored by the ~~{State-Board}~~ Department or by a college or university within the Nevada System of Higher Education, the Department shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

Sec. 46. NRS 385.372 is hereby amended to read as follows:

385.372 1. In addition to the requirements of NRS 385.3693, if a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 2 consecutive years for failing to make adequate yearly progress:

(a) Except as otherwise provided in paragraph (b), the board of trustees of the school district shall:

(1) Provide school choice to the parents and guardians of pupils enrolled in the school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.

(2) Except as otherwise provided in subsection 2, provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law.

(b) If the school is a charter school:

(1) Sponsored by the board of trustees of a school district, the board of trustees shall provide school choice to the parents and guardians of pupils enrolled in the school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.

(2) Sponsored by the ~~{State-Board}~~ Department or by a college or university within the Nevada System of Higher Education, the Department shall work cooperatively with the board of trustees of the school district in which the charter school is located to provide school choice to the parents and guardians of



pupils enrolled in the charter school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.

(3) Except as otherwise provided in subsection 3, the governing body of the charter school shall provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law.

2. The board of trustees of a school district shall grant a delay from the imposition of supplemental educational services for a school for a period not to exceed 1 year if the school qualifies for a delay pursuant to 20 U.S.C. § 6316(b)(7)(D). If the school fails to make adequate yearly progress during the period of the delay, the provisions of NRS 385.3721 apply to the school as if the delay never occurred.

3. The sponsor of a charter school shall grant a delay from the imposition of supplemental educational services for the charter school for a period not to exceed 1 year if the charter school qualifies for a delay pursuant to 20 U.S.C. § 6316(b)(7)(D). If the charter school fails to make adequate yearly progress during the period of the delay, the provisions of NRS 385.3721 apply to the charter school as if the delay never occurred.

Sec. 47. NRS 385.3721 is hereby amended to read as follows:

385.3721 1. Except as otherwise provided in subsection 2, if a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 3 consecutive years:

(a) The board of trustees of the school district shall:

(1) Provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382; and

(2) Ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(b) The Department shall require the board of trustees of the school district to conduct a comprehensive audit of the school which must include an audit of the curriculum, including, without limitation, methods of instruction and assessments, implemented by the school.

2. If a charter school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 3 consecutive years:

(a) The governing body of the charter school shall provide notice of the designation to the parents and guardians of pupils enrolled in the charter school on the form prescribed by the Department pursuant to NRS 385.382.



(b) For a charter school sponsored by the board of trustees of a school district, the board of trustees shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(c) For a charter school sponsored by the ~~{State Board}~~ Department or by a college or university within the Nevada System of Higher Education, the Department shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(d) The Department shall require the governing body of the charter school to conduct a comprehensive audit of the charter school which must include an audit of the curriculum, including, without limitation, methods of instruction and assessments, implemented by the charter school.

Sec. 48. NRS 385.3743 is hereby amended to read as follows:

385.3743 1. In addition to the requirements of NRS 385.3721, if a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 3 consecutive years:

(a) Except as otherwise provided in paragraph (b), the board of trustees of the school district shall:

(1) Provide school choice to the parents and guardians of pupils enrolled in the school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto;

(2) Provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law; and

(3) Except as otherwise provided in subsection 2, take corrective action pursuant to 20 U.S.C. § 6316(b)(7) and the regulations adopted pursuant thereto.

(b) If the school is a charter school:

(1) Sponsored by the board of trustees of a school district, the board of trustees shall:

(I) Provide school choice to the parents and guardians of pupils enrolled in the charter school in accordance with 20 U.S.C. § 6316(b)(1); and

(II) Except as otherwise provided in subsection 3, take corrective action pursuant to 20 U.S.C. § 6316(b)(7) and the regulations adopted pursuant thereto.

(2) Sponsored by the ~~{State Board}~~ Department or by a college or university within the Nevada System of Higher Education, the Department shall:



(I) Work cooperatively with the board of trustees of the school district in which the charter school is located to provide school choice to the parents and guardians of pupils enrolled in the school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto; and

(II) Except as otherwise provided in subsection 3, take corrective action pursuant to 20 U.S.C. § 6316(b)(7) and the regulations adopted pursuant thereto.

(3) Regardless of the sponsor, the governing body of the charter school shall provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law.

2. The board of trustees of a school district shall grant a delay from the imposition of corrective action for a school for a period not to exceed 1 year if the school qualifies for a delay pursuant to 20 U.S.C. 6316(b)(7)(D). If the school fails to make adequate yearly progress during the period of the delay, the provisions of NRS 385.3745 apply as if the delay never occurred.

3. The sponsor of a charter school shall grant a delay from the imposition of corrective action for the charter school for a period not to exceed 1 year if the charter school qualifies for a delay pursuant to 20 U.S.C. 6316(b)(7)(D). If the charter school fails to make adequate yearly progress during the period of the delay, the provisions of NRS 385.3745 apply as if the delay never occurred.

Sec. 49. NRS 385.3744 is hereby amended to read as follows:

385.3744 1. Except as otherwise provided in subsection 2, if a public school that is not a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 3 consecutive years for failing to make adequate yearly progress, the Department may, for a charter school sponsored by the ~~{State Board}~~ **Department** or by a college or university within the Nevada System of Higher Education, and the board of trustees of a school district may, for a school of the school district or a charter school sponsored by the board of trustees, take one or more of the following corrective actions for the school:

(a) Significantly decrease the managerial authority of the employees at the school.

(b) Extend the school year or the school day.

2. The Department or the board of trustees of a school district, as applicable, shall grant a delay from the imposition of corrective action for a school for a period not to exceed 1 year if the school qualifies for a delay in the manner set forth in 20 U.S.C. § 6316(b)(7)(D). If the school fails to make adequate yearly progress



1 during the period of the delay, the Department or the board of
2 trustees, as applicable, may proceed with corrective action as if the
3 delay never occurred.

4 **Sec. 50.** NRS 385.3745 is hereby amended to read as follows:

5 385.3745 1. Except as otherwise provided in subsection 2, if
6 a public school that is not a Title I school is designated as
7 demonstrating need for improvement pursuant to NRS 385.3623 for
8 4 consecutive years:

9 (a) The board of trustees of the school district shall:

10 (1) Except as otherwise provided in subsection 3, develop a
11 turnaround plan to improve the academic achievement of pupils
12 enrolled in the school which meets the requirements prescribed by
13 the ~~{State Board}~~ Department pursuant to paragraph (b).

14 (2) Provide notice of the designation to the parents and
15 guardians of pupils enrolled in the school on the form prescribed by
16 the Department pursuant to NRS 385.382; and

17 (3) Ensure that the school receives technical assistance in the
18 manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations
19 adopted pursuant thereto.

20 (b) The ~~{State Board}~~ Department shall prescribe by regulation:

21 (1) The requirements for a turnaround plan which must
22 include, without limitation:

23 (I) A requirement that the plan is based on the results of
24 the comprehensive audit conducted pursuant to NRS 385.3721;

25 (II) Measurable goals and objectives for obtaining
26 adequate yearly progress;

27 (III) Specified steps or actions for obtaining adequate
28 yearly progress; and

29 (IV) A timeline for the completion of the turnaround plan,
30 which must provide for implementation of the plan in accordance
31 with NRS 385.37603 if the school is designated as needing
32 improvement for 5 years; and

33 (2) The actions the Department may take to monitor the
34 development of the turnaround plan developed pursuant to this
35 section and the implementation of any corrective action at the
36 school.

37 2. If a charter school is designated as demonstrating need for
38 improvement pursuant to NRS 385.3623 for 4 consecutive years:

39 (a) The governing body of the charter school shall provide
40 notice of the designation to the parents and guardians of pupils
41 enrolled in the school on the form prescribed by the Department
42 pursuant to NRS 385.382.

43 (b) For a charter school sponsored by the board of trustees of a
44 school district, the board of trustees shall, in conjunction with the
45 governing body of the charter school:



(1) Except as otherwise provided in subsection 3, develop a turnaround plan to improve the academic achievement of pupils enrolled in the school which meets the requirements prescribed by the ~~{State Board}~~ Department pursuant to paragraph (d).

(2) Ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(c) For a charter school sponsored by the ~~{State Board}~~ Department or by a college or university within the Nevada System of Higher Education, the Department shall, in conjunction with the governing body of the charter school:

(1) Except as otherwise provided in subsection 3, develop a turnaround plan to improve the academic achievement of pupils enrolled in the school which meets the requirements prescribed by the ~~{State Board}~~ Department pursuant to paragraph (d).

(2) Ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(d) The ~~{State Board}~~ Department shall prescribe by regulation:

(1) The requirements for a turnaround plan which must include, without limitation:

(I) A requirement that the plan is based on the results of the comprehensive audit conducted pursuant to NRS 385.3721;

(II) Measurable goals and objectives for obtaining adequate yearly progress;

(III) Specified steps or actions for obtaining adequate yearly progress; and

(IV) A timeline for the completion of the turnaround plan, which must provide for implementation of the plan in accordance with NRS 385.37603 if the school is designated as needing improvement for 5 years; and

(2) The actions the Department may take to monitor the implementation of the turnaround plan developed pursuant to this section and the implementation of any corrective action at the charter school.

3. If a public school is granted a delay from the development of a turnaround plan pursuant to subsection 2 of NRS 385.376 and the school fails to make adequate yearly progress during the period of the delay, a turnaround plan must be immediately developed and implemented for the school in accordance with this section as if the delay never occurred.

4. On or before June 30, a turnaround plan developed for a school must be submitted to the:

(a) Superintendent of Public Instruction;

(b) Department;



(c) ~~Bureau;~~
~~(d)~~ Board of trustees of the school district in which the school is located; and

~~(e)~~ (d) Principal of the school.

Sec. 51. NRS 385.3746 is hereby amended to read as follows:

385.3746 1. If a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 4 consecutive years:

(a) Except as otherwise provided in paragraph (b), the board of trustees of the school district shall:

(1) Provide notice of the designation to the parents and guardians of the pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382;

(2) Ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto;

(3) Provide school choice to the parents and guardians of pupils enrolled in the school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto;

(4) Provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law; and

(5) Except as otherwise provided in subsection 3, develop a plan for restructuring the school if required by 20 U.S.C. § 6316(b)(8) and the regulations adopted pursuant thereto.

(b) The governing body of the charter school shall provide notice of the designation to the parents and guardians of the pupils enrolled in the charter school on the form prescribed by the Department pursuant to NRS 385.382. If the school is a charter school:

(1) Sponsored by the board of trustees of a school district, the board of trustees shall:

(I) In conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto;

(II) Provide school choice to the parents and guardians of pupils enrolled in the charter school in accordance with 20 U.S.C. § 6316(b)(1); and

(III) Except as otherwise provided in subsection 4, develop a plan for restructuring the school if required by 20 U.S.C. § 6316(b)(8) and the regulations adopted pursuant thereto.



(2) Sponsored by the ~~{State Board}~~ *Department* or by a college or university within the Nevada System of Higher Education, the Department shall:

(I) In conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto;

(II) Work cooperatively with the board of trustees of the school district in which the charter school is located to provide school choice to the parents and guardians of pupils enrolled in the school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto; and

(III) Except as otherwise provided in subsection 4, develop a plan for restructuring the school if required by 20 U.S.C. § 6316(b)(8) and the regulations adopted pursuant thereto.

(3) Regardless of the sponsor, the governing body of the charter school shall provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law.

2. A plan for restructuring the school developed pursuant to this section must include, without limitation:

(a) A requirement that the plan is based on the results of the comprehensive audit conducted pursuant to NRS 385.3721;

(b) Measurable goals and objectives for obtaining adequate yearly progress;

(c) Specified steps or actions for obtaining adequate yearly progress; and

(d) A timeline for the completion of the plan for restructuring the school, which must provide for implementation of the plan in accordance with NRS 385.37607 if the school is designated as needing improvement for 5 years.

3. The board of trustees of a school district shall grant a delay from the development of a plan for restructuring for a school for a period not to exceed 1 year if the school qualifies for a delay pursuant to 20 U.S.C. § 6316(b)(7)(D). If the school fails to make adequate yearly progress during the period of the delay, the board of trustees shall immediately develop and proceed with the implementation of the plan for restructuring the school as if the delay never occurred.

4. The sponsor of a charter school shall grant a delay from the development of a plan for restructuring for the charter school for a period not to exceed 1 year if the charter school qualifies for a delay pursuant to 20 U.S.C. § 6316(b)(7)(D). If the charter school fails to



1 make adequate yearly progress during the period of the delay, a plan
2 for restructuring must be immediately developed for the school in
3 accordance with this section and the Department shall proceed with
4 the implementation of the plan for restructuring the charter school as
5 if the delay never occurred.

6 5. On or before June 30, a plan for restructuring developed
7 pursuant to this section must be submitted to the:

8 (a) Superintendent of Public Instruction;

9 (b) Department;

10 (c) ~~[Bureau];~~

11 ~~—(d)—~~ Board of trustees of the school district in which the school
12 is located; and

13 ~~[(e)]~~ (d) Principal of the school.

14 **Sec. 52.** NRS 385.376 is hereby amended to read as follows:

15 385.376 1. Except as otherwise provided in subsection 2, if a
16 public school that is not a Title I school is designated as
17 demonstrating need for improvement pursuant to NRS 385.3623 for
18 4 consecutive years for failure to make adequate yearly progress, the
19 Department may, for a charter school sponsored by the ~~[State~~
20 ~~Board]~~ **Department** or by a college or university within the Nevada
21 System of Higher Education, and the board of trustees of a school
22 district may, for a school of the school district or a charter school
23 sponsored by the board of trustees, take corrective action as set forth
24 in NRS 385.3744 or proceed with differentiated correction actions,
25 consequences or sanctions, or any combination thereof, as
26 prescribed by the ~~[State—Board]~~ **Department** pursuant to
27 NRS 385.361.

28 2. The Department or the board of trustees of a school district,
29 as applicable, shall grant a delay from the imposition of corrective
30 action, consequences or sanctions, or any combination thereof,
31 pursuant to this section for a school for a period not to exceed 1 year
32 if the school qualifies for a delay in the manner set forth in 20
33 U.S.C. § 6316(b)(7)(D). If the school fails to make adequate yearly
34 progress during the period of the delay, the Department or the board
35 of trustees, as applicable, may proceed with corrective action,
36 consequences or sanctions, or any combination thereof, for the
37 school, as appropriate, pursuant to the provisions of NRS 385.37603
38 and 385.37605 as if the delay never occurred.

39 3. Before the board of trustees or the Department proceeds with
40 consequences or sanctions, the board of trustees or the Department,
41 as applicable, shall provide to the administrators, teachers and other
42 educational personnel employed at that school, and parents and
43 guardians of pupils enrolled in the school:



(a) Notice that the board of trustees or the Department, as applicable, will proceed with consequences or sanctions for the school;

(b) An opportunity to comment before the consequences or sanctions are carried out; and

(c) An opportunity to participate in the development of the consequences or sanctions.

Sec. 53. NRS 385.37603 is hereby amended to read as follows:

385.37603 1. If a public school that is not a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 5 or more consecutive years for failure to make adequate yearly progress:

(a) The board of trustees of the school district shall:

(1) Except as otherwise provided in subsection 3 of NRS 385.37605, repeal the plan to improve the academic achievement of pupils developed pursuant to NRS 385.357 and, not later than September 30, implement the turnaround plan to improve the academic achievement of pupils enrolled in the school developed pursuant to NRS 385.3745;

(2) Provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382; and

(3) Ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(b) The ~~[State Board]~~ *Department* shall prescribe by regulation the actions which the Department may take to monitor the implementation of any corrective action at the school.

2. If a charter school that is not a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 5 or more consecutive years for failure to make adequate yearly progress:

(a) The governing body of the charter school shall:

(1) Except as otherwise provided in subsection 3 of NRS 385.37605, repeal the plan to improve the academic achievement of pupils developed pursuant to NRS 385.357 and, not later than September 30, implement the turnaround plan to improve the academic achievement of pupils enrolled in the school developed pursuant to NRS 385.3745.

(2) Provide notice of the designation to the parents and guardians of pupils enrolled in the charter school on a form prescribed by the Department pursuant to NRS 385.382.

(b) For a charter school sponsored by the board of trustees of a school district, the board of trustees shall, in conjunction with the



1 governing body of the charter school, ensure that the charter school
2 receives technical assistance in the manner set forth in 20 U.S.C. §
3 6316(b)(4) and the regulations adopted pursuant thereto.

4 (c) For a charter school sponsored by the ~~{State Board}~~
5 **Department** or by a college or university within the Nevada System
6 of Higher Education, the Department shall, in conjunction with the
7 governing body of the charter school, ensure that the charter school
8 receives technical assistance in the manner set forth in 20 U.S.C. §
9 6316(b)(4) and the regulations adopted pursuant thereto.

10 (d) The ~~{State Board}~~ **Department** shall prescribe by regulation
11 the actions which the Department may take to monitor the
12 implementation of any corrective action at the charter school.

13 **Sec. 54.** NRS 385.37605 is hereby amended to read as
14 follows:

15 385.37605 1. Except as otherwise provided in subsection 3, if
16 a public school that is not a Title I school is designated as
17 demonstrating need for improvement pursuant to NRS 385.3623 for
18 5 or more consecutive years for failure to make adequate yearly
19 progress:

20 (a) The Department may, for a charter school sponsored by the
21 ~~{State Board}~~ **Department** or by a college or university within the
22 Nevada System of Higher Education, take corrective action as set
23 forth in NRS 385.3744 or proceed with consequences or sanctions,
24 or both, as prescribed by the ~~{State Board}~~ **Department** pursuant to
25 NRS 385.361.

26 (b) The board of trustees of a school district may, for a school of
27 the school district or a charter school sponsored by the board of
28 trustees, take corrective action as set forth in NRS 385.3744 or
29 proceed with consequences or sanctions, or both, as prescribed by
30 the ~~{State Board}~~ **Department** pursuant to NRS 385.361.

31 2. The Department shall monitor the implementation of the
32 turnaround plan for the school developed pursuant to
33 NRS 385.3745.

34 3. The Department or the board of trustees of a school district,
35 as applicable, shall grant a delay from the imposition of corrective
36 action, consequences or sanctions pursuant to this section for a
37 school, including, without limitation, the development and
38 implementation of a turnaround plan, for a period not to exceed 1
39 year if the school qualifies for a delay in the manner set forth in 20
40 U.S.C. § 6316(b)(7)(D). If the school fails to make adequate yearly
41 progress during the period of the delay, the Department or the board
42 of trustees, as applicable, may proceed with corrective action or
43 with consequences or sanctions, or both, for the school, as
44 appropriate, as if the delay never occurred.



1 4. Before the board of trustees or the Department proceeds
2 with consequences or sanctions, the board of trustees or the
3 Department, as applicable, shall provide to the administrators,
4 teachers and other educational personnel employed at that school,
5 and parents and guardians of pupils enrolled in the school:

6 (a) Notice that the board of trustees or the Department, as
7 applicable, will proceed with consequences or sanctions for the
8 school;

9 (b) An opportunity to comment before the consequences or
10 sanctions are carried out; and

11 (c) An opportunity to participate in the development of the
12 consequences or sanctions.

13 **Sec. 55.** NRS 385.37607 is hereby amended to read as
14 follows:

15 385.37607 1. If a Title I school is designated as
16 demonstrating need for improvement pursuant to NRS 385.3623 for
17 5 or more consecutive years:

18 (a) Except as otherwise provided in paragraph (b), the board of
19 trustees of the school district shall:

20 (1) Except as otherwise provided in subsection 2, repeal the
21 plan to improve the academic achievement of pupils developed
22 pursuant to NRS 385.357 and, not later than September 30,
23 implement the plan for restructuring the school developed pursuant
24 to NRS 385.3746 if required by 20 U.S.C. § 6316(b)(8) and the
25 regulations adopted pursuant thereto;

26 (2) Provide notice of the designation to the parents and
27 guardians of pupils enrolled in the school on the form prescribed by
28 the Department pursuant to NRS 385.382;

29 (3) Ensure that the school receives technical assistance in the
30 manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations
31 adopted pursuant thereto;

32 (4) Provide school choice to the parents and guardians of
33 pupils enrolled in the school in accordance with 20 U.S.C. §
34 6316(b)(1) and the regulations adopted pursuant thereto; and

35 (5) Provide supplemental educational services in accordance
36 with 20 U.S.C. § 6316(e) and the regulations adopted pursuant
37 thereto from a provider approved pursuant to NRS 385.384, unless a
38 waiver is granted pursuant to that provision of federal law.

39 (b) If the school is a charter school:

40 (1) Sponsored by the board of trustees of a school district,
41 the board of trustees shall:

42 (I) Except as otherwise provided in subsection 3, repeal
43 the plan to improve the academic achievement of pupils developed
44 pursuant to NRS 385.357 and, not later than September 30,
45 implement the plan for restructuring the charter school developed



1 pursuant to NRS 385.3746 if required by 20 U.S.C. § 6316(b)(8)
2 and the regulations adopted pursuant thereto;

3 (II) Provide notice of the designation to the parents and
4 guardians of pupils enrolled in the charter school on the form
5 prescribed by the Department pursuant to NRS 385.382;

6 (III) Ensure that the charter school receives technical
7 assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the
8 regulations adopted pursuant thereto; and

9 (IV) Provide school choice to the parents and guardians
10 of pupils enrolled in the charter school in accordance with 20 U.S.C.
11 § 6316(b)(1) and the regulations adopted pursuant thereto.

12 (2) Sponsored by the ~~{State-Board}~~ Department or by a
13 college or university within the Nevada System of Higher
14 Education, the Department shall:

15 (I) Except as otherwise provided in subsection 3, repeal
16 the plan to improve the academic achievement of pupils developed
17 pursuant to NRS 385.357 and, not later than September 30,
18 implement the plan for restructuring the charter school developed
19 pursuant to NRS 385.3746 if required by 20 U.S.C. § 6316(b)(8)
20 and the regulations adopted pursuant thereto;

21 (II) Provide notice of the designation to the parents and
22 guardians of pupils enrolled in the charter school on the form
23 prescribed by the Department pursuant to NRS 385.382;

24 (III) Ensure that the charter school receives technical
25 assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the
26 regulations adopted pursuant thereto; and

27 (IV) Work cooperatively with the board of trustees of the
28 school district in which the charter school is located to provide
29 school choice to the parents and guardians of pupils enrolled in
30 the school in accordance with 20 U.S.C. § 6316(b)(1) and the
31 regulations adopted pursuant thereto.

32 (3) Regardless of the sponsor, the governing body of the
33 charter school shall provide supplemental educational services in
34 accordance with 20 U.S.C. § 6316(e) and the regulations adopted
35 pursuant thereto from a provider approved pursuant to NRS
36 385.384, unless a waiver is granted pursuant to that provision of
37 federal law.

38 (c) The ~~{State-Board}~~ Department shall prescribe by regulation
39 the actions which the Department may take to monitor the
40 implementation of any corrective action at the school or charter
41 school.

42 2. The board of trustees of a school district shall grant a delay
43 from the imposition of a plan for restructuring for a school,
44 including, without limitation, the development and implementation
45 of a plan for restructuring, for a period not to exceed 1 year if the



1 school qualifies for a delay pursuant to 20 U.S.C. § 6316(b)(7)(D).
2 If the school fails to make adequate yearly progress during the
3 period of delay, the board of trustees shall proceed with a plan for
4 restructuring the school as if the delay never occurred.

5 3. The sponsor of a charter school shall grant a delay from the
6 imposition of a plan for restructuring for a school, including,
7 without limitation, the development and implementation of a plan
8 for restructuring, for a period not to exceed 1 year if the school
9 qualifies for a delay pursuant to 20 U.S.C. § 6316(b)(7)(D). If the
10 charter school fails to make adequate yearly progress during the
11 period of delay, the Department shall proceed with a plan for
12 restructuring the charter school as if the delay never occurred.

13 4. Before the board of trustees of a school district or the
14 Department proceeds with a plan for restructuring, the board of
15 trustees or the Department, as applicable, shall provide to the
16 administrators, teachers and other educational personnel employed
17 at that school, and parents and guardians of pupils enrolled in the
18 school:

19 (a) Notice that the board of trustees or the Department, as
20 applicable, will develop a plan for restructuring the school;

21 (b) An opportunity to comment before the plan to restructure is
22 developed; and

23 (c) An opportunity to participate in the development of the plan
24 to restructure.

25 **Sec. 56.** NRS 385.3762 is hereby amended to read as follows:

26 385.3762 1. On or before July 1 of each year, the Department
27 shall determine whether each school district is making adequate
28 yearly progress, as defined by the ~~{State-Board}~~ *Department*
29 pursuant to NRS 385.361. The pupils who are enrolled in a charter
30 school, if any, located within a school district must not be included
31 in the determination made for that school district. The determination
32 made for each school district must be based only upon the
33 information and data for those pupils who were enrolled in the
34 school district for a full academic year, regardless of whether those
35 pupils attended more than one school within the school district for
36 that academic year.

37 2. Except as otherwise provided in this subsection, the
38 Department shall determine that a school district has failed to make
39 adequate yearly progress if any group of pupils identified in
40 paragraph (b) of subsection 1 of NRS 385.361 who are enrolled in
41 the school district does not satisfy the annual measurable objectives
42 established by the ~~{State-Board}~~ *Department* pursuant to that
43 section. To comply with 20 U.S.C. § 6311(b)(2)(I) and the
44 regulations adopted pursuant thereto, the ~~{State-Board}~~ *Department*
45 shall prescribe by regulation the conditions under which a school



1 district shall be deemed to have made adequate yearly progress even
2 though a group of pupils identified in paragraph (b) of subsection 1
3 of NRS 385.361 who are enrolled in the school district did not
4 satisfy the annual measurable objectives of the ~~[State Board.]~~
5 **Department.**

6 3. In addition to the provisions of subsection 2, the Department
7 shall determine that a school district has failed to make adequate
8 yearly progress if:

9 (a) The number of pupils enrolled in the school district who took
10 the examinations administered pursuant to NRS 389.550 or the high
11 school proficiency examination, as applicable, is less than 95
12 percent of all pupils enrolled in the school district who were
13 required to take the examinations; or

14 (b) Except as otherwise provided in subsection 4, for each group
15 of pupils identified in paragraph (b) of subsection 1 of NRS
16 385.361, the number of pupils enrolled in the school district who
17 took the examinations administered pursuant to NRS 389.550 or the
18 high school proficiency examination, as applicable, is less than 95
19 percent of all pupils in the group who were required to take the
20 examinations.

21 4. If the number of pupils in a particular group who are
22 enrolled in a school district is insufficient to yield statistically
23 reliable information:

24 (a) The Department shall not determine that the school district
25 has failed to make adequate yearly progress pursuant to paragraph
26 (b) of subsection 3 based solely upon that particular group.

27 (b) The pupils in such a group must be included in the overall
28 count of pupils enrolled in the school district who took the
29 examinations.

30 ➔ The ~~[State Board]~~ **Department** shall prescribe the mechanism for
31 determining the minimum number of pupils that must be in a group
32 for that group to yield statistically reliable information.

33 **Sec. 57.** NRS 385.377 is hereby amended to read as follows:

34 385.377 1. Except as otherwise provided in paragraph (b) of
35 subsection 4, a school district must be designated as demonstrating
36 exemplary achievement if the school district:

37 (a) Makes adequate yearly progress, as determined by the
38 Department pursuant to NRS 385.3762; and

39 (b) Satisfies the requirements prescribed by the ~~[State Board]~~
40 **Department** pursuant to NRS 385.3611.

41 2. Except as otherwise provided in paragraph (b) of subsection
42 4, a school district must be designated as demonstrating high
43 achievement if the school district:

44 (a) Makes adequate yearly progress, as determined by the
45 Department pursuant to NRS 385.3762; and



(b) Satisfies the requirements of the ~~[State Board]~~ *Department* prescribed pursuant to NRS 385.3611.

3. Except as otherwise provided in paragraph (b) of subsection 4, a school district must be designated as demonstrating adequate achievement if the school district makes adequate yearly progress, as determined by the Department pursuant to NRS 385.3762.

4. A school district must be designated as demonstrating need for improvement if:

(a) The school district fails to make adequate yearly progress, as determined by the Department pursuant to NRS 385.3762; or

(b) The school district makes adequate yearly progress, as determined by the Department pursuant to NRS 385.3762, but was designated as demonstrating need for improvement pursuant to paragraph (a) in the immediately preceding year for failing to make adequate yearly progress.

➔ The initial designation of a school district as demonstrating need for improvement must be based upon 2 consecutive years of data and information for that school district.

5. If a school district is designated as demonstrating need for improvement pursuant to paragraph (a) of subsection 4, the designation of the school district as demonstrating need for improvement must not be removed until the school district has made adequate yearly progress for 2 consecutive years.

Sec. 58. NRS 385.3771 is hereby amended to read as follows:

385.3771 1. The Department shall, on or before July 1 of each year, issue a preliminary designation for each school district pursuant to NRS 385.377. The initial designation of a school district as demonstrating need for improvement must be based upon 2 consecutive years of data and information for that school district.

2. Before making a final designation for a school district, the Department shall provide the school district an opportunity to review the data upon which the preliminary designation is based and to present evidence in the manner set forth in 20 U.S.C. § 6316(c)(5) and the regulations adopted pursuant thereto. Not later than August 1, the Department shall make a final determination concerning the designation of the school district.

3. On or before August 1 of each year, the Department shall provide written notice of the determinations made pursuant to NRS 385.3762 and the final designations made pursuant to this section as follows:

(a) The determinations and final designations made for all school districts in this State to the:

- (1) Governor;
- (2) State Board; *and*
- (3) Committee. ~~;~~ *and*



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~~(4) Bureau.]~~

(b) The determination and final designation made for a school district to the:

(1) Superintendent of schools of the school district; and

(2) Board of trustees of the school district.

4. On or before August 1 of each year, the Department shall make public the results of the review of school districts pursuant to this section and disseminate the results to school personnel, parents and guardians, pupils and members of the general public. The publication and distribution must be made in the manner set forth in 20 U.S.C. § 6316(c)(1) and the regulations adopted pursuant thereto.

Sec. 59. NRS 385.3772 is hereby amended to read as follows:

385.3772 1. If a school district is designated as demonstrating need for improvement pursuant to NRS 385.377, the Department shall provide notice of the designation to the parents and guardians of pupils enrolled in the school district on the form prescribed by the Department pursuant to NRS 385.382. The ~~[State Board]~~ **Department** shall prescribe, by regulation, the time by which such notice must be provided.

2. If a school district is designated as demonstrating need for improvement pursuant to NRS 385.377, the Department and any other entity authorized by the Department ~~[, including, without limitation, the Bureau.]~~ shall provide technical assistance to the school district in the manner set forth in 20 U.S.C. § 6316(c)(9) and the regulations adopted pursuant thereto.

3. Except as otherwise provided in NRS 385.3774, after providing technical assistance pursuant to subsection 2, the Department may take corrective action in the manner set forth in 20 U.S.C. § 6316(c)(10) and the regulations adopted pursuant thereto against a school district that is designated as demonstrating need for improvement, including, without limitation, a school district that is not a Title I school district.

4. Except as otherwise provided in NRS 385.3774, if a Title I school district is designated as demonstrating need for improvement for 3 or more consecutive years, the Department shall take corrective action as set forth in 20 U.S.C. § 6316(c)(10) and the regulations adopted pursuant thereto against the school district.

Sec. 60. NRS 385.3773 is hereby amended to read as follows:

385.3773 1. Except as otherwise provided in NRS 385.3774, if corrective action for a school district is required pursuant to 20 U.S.C. § 6316(c)(10) or if the Department determines that corrective action is appropriate for a school district pursuant to subsection 3 of NRS 385.3772, the Department shall take one or more of the following corrective actions:



(a) Deferring money for programs or reducing money for administrative purposes.

(b) Instituting and fully carrying out a new curriculum that is based upon the standards of content and performance adopted by the ~~[State Board]~~ **Department** pursuant to NRS 389.520, including, without limitation, the provision of appropriate professional development relating to the new curriculum.

(c) Replacing employees of the school district if the Department determines that those employees contributed to the failure of the school district to make adequate yearly progress.

(d) Removing particular schools within the school district from the jurisdiction of the school district and establishing an alternative system of governance and supervision for those schools.

(e) Appointing a receiver or trustee to administer the affairs of the school district.

(f) Taking appropriate steps to abolish the school district, including, without limitation, making recommendations to the Legislature for revisions to applicable statutes to abolish the school district.

(g) Authorizing pupils to transfer from schools operated by the school district to schools operated by another school district that are not designated as demonstrating need for improvement.

2. Before carrying out corrective action pursuant to this section, the Department shall provide notice to the board of trustees of the school district and an opportunity for a hearing. The Department shall continue to provide technical assistance pursuant to subsection 2 of NRS 385.3772 during the time that the corrective action is carried out.

3. If corrective action is taken against a school district pursuant to this section, the Department shall, not later than 10 days after the corrective action is taken, provide notice to the parents and guardians of pupils enrolled in the school district, the Governor, the Committee ~~[, the Bureau]~~ and the general public concerning the corrective action. The notice must comply with 20 U.S.C. § 6316(c)(10).

Sec. 61. NRS 385.389 is hereby amended to read as follows:

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

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

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



1 ➤ In adopting these programs of remedial study, the Department
2 shall consider the recommendations submitted by the Committee
3 pursuant to NRS 218E.615 and programs of remedial study that
4 have proven to be successful in improving the academic
5 achievement of pupils.

6 2. If a school fails to make adequate yearly progress or if less
7 than 60 percent of the pupils enrolled in a school who took the
8 examinations administered pursuant to NRS 389.015 received an
9 average score on those examinations that is at least equal to the 26th
10 percentile of the national reference group of pupils to which the
11 examinations were compared, the school shall adopt a program of
12 remedial study that has been adopted by the Department pursuant to
13 subsection 1 . ~~for a program, practice or strategy recommended by~~
14 ~~the Commission on Educational Excellence pursuant to NRS~~
15 ~~385.3785, or any combination thereof, as applicable.]~~

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

23 **Sec. 62.** NRS 385.391 is hereby amended to read as follows:

24 385.391 ~~1.1~~ The Department shall adopt:

25 ~~(a)~~ 1. Regulations to provide for the recognition of schools
26 that:

27 ~~(1)~~ (a) Receive a designation as demonstrating exemplary
28 achievement or high achievement pursuant to NRS 385.3623.

29 ~~(2)~~ (b) Significantly improve the academic achievement of
30 groups of pupils identified in paragraph (b) of subsection 1 of
31 NRS 385.361.

32 ~~(3)~~ (c) Exceed adequate yearly progress, as determined by
33 the Department pursuant to NRS 385.3613, for 2 or more
34 consecutive years.

35 ~~(b)~~ 2. Such regulations as it deems necessary to carry out the
36 provisions of NRS 385.3455 to 385.391, inclusive, including,
37 without limitation, uniform standards for the type and format of data
38 that must be submitted by the school districts and the time by which
39 such data must be submitted.

40 ~~[2. The Department may work in consultation with the Bureau~~
41 ~~for identifying and publicizing the achievement of schools that are~~
42 ~~recognized pursuant to paragraph (a) of subsection 1.]~~

43 **Sec. 63.** NRS 385.448 is hereby amended to read as follows:

44 385.448 1. A person who:

45 (a) Is 17 years of age or older;



(b) If he or she is at least 17 years of age but less than 18 years of age, submits to the ~~[State Board]~~ *Department* written permission signed by his or her parent or legal guardian;

(c) Has not graduated from a high school;

(d) Is not currently enrolled in a high school; and

(e) Satisfies any other requirements prescribed by the ~~[State Board,]~~ *Department,*

→ may take the tests of general educational development prescribed by the ~~[State Board,]~~ *Department.*

2. The board of trustees of a school district may, upon request and for good cause shown, grant permission to take the tests of general educational development prescribed by the ~~[State Board]~~ *Department* to a person who:

(a) Resides in the school district;

(b) Is at least 16 years of age but less than 17 years of age;

(c) Submits to the board of trustees written permission signed by his or her parent or legal guardian;

(d) Has not graduated from a high school;

(e) Is not currently enrolled in a high school; and

(f) Satisfies any other requirements prescribed by the board of trustees.

3. The ~~[State Board]~~ *Department* may adopt regulations to carry out the provisions of subsection 1.

4. As used in this section, "tests of general educational development" means examinations which enable persons who have not graduated from high school to demonstrate that they have achieved an educational level which is an acceptable substitute for completing a high school education.

Sec. 64. NRS 386.360 is hereby amended to read as follows:

386.360 1. Not later than 60 days after receipt of a memorandum pursuant to subsection 3 of NRS 385.210 or an addendum to a memorandum pursuant to subsection 4 of that section, the board of trustees of a school district shall determine which statutes and bills described in the memorandum or addendum, as applicable, directly affect pupils, parents, teachers, administrators or other educational personnel and require a plan for implementation. If the board of trustees determines that a statute or bill requires a plan for implementation, the board of trustees shall prepare a brief plan, which must ensure that the school district and the public schools within the school district will comply with the statute or bill on the date on which the statute or bill becomes effective and thereafter.

2. The board of trustees shall provide written notice to the parents and legal guardians of pupils who are enrolled in public schools within the school district, and to all teachers, administrators



1 and other educational personnel who are employed by the board of
2 trustees and the governing body of each charter school that is
3 located within the school district of the:

4 (a) Information contained in the memorandum provided
5 pursuant to subsection 3 of NRS 385.210 or the addendum provided
6 pursuant to subsection 4 of that section, as applicable, that directly
7 affects pupils, parents, teachers, administrators or other educational
8 personnel; and

9 (b) Brief plan for implementation of the statutes or bills, if any.

10 3. The written notice provided pursuant to subsection 2 to the
11 parents and legal guardians may be:

12 (a) Included in other notices that the board of trustees provides
13 to parents and legal guardians.

14 (b) Provided in a language other than English if the board of
15 trustees determines that it is necessary for the parent or legal
16 guardian to understand the notice.

17 4. Each board of trustees may prescribe or enforce rules, not
18 inconsistent with law or rules prescribed by the ~~[State Board,]~~
19 *Department*, for its own government and the government of public
20 schools under its charge.

21 5. Each board of trustees shall prescribe rules for the granting
22 of permission to carry or possess a weapon pursuant to
23 NRS 202.265.

24 **Sec. 65.** NRS 386.4154 is hereby amended to read as follows:

25 386.4154 The board of trustees of a school district may
26 prescribe rules relating to the creation and administration of a
27 program of school-based decision making for the public schools
28 within the district. The rules must provide:

29 1. For the creation of a school council;

30 2. For the involvement of parents and other members of the
31 community on and with the school council;

32 3. The requirements for recordkeeping by the school council;

33 4. The procedure for appealing a decision of the school
34 council;

35 5. The procedure for a school to obtain a waiver of the
36 requirements of regulations of the board of trustees or the ~~[State~~
37 ~~Board;]~~ *Department*;

38 6. A method for determining the progress of a pupil in a
39 program of school-based decision making;

40 7. A method for reporting the progress of a pupil to the pupil,
41 the pupil's parents or guardians, the board of trustees and the ~~[State~~
42 ~~Board;]~~ *Department*;

43 8. Plans for improving the schools within the district;



1 9. A method for allocating money to schools that have adopted
2 a program of school-based decision making and for the
3 administration of the budget of the school district; and

4 10. The procedure which a school council or board of trustees
5 may use to withdraw from a program of school-based decision
6 making.

7 **Sec. 66.** NRS 386.4156 is hereby amended to read as follows:

8 386.4156 The board of trustees of a school district may waive
9 the requirements of regulations of the board of trustees and the
10 ~~{State-Board}~~ **Department** for a public school within the district that
11 adopts a program of school-based decision making. The board of
12 trustees may not waive statutory requirements.

13 **Sec. 67.** NRS 386.4158 is hereby amended to read as follows:

14 386.4158 The ~~{State-Board}~~ **Department** may waive a course
15 of study otherwise required by statute upon application of the board
16 of trustees of a school district on behalf of a school council created
17 pursuant to a program of school-based decision making.

18 **Sec. 68.** NRS 386.508 is hereby amended to read as follows:

19 386.508 There is hereby created a school district to be
20 designated as the Charter School District for ~~{State-Board}~~
21 **Department**-Sponsored Charter Schools and Nevada System of
22 Higher Education-Sponsored Charter Schools. The School District
23 comprises only those charter schools that are sponsored by the
24 ~~{State-Board}~~ **Department** or sponsored by a college or university
25 within the Nevada System of Higher Education. The ~~{State-Board}~~
26 **Department** is hereby deemed the Board of Trustees of the School
27 District. The School District is created for the sole purpose of
28 providing local educational agency status to the School District for
29 purposes of federal law governing charter schools.

30 **Sec. 69.** NRS 386.515 is hereby amended to read as follows:

31 386.515 1. The board of trustees of a school district may
32 apply to the Department for authorization to sponsor charter schools
33 within the school district. An application must be approved by the
34 Department before the board of trustees may sponsor a charter
35 school. Not more than 180 days after receiving approval to sponsor
36 charter schools, the board of trustees shall provide public notice of
37 its ability to sponsor charter schools and solicit applications for
38 charter schools.

39 2. The ~~{State-Board}~~ **Department** shall sponsor charter schools
40 whose applications have been approved by the ~~{State-Board}~~
41 **Department** pursuant to NRS 386.525. Except as otherwise
42 provided by specific statute, if the ~~{State-Board}~~ **Department**
43 sponsors a charter school, the ~~{State-Board-or-the}~~ Department is
44 responsible for the evaluation, monitoring and oversight of the
45 charter school.



3. A college or university within the Nevada System of Higher Education may sponsor charter schools.

Sec. 70. NRS 386.520 is hereby amended to read as follows:

386.520 1. A committee to form a charter school must consist of at least three teachers, as defined in subsection 4. In addition to the teachers who serve, the committee may consist of:

(a) Members of the general public;

(b) Representatives of nonprofit organizations and businesses; or

(c) Representatives of a college or university within the Nevada System of Higher Education.

➤ A majority of the persons described in paragraphs (a), (b) and (c) who serve on the committee must be residents of this State at the time that the application to form the charter school is submitted to the Department.

2. ~~{Before a} A~~ committee to form a charter school ~~{may} must~~ submit an application ~~{to the board of trustees of a school district, the Subcommittee on Charter Schools, the State Board or a college or university within the Nevada System of Higher Education, it must submit the application}~~ to the Department. The application must include all information prescribed by the Department by regulation and:

(a) A written description of how the charter school will carry out the provisions of NRS 386.500 to 386.610, inclusive.

(b) A written description of the mission and goals for the charter school. A charter school must have as its stated purpose at least one of the following goals:

(1) Improving the opportunities for pupils to learn;

(2) Encouraging the use of effective methods of teaching;

(3) Providing an accurate measurement of the educational achievement of pupils;

(4) Establishing accountability of public schools;

(5) Providing a method for public schools to measure achievement based upon the performance of the schools; or

(6) Creating new professional opportunities for teachers.

(c) The projected enrollment of pupils in the charter school.

(d) The proposed dates of enrollment for the charter school.

(e) The proposed system of governance for the charter school, including, without limitation, the number of persons who will govern, the method of selecting the persons who will govern and the term of office for each person.

(f) The method by which disputes will be resolved between the governing body of the charter school and the sponsor of the charter school.



(g) The proposed curriculum for the charter school and, if applicable to the grade level of pupils who are enrolled in the charter school, the requirements for the pupils to receive a high school diploma, including, without limitation, whether those pupils will satisfy the requirements of the school district in which the charter school is located for receipt of a high school diploma.

(h) The textbooks that will be used at the charter school.

(i) The qualifications of the persons who will provide instruction at the charter school.

(j) Except as otherwise required by NRS 386.595, the process by which the governing body of the charter school will negotiate employment contracts with the employees of the charter school.

(k) A financial plan for the operation of the charter school. The plan must include, without limitation, procedures for the audit of the programs and finances of the charter school and guidelines for determining the financial liability if the charter school is unsuccessful.

(l) A statement of whether the charter school will provide for the transportation of pupils to and from the charter school. If the charter school will provide transportation, the application must include the proposed plan for the transportation of pupils. If the charter school will not provide transportation, the application must include a statement that the charter school will work with the parents and guardians of pupils enrolled in the charter school to develop a plan for transportation to ensure that pupils have access to transportation to and from the charter school.

(m) The procedure for the evaluation of teachers of the charter school, if different from the procedure prescribed in NRS 391.3125. If the procedure is different from the procedure prescribed in NRS 391.3125, the procedure for the evaluation of teachers of the charter school must provide the same level of protection and otherwise comply with the standards for evaluation set forth in NRS 391.3125.

(n) The time by which certain academic or educational results will be achieved.

(o) The kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020, for which the charter school intends to operate.

(p) A statement of whether the charter school will enroll pupils who are in a particular category of at-risk pupils before enrolling other children who are eligible to attend the charter school pursuant to NRS 386.580 and the method for determining eligibility for enrollment in each such category of at-risk pupils served by the charter school.

3. The Department shall review an application to form a charter school to determine whether it is complete. If an application



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1 proposes to convert an existing public school, homeschool or other
2 program of home study into a charter school, the Department shall
3 deny the application. The Department shall provide written notice to
4 the applicant of its approval or denial of the application. If the
5 Department denies an application, the Department shall include in
6 the written notice the reason for the denial and the deficiencies in
7 the application. The applicant must be granted 30 days after receipt
8 of the written notice to correct any deficiencies identified in the
9 written notice and resubmit the application.

10 4. *If the Department is the proposed sponsor of the charter*
11 *school, the Department shall proceed with the review of the*
12 *application pursuant to subsections 5, 6 and 7 of NRS 386.525.*

13 5. As used in subsection 1, "teacher" means a person who:

14 (a) Holds a current license to teach issued pursuant to chapter
15 391 of NRS; and

16 (b) Has at least 2 years of experience as an employed teacher.

17 ➔ The term does not include a person who is employed as a
18 substitute teacher.

19 **Sec. 71.** NRS 386.525 is hereby amended to read as follows:

20 386.525 1. Upon approval of an application by the
21 Department ~~[]~~ *pursuant to NRS 386.520, if the proposed sponsor*
22 *of a charter school is the board of trustees of a school district or a*
23 *college or university within the Nevada System of Higher*
24 *Education*, a committee to form a charter school may submit the
25 application to the ~~[board of trustees of the school district in which~~
26 ~~the proposed charter school will be located, a college or university~~
27 ~~within the Nevada System of Higher Education or directly to the~~
28 ~~Subcommittee on Charter Schools.]~~ *proposed sponsor.* If the board
29 of trustees of a school district, a college or a university, as
30 applicable, receives an application to form a charter school, the
31 board of trustees or the institution, as applicable, shall consider the
32 application at a meeting that must be held not later than 45 days
33 after the receipt of the application, or a period mutually agreed upon
34 by the committee to form the charter school and the board of
35 trustees of the school district or the institution, as applicable, and
36 ensure that notice of the meeting has been provided pursuant to
37 chapter 241 of NRS. The board of trustees ~~[]~~ *or* the college ~~[, the]~~
38 *or the* university , ~~[or the Subcommittee on Charter Schools.]~~ as
39 applicable, shall review an application to determine whether the
40 application:

41 (a) Complies with NRS 386.500 to 386.610, inclusive, and the
42 regulations applicable to charter schools; and

43 (b) Is complete in accordance with the regulations of the
44 Department.



2. The Department shall assist the board of trustees of a school district, the college or the university, as applicable, in the review of an application. The board of trustees, the college or the university, as applicable, may approve an application if it satisfies the requirements of paragraphs (a) and (b) of subsection 1. The board of trustees, the college or the university, as applicable, shall provide written notice to the applicant of its approval or denial of the application.

3. If the board of trustees, the college or the university, as applicable, denies an application, it shall include in the written notice the reasons for the denial and the deficiencies in the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

4. If the board of trustees, the college or the university, as applicable, denies an application after it has been resubmitted pursuant to subsection 3, the applicant may submit a written request for sponsorship by the ~~[State Board to the Subcommittee on Charter Schools created pursuant to NRS 386.507]~~ *Department* not more than 30 days after receipt of the written notice of denial. Any request that is submitted pursuant to this subsection must be accompanied by the application to form the charter school.

5. If the ~~[Subcommittee on Charter Schools]~~ *Department is the proposed sponsor or if the Department* receives an application pursuant to subsection ~~[1 or]~~ 4, it shall hold a meeting to consider the application. The meeting must be held not later than 45 days after receipt of the application. Notice of the meeting must be posted in accordance with chapter 241 of NRS. ~~[The Subcommittee shall review the application in accordance with the factors set forth in paragraphs (a) and (b) of subsection 1. The Subcommittee may approve an application if it satisfies the requirements of paragraphs (a) and (b) of subsection 1.]~~

~~6. The Subcommittee on Charter Schools shall transmit the application and the recommendation of the Subcommittee for approval or denial of the application to the State Board. Not more than 14 days after the date of the meeting of the Subcommittee pursuant to subsection 5, the State Board shall hold a meeting to consider the recommendation of the Subcommittee. Notice of the meeting must be posted in accordance with chapter 241 of NRS. The State Board shall review the application in accordance with the factors set forth in paragraphs (a) and (b) of subsection 1. The State Board may approve an application if it satisfies the requirements of paragraphs (a) and (b) of subsection 1.]~~ Not more than 30 days after the meeting, the ~~[State Board]~~ *Department* shall provide written notice of its determination to the applicant.



1 ~~[7.]~~ 6. If the ~~[State Board]~~ Department denies an application,
2 it shall include in the written notice the reasons for the denial and
3 the deficiencies in the application. The applicant must be granted 30
4 days after receipt of the written notice to correct any deficiencies
5 identified in the written notice and resubmit the application.

6 ~~[8.]~~ 7. If the ~~[State Board]~~ Department denies an application
7 after it has been resubmitted pursuant to subsection ~~[7.]~~ 6, the
8 applicant may, not more than 30 days after the receipt of the written
9 notice from the ~~[State Board,]~~ Department, appeal the final
10 determination to the district court of the county in which the
11 proposed charter school will be located.

12 ~~[9.]~~ 8. On or before January 1 of each odd-numbered year, the
13 Superintendent of Public Instruction shall submit a written report to
14 the Director of the Legislative Counsel Bureau for transmission to
15 the next regular session of the Legislature. The report must include:

16 (a) A list of each application to form a charter school that was
17 submitted to the board of trustees of a school district, the ~~[State~~
18 ~~Board,]~~ Department, a college or a university during the
19 immediately preceding biennium;

20 (b) The educational focus of each charter school for which an
21 application was submitted;

22 (c) The current status of the application; and

23 (d) If the application was denied, the reasons for the denial.

24 **Sec. 72.** NRS 386.527 is hereby amended to read as follows:

25 386.527 1. If the ~~[State Board,]~~ Department, the board of
26 trustees of a school district or a college or university within the
27 Nevada System of Higher Education approves an application to
28 form a charter school, it shall grant a written charter to the applicant.
29 The ~~[State Board, the]~~ board of trustees ~~[,]~~ or the college or the
30 university, as applicable, shall, not later than 10 days after
31 the approval of the application, provide written notice to the
32 Department of the approval and the date of the approval. If the
33 board of trustees approves the application, the board of trustees shall
34 be deemed the sponsor of the charter school.

35 2. If the ~~[State Board]~~ Department approves the application:

36 (a) The ~~[State Board]~~ Department shall be deemed the sponsor
37 of the charter school.

38 (b) Neither the State of Nevada ~~[, the State Board]~~ nor the
39 Department is an employer of the members of the governing body of
40 the charter school or any of the employees of the charter school.

41 3. If a college or university within the Nevada System of
42 Higher Education approves the application:

43 (a) That institution shall be deemed the sponsor of the charter
44 school.



(b) Neither the State of Nevada ~~[, the State Board]~~ nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

4. The governing body of a charter school may request, at any time, a change in the sponsorship of the charter school to an entity that is authorized to sponsor charter schools pursuant to NRS 386.515. The ~~[State Board]~~ Department shall adopt:

(a) An application process for a charter school that requests a change in the sponsorship of the charter school, which must not require the applicant to undergo the requirements of an initial application to form a charter school; and

(b) Objective criteria for the conditions under which such a request may be granted.

5. Except as otherwise provided in subsection 7, a written charter must be for a term of 6 years unless the governing body of a charter school renews its initial charter after 3 years of operation pursuant to subsection 2 of NRS 386.530. A written charter must include all conditions of operation set forth in subsection 2 of NRS 386.520 and include the kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020 for which the charter school is authorized to operate. If the ~~[State Board]~~ Department or a college or university within the Nevada System of Higher Education is the sponsor of the charter school, the written charter must set forth the responsibilities of the sponsor and the charter school with regard to the provision of services and programs to pupils with disabilities who are enrolled in the charter school in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and NRS 388.440 to 388.520, inclusive. As a condition of the issuance of a written charter pursuant to this subsection, the charter school must agree to comply with all conditions of operation set forth in NRS 386.550.

6. The governing body of a charter school may submit to the sponsor of the charter school a written request for an amendment of the written charter of the charter school. Such an amendment may include, without limitation, the expansion of instruction and other educational services to pupils who are enrolled in grade levels other than the grade levels of pupils currently approved for enrollment in the charter school if the expansion of grade levels does not change the kind of school, as defined in NRS 388.020, for which the charter school is authorized to operate. If the proposed amendment complies with the provisions of this section, NRS 386.500 to 386.610, inclusive, and any other statute or regulation applicable to charter schools, the sponsor may amend the written charter in accordance with the proposed amendment. If a charter school wishes to expand the instruction and other educational services



1 offered by the charter school to pupils who are enrolled in grade
2 levels other than the grade levels of pupils currently approved for
3 enrollment in the charter school and the expansion of grade levels
4 changes the kind of school, as defined in NRS 388.020, for which
5 the charter school is authorized to operate, the governing body of
6 the charter school must submit a new application to form a charter
7 school. If such an application is approved, the charter school may
8 continue to operate under the same governing body and an
9 additional governing body does not need to be selected to operate
10 the charter school with the expanded grade levels.

11 7. The ~~[State Board]~~ **Department** shall adopt objective criteria
12 for the issuance of a written charter to an applicant who is not
13 prepared to commence operation on the date of issuance of the
14 written charter. The criteria must include, without limitation, the:

15 (a) Period for which such a written charter is valid; and
16 (b) Timelines by which the applicant must satisfy certain
17 requirements demonstrating its progress in preparing to commence
18 operation.

19 ➤ A holder of such a written charter may apply for grants of money
20 to prepare the charter school for operation. A written charter issued
21 pursuant to this subsection must not be designated as a conditional
22 charter or a provisional charter or otherwise contain any other
23 designation that would indicate the charter is issued for a temporary
24 period.

25 8. The holder of a written charter that is issued pursuant to
26 subsection 7 shall not commence operation of the charter school and
27 is not eligible to receive apportionments pursuant to NRS 387.124
28 until the sponsor has determined that the requirements adopted by
29 the ~~[State Board]~~ **Department** pursuant to subsection 7 have been
30 satisfied and that the facility the charter school will occupy has been
31 inspected and meets the requirements of any applicable building
32 codes, codes for the prevention of fire, and codes pertaining to
33 safety, health and sanitation. Except as otherwise provided in this
34 subsection, the sponsor shall make such a determination 30 days
35 before the first day of school for the:

36 (a) Schools of the school district in which the charter school is
37 located that operate on a traditional school schedule and not a year-
38 round school schedule; or

39 (b) Charter school,
40 ➤ whichever date the sponsor selects. The sponsor shall not require
41 a charter school to demonstrate compliance with the requirements of
42 this subsection more than 30 days before the date selected.
43 However, it may authorize a charter school to demonstrate
44 compliance less than 30 days before the date selected.



Sec. 73. NRS 386.540 is hereby amended to read as follows:

386.540 1. The Department shall adopt regulations that prescribe:

(a) The process for submission of an application by the board of trustees of a school district to the Department for authorization to sponsor charter schools and the contents of the application;

(b) The process for submission of an application to form a charter school to the Department, the board of trustees of a school district ~~[the Subcommittee on Charter Schools]~~ and a college or university within the Nevada System of Higher Education, and the contents of the application;

(c) The process for submission of an application to renew a written charter; and

(d) The criteria and type of investigation that must be applied by the board of trustees, the ~~[Subcommittee on Charter Schools, the State Board]~~ **Department** and a college or university within the Nevada System of Higher Education in determining whether to approve an application to form a charter school or an application to renew a written charter.

2. The Department may adopt regulations as it determines are necessary to carry out the provisions of NRS 386.500 to 386.610, inclusive, including, without limitation, regulations that prescribe the:

(a) Procedures for accounting and budgeting;

(b) Requirements for performance audits and financial audits of charter schools on an annual basis for charter schools that do not satisfy the requirements of subsection 1 of NRS 386.5515; and

(c) Requirements for performance audits every 3 years and financial audits on an annual basis for charter schools that satisfy the requirements of subsection 1 of NRS 386.5515.

Sec. 74. NRS 386.547 is hereby amended to read as follows:

386.547 The ~~[State Board]~~ **Department** shall:

1. Review all statutes and regulations from which charter schools are exempt and determine whether such exemption assisted or impeded the charter schools in achieving their educational goals and objectives.

2. Make available information concerning the formation and operation of charter schools in this State to pupils, parents and legal guardians of pupils, teachers and other educational personnel and members of the general public.

Sec. 75. NRS 386.550 is hereby amended to read as follows:

386.550 1. A charter school shall:

(a) Comply with all laws and regulations relating to discrimination and civil rights.



(b) Remain nonsectarian, including, without limitation, in its educational programs, policies for admission and employment practices.

(c) Refrain from charging tuition or fees, levying taxes or issuing bonds.

(d) Comply with any plan for desegregation ordered by a court that is in effect in the school district in which the charter school is located.

(e) Comply with the provisions of chapter 241 of NRS.

(f) Except as otherwise provided in this paragraph, schedule and provide annually at least as many days of instruction as are required of other public schools located in the same school district as the charter school is located. The governing body of a charter school may submit a written request to the Superintendent of Public Instruction for a waiver from providing the days of instruction required by this paragraph. The Superintendent of Public Instruction may grant such a request if the governing body demonstrates to the satisfaction of the Superintendent that:

(1) Extenuating circumstances exist to justify the waiver; and

(2) The charter school will provide at least as many hours or minutes of instruction as would be provided under a program consisting of 180 days.

(g) Cooperate with the board of trustees of the school district in the administration of the achievement and proficiency examinations administered pursuant to NRS 389.015 and the examinations required pursuant to NRS 389.550 to the pupils who are enrolled in the charter school.

(h) Comply with applicable statutes and regulations governing the achievement and proficiency of pupils in this State.

(i) Provide instruction in the core academic subjects set forth in subsection 1 of NRS 389.018, as applicable for the grade levels of pupils who are enrolled in the charter school, and provide at least the courses of study that are required of pupils by statute or regulation for promotion to the next grade or graduation from a public high school and require the pupils who are enrolled in the charter school to take those courses of study. This paragraph does not preclude a charter school from offering, or requiring the pupils who are enrolled in the charter school to take, other courses of study that are required by statute or regulation.

(j) If the parent or legal guardian of a child submits an application to enroll in kindergarten, first grade or second grade at the charter school, comply with NRS 392.040 regarding the ages for enrollment in those grades.

(k) Refrain from using public money to purchase real property or buildings without the approval of the sponsor.



(l) Hold harmless, indemnify and defend the sponsor of the charter school against any claim or liability arising from an act or omission by the governing body of the charter school or an employee or officer of the charter school. An action at law may not be maintained against the sponsor of a charter school for any cause of action for which the charter school has obtained liability insurance.

(m) Provide written notice to the parents or legal guardians of pupils in grades 9 to 12, inclusive, who are enrolled in the charter school of whether the charter school is accredited by the ~~[Commission on Schools of the]~~ Northwest ~~[Association of Schools and of Colleges and Universities.]~~ **Accreditation Commission.**

(n) Adopt a final budget in accordance with the regulations adopted by the Department. A charter school is not required to adopt a final budget pursuant to NRS 354.598 or otherwise comply with the provisions of chapter 354 of NRS.

(o) If the charter school provides a program of distance education pursuant to NRS 388.820 to 388.874, inclusive, comply with all statutes and regulations that are applicable to a program of distance education for purposes of the operation of the program.

2. A charter school shall not provide instruction through a program of distance education to children who are exempt from compulsory attendance authorized by the ~~[State Board]~~ **Department** pursuant to subsection 1 of NRS 392.070. As used in this subsection, "distance education" has the meaning ascribed to it in NRS 388.826.

Sec. 76. NRS 386.5515 is hereby amended to read as follows:

386.5515 1. To the extent money is available from legislative appropriation or otherwise, a charter school may apply to the Department for money for facilities if:

(a) The charter school has been operating in this State for at least 5 consecutive years and is in good financial standing;

(b) Each financial audit and each performance audit of the charter school required by the Department contains no major notations, corrections or errors concerning the charter school for at least 5 consecutive years;

(c) The charter school has met or exceeded adequate yearly progress as determined pursuant to NRS 385.3613 or has demonstrated improvement in the achievement of pupils enrolled in the charter school, as indicated by annual measurable objectives determined by the ~~[State Board,]~~ **Department,** for the majority of the years of its operation;

(d) The charter school offers instruction on a daily basis during the school week of the charter school on the campus of the charter school; and



(e) At least 75 percent of the pupils enrolled in the charter school who are required to take the high school proficiency examination have passed that examination, if the charter school enrolls pupils at a high school grade level.

2. A charter school that satisfies the requirements of subsection 1 shall submit to a performance audit as required by the Department one time every 3 years. The sponsor of the charter school and the Department shall not request a performance audit of the charter school more frequently than every 3 years without reasonable evidence of noncompliance in achieving the educational goals and objectives of the charter school based upon the annual report submitted to the ~~{State Board}~~ *Department* pursuant to NRS 386.610. If the charter school no longer satisfies the requirements of subsection 1 or if reasonable evidence of noncompliance in achieving the educational goals and objectives of the charter school exists based upon the annual report, the charter school shall, upon written notice from the sponsor, submit to an annual performance audit. Notwithstanding the provisions of paragraph (b) of subsection 1, such a charter school:

(a) May, after undergoing the annual performance audit, reapply to the sponsor to determine whether the charter school satisfies the requirements of paragraphs (a), (c), (d) and (e) of subsection 1.

(b) Is not eligible for any available money pursuant to subsection 1 until the sponsor determines that the charter school satisfies the requirements of that subsection.

3. A charter school that does not satisfy the requirements of subsection 1 shall submit a quarterly report of the financial status of the charter school if requested by the sponsor of the charter school.

Sec. 77. NRS 386.570 is hereby amended to read as follows:

386.570 1. Each pupil who is enrolled in a charter school, including, without limitation, a pupil who is enrolled in a program of special education in a charter school, must be included in the count of pupils in the school district for the purposes of apportionments and allowances from the State Distributive School Account pursuant to NRS 387.121 to 387.126, inclusive, *and section 81 of this act*, unless the pupil is exempt from compulsory attendance pursuant to NRS 392.070. A charter school is entitled to receive its proportionate share of any other money available from federal, state or local sources that the school or the pupils who are enrolled in the school are eligible to receive. If a charter school receives special education program units directly from this State, the amount of money for special education that the school district pays to the charter school may be reduced proportionately by the amount of money the charter school received from this State for that purpose.



2. All money received by the charter school from this State or from the board of trustees of a school district must be deposited in an account with a bank, credit union or other financial institution in this State. The governing body of a charter school may negotiate with the board of trustees of the school district and the ~~[State Board]~~ **Department** for additional money to pay for services which the governing body wishes to offer.

3. Upon completion of each school quarter, the sponsor of a charter school may request reimbursement from the governing body of the charter school for the administrative costs associated with sponsorship for that school quarter if the sponsor provided administrative services during that school quarter. The request must include an itemized list of those costs. Unless a delay is granted pursuant to subsection 9, upon receipt of such a request, the governing body shall pay the reimbursement to the ~~[board of trustees of the school district if the board of trustees sponsors the charter school, to the Department if the State Board sponsors the charter school or to the college or university within the Nevada System of Higher Education if that institution sponsors]~~ **sponsor** of the charter school. If a governing body fails to pay the reimbursement pursuant to this subsection or pursuant to a plan approved by the Superintendent of Public Instruction in accordance with subsection 9, the charter school shall be deemed to have violated its written charter and the sponsor may take such action to revoke the written charter pursuant to NRS 386.535 as it deems necessary. If the board of trustees of a school district is the sponsor of a charter school, the amount of money that may be paid to the sponsor pursuant to this subsection for administrative expenses in 1 school year must not exceed:

(a) For the first year of operation of the charter school, 2 percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124, as adjusted by the final computation of apportionment pursuant to subsection 4 of NRS 387.1243.

(b) For any year after the first year of operation of the charter school, 1 percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124, as adjusted by the final computation of apportionment pursuant to subsection 4 of NRS 387.1243.

4. If the ~~[State Board]~~ **Department** or a college or university within the Nevada System of Higher Education is the sponsor of a charter school, the amount of money that may be paid to the Department or to the institution, as applicable, pursuant to subsection 3 for administrative expenses in 1 school year must not exceed:



(a) For the first year of operation of the charter school, 2 percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124, as adjusted by the final computation of apportionment pursuant to subsection 4 of NRS 387.1243.

(b) For any year after the first year of operation of the charter school, 1.5 percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124, as adjusted by the final computation of apportionment pursuant to subsection 4 of NRS 387.1243.

5. To determine the amount of money for distribution to a charter school in its first year of operation, the count of pupils who are enrolled in the charter school must initially be determined 30 days before the beginning of the school year of the school district, based on the number of pupils whose applications for enrollment have been approved by the charter school. The count of pupils who are enrolled in the charter school must be revised on the last day of the first school month of the school district in which the charter school is located for the school year, based on the actual number of pupils who are enrolled in the charter school. Pursuant to subsection 5 of NRS 387.124, the governing body of a charter school may request that the apportionments made to the charter school in its first year of operation be paid to the charter school 30 days before the apportionments are otherwise required to be made.

6. If a charter school ceases to operate as a charter school during a school year, the remaining apportionments that would have been made to the charter school pursuant to NRS 387.124 for that year must be paid on a proportionate basis to the school districts where the pupils who were enrolled in the charter school reside.

7. The governing body of a charter school may solicit and accept donations, money, grants, property, loans, personal services or other assistance for purposes relating to education from members of the general public, corporations or agencies. The governing body may comply with applicable federal laws and regulations governing the provision of federal grants for charter schools. The ~~[State Board]~~ **Department** may assist a charter school that operates exclusively for the enrollment of pupils who receive special education in identifying sources of money that may be available from the Federal Government or this State for the provision of educational programs and services to such pupils.

8. If a charter school uses money received from this State to purchase real property, buildings, equipment or facilities, the governing body of the charter school shall assign a security interest in the property, buildings, equipment and facilities to the State of Nevada.



9. The governing body of a charter school may submit to the Superintendent of Public Instruction a written request to delay a quarterly payment of a reimbursement for the administrative costs that a charter school owes pursuant to this section. The written request must be in the form prescribed by the Superintendent and must include, without limitation, documentation that a financial hardship exists for the charter school and a plan for the payment of the reimbursement. The Superintendent may approve or deny the request and shall notify the governing body and the sponsor of the charter school of the approval or denial of the request.

Sec. 78. NRS 386.578 is hereby amended to read as follows:

386.578 1. If the governing body of a charter school has a written charter issued pursuant to NRS 386.527, the governing body may submit an application to the Department for a loan from the Fund for Charter Schools. An application must include a written description of the manner in which the loan will be used to prepare the charter school for its first year of operation or to improve a charter school that has been in operation.

2. The Department shall, within the limits of money available for use in the Fund, make loans to charter schools whose applications have been approved. If the Department makes a loan from the Fund, the Department shall ensure that the contract for the loan includes all terms and conditions for repayment of the loan.

3. The ~~[State Board:]~~ **Department:**

(a) Shall adopt regulations that prescribe the:

(1) Annual deadline for submission of an application to the Department by a charter school that desires to receive a loan from the Fund; and

(2) Period for repayment and the rate of interest for loans made from the Fund.

(b) May adopt such other regulations as it deems necessary to carry out the provisions of this section and NRS 386.576 and 386.577.

Sec. 79. NRS 386.605 is hereby amended to read as follows:

386.605 ~~[H:]~~ On or before July 15 of each year, the governing body of a charter school shall submit the information concerning the charter school that is required pursuant to subsection 2 of NRS 385.347 to the board of trustees of the school district in which the charter school is located for inclusion in the report of the school district pursuant to that section. The information must be submitted by the charter school in a format prescribed by the board of trustees.

~~[2. The Legislative Bureau of Educational Accountability and Program Evaluation created pursuant to NRS 218E.625 may authorize a person or entity with whom it contracts pursuant to NRS 385.359 to review and analyze information submitted by charter~~



~~schools pursuant to this section and pursuant to NRS 385.357, 385.3745 or 385.3746, whichever is applicable for the school, consult with the governing bodies of charter schools and submit written reports concerning charter schools pursuant to NRS 385.359.]~~

Sec. 80. NRS 386.610 is hereby amended to read as follows:

386.610 1. On or before August 15 of each year, if the ~~[State Board, the]~~ board of trustees of a school district or a college or university within the Nevada System of Higher Education sponsors a charter school, ~~[the Department,]~~ the board of trustees or the institution, as applicable, shall submit a written report to the ~~[State Board.]~~ *Department.* The written report must include:

(a) An evaluation of the progress of each charter school sponsored by the State Board, the board of trustees or the institution, as applicable, in achieving its educational goals and objectives.

(b) A description of all administrative support and services provided by the Department, the school district or the institution, as applicable, to the charter school.

2. The governing body of a charter school shall, after 3 years of operation under its initial charter, submit a written report to the sponsor of the charter school. The written report must include a description of the progress of the charter school in achieving its educational goals and objectives. If the charter school submits an application for renewal in accordance with the regulations of the Department, the sponsor may renew the written charter of the school pursuant to subsection 2 of NRS 386.530.

Sec. 81. Chapter 387 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any money appropriated from the State General Fund to the State Distributive School Account for K-12 public education other than money appropriated for the basic support guarantee for school districts, the basic support guarantee for special education program units for school districts and for the "Nutrition State Match" pursuant to NRS 387.105 must be accounted for separately in the State Distributive School Account.

2. The money accounted for separately in the State Distributive School Account pursuant to subsection 1 must be allocated to the school districts, excluding charter schools and university schools for profoundly gifted pupils, by the Superintendent of Public Instruction pursuant to this subsection. The Superintendent of Public Instruction shall:

(a) Transfer 50 percent of the total amount of money available to each school district based upon the count of pupils in the school district for apportionment purposes pursuant to NRS 387.123, excluding the count of pupils enrolled in a charter school located



1 *in the school district and pupils enrolled in a university school for*
2 *profoundly gifted pupils;*

3 (b) *Transfer 39.15 percent of the total amount of money*
4 *available to each school district based upon the number of*
5 *licensed instructional full-time equivalent positions, excluding*
6 *positions for adult education, identified by the school district in*
7 *the report submitted pursuant to NRS 387.303;*

8 (c) *Transfer 10 percent of the total amount of money available*
9 *to each school district based upon the number of full-time*
10 *equivalent positions for adult education identified by the school*
11 *district in the report submitted pursuant to NRS 387.303; and*

12 (d) *Transfer 0.85 percent of the total amount of money*
13 *available to each school district.*

14 3. *The board of trustees of each school district shall develop a*
15 *plan for spending the money received pursuant to subsection 2.*
16 *The plan must be developed during public meetings of the board*
17 *of trustees of the school district and must be based upon the*
18 *identified needs of the pupils enrolled in the school district. The*
19 *plan must include, without limitation:*

20 (a) *A description of how the plan will improve the academic*
21 *achievement and proficiency of pupils enrolled in the school*
22 *district; and*

23 (b) *The programs, which may include, without limitation,*
24 *programs for full-day kindergarten, class-size reduction and after-*
25 *school programs, that will be implemented or maintained and any*
26 *supporting data which demonstrates the effectiveness of those*
27 *programs.*

28 4. *The board of trustees of a school district shall not use the*
29 *money received pursuant to subsection 2:*

30 (a) *For administration purposes;*

31 (b) *For facilities;*

32 (c) *To adjust the schedules of salaries and benefits of the*
33 *employees of the school district; or*

34 (d) *To settle or arbitrate disputes or negotiate settlements*
35 *between an organization that represents licensed employees of the*
36 *school district and the school district.*

37 5. *The Superintendent of Public Instruction shall establish*
38 *benchmarks for the academic achievement and proficiency of*
39 *pupils which school districts that receive money pursuant to this*
40 *section must achieve. In establishing the benchmarks, the*
41 *Superintendent of Public Instruction shall ensure that the*
42 *benchmarks are designed so that a school district meets*
43 *the benchmarks within 3 years after the date the school district*
44 *receives the money pursuant to this section.*



6. A school district that does not meet the benchmarks shall file a plan of corrective action with the Superintendent of Public Instruction. A school district that files a plan of corrective action must achieve the benchmarks established by the Superintendent of Public Instruction within 2 years after the filing of the plan of corrective action. The Superintendent of Public Instruction may impose sanctions on a school district that does not achieve the benchmarks within those 2 years. The Superintendent of Public Instruction shall prescribe the sanctions which may be imposed upon a school district pursuant to this subsection.

7. Upon the receipt of money pursuant to this section, the board of trustees of the school district shall sign a form, prescribed by the Superintendent of Public Instruction, which states that the board of trustees understands the:

(a) Benchmarks established by the Superintendent of Public Instruction pursuant to subsection 5;

(b) Date on which the school district must achieve those benchmarks; and

(c) Consequences for the failure to achieve the benchmarks.

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

(a) Prepare an annual report that:

(1) Describes each program implemented or maintained by the school district with the money received pursuant to this section and how that program improved the academic achievement and proficiency of pupils enrolled in the school district;

(2) Identifies the progress which the school district has made in achieving the benchmarks established by the Superintendent of Public Instruction pursuant to subsection 5;

(3) Identifies the status of the plan of corrective action, if any, filed by the board of trustees of the school district pursuant to subsection 6; and

(4) Includes data, if any, which demonstrates the effectiveness of each program described in subparagraph (1).

(b) Submit the report on or before January 31 of each year to the:

(1) Department;

(2) Governor;

(3) State Board; and

(4) Legislative Committee on Education.

Sec. 82. NRS 387.049 is hereby amended to read as follows:

387.049 When administering money received from the Federal Government, the Superintendent of Public Instruction ~~or the Department~~, ~~for the State Board,~~ as applicable, shall, to the extent practicable, administer the money in a manner that is designed to



1 attain the goals of the Legislature regarding educational reform in
2 this State.

3 **Sec. 83.** NRS 387.050 is hereby amended to read as follows:

4 387.050 1. The State of Nevada accepts the provisions of,
5 and all of the money provided by, the Vocational Education Act of
6 1963, and any amendments thereof or supplements thereto.

7 2. In addition to the provisions of subsection 1, the ~~{State~~
8 ~~Board for Career and Technical Education}~~ *Department* may accept,
9 and adopt regulations or establish policies for the disbursement of,
10 money appropriated by any Act of Congress and apportioned to the
11 State of Nevada for use in connection with the program for career
12 and technical education.

13 3. In accepting the benefits of the Acts of Congress referred to
14 in subsections 1 and 2, the State of Nevada agrees to comply with
15 all of their provisions and to observe all of their requirements.

16 4. The State Treasurer is designated custodian of all money
17 received by the State of Nevada from the appropriations made by
18 the Acts of Congress referred to in subsections 1 and 2, and the
19 State Treasurer may receive and provide for the proper custody
20 thereof and make disbursements therefrom in the manner provided
21 in the Acts and for the purposes therein specified on warrants of the
22 State Controller issued upon the order of the ~~{Executive Officer of~~
23 ~~the State Board for Career and Technical Education.}~~
24 *Superintendent of Public Instruction.*

25 5. On warrants of the State Controller issued upon the order of
26 the ~~{Executive Officer of the State Board for Career and Technical~~
27 ~~Education}~~ *Superintendent of Public Instruction* pursuant to
28 regulations or policies of the ~~{Board,}~~ *Department*, the State
29 Treasurer shall also pay out any money appropriated by the State of
30 Nevada to carry out the provisions of this section.

31 **Sec. 84.** NRS 387.067 is hereby amended to read as follows:

32 387.067 1. The ~~{State Board}~~ *Department* may accept and
33 adopt regulations or establish policies for the disbursement of
34 money appropriated and apportioned to the State of Nevada, the
35 school districts or the charter schools of the State of Nevada by the
36 Congress of the United States for purposes of elementary and
37 secondary education.

38 2. The Superintendent of Public Instruction shall deposit the
39 money with the State Treasurer, who shall make disbursements
40 therefrom on warrants of the State Controller issued upon the order
41 of the Superintendent of Public Instruction.

42 3. The ~~{State Board,}~~ *Department*, any school district within
43 this State and any governing body of any charter school in this State
44 may, within the limits provided in this section, make such
45 applications, agreements and assurances to the Federal Government,



1 and conduct such programs as may be required as a condition
2 precedent to the receipt of money appropriated by any Act of
3 Congress for purposes of elementary and secondary education. Such
4 an agreement or assurance must not require this State, or a school
5 district or governing body to provide money above the amount
6 appropriated or otherwise lawfully available for that purpose.

7 **Sec. 85.** NRS 387.075 is hereby amended to read as follows:

8 387.075 1. The ~~{State Board of Education}~~ **Department** may
9 accept and adopt regulations or establish policies for the
10 disbursement of money appropriated by any Act of Congress and
11 apportioned to the State of Nevada for use in connection with
12 programs of nutrition.

13 2. The Superintendent of Public Instruction shall deposit with
14 the State Treasurer all money received from the Federal
15 Government or from other sources for programs of nutrition.

16 **Sec. 86.** NRS 387.080 is hereby amended to read as follows:

17 387.080 1. The ~~{State Board}~~ **Department** may enter into
18 agreements with any agency of the Federal Government, any board
19 of trustees of a school district, any governing body of a charter
20 school or any other entity or person. The ~~{State Board}~~ **Department**
21 may establish policies and prescribe regulations, authorize the
22 employment of such personnel and take such other action as it
23 considers necessary to provide for the establishment, maintenance,
24 operation and expansion of any program of nutrition operated by a
25 school district or of any other such program for which state or
26 federal assistance is provided.

27 2. The State Treasurer shall disburse federal, state and other
28 money designated for a program of nutrition on warrants of the State
29 Controller issued upon the order of the Superintendent of Public
30 Instruction pursuant to regulations or policies of the ~~{State Board.}~~
31 **Department.**

32 3. The Superintendent of Public Instruction may:

33 (a) Give technical advice and assistance to any person or entity
34 in connection with the establishment and operation of any program
35 of nutrition.

36 (b) Assist in training personnel engaged in the operation of any
37 program of nutrition.

38 **Sec. 87.** NRS 387.100 is hereby amended to read as follows:

39 387.100 The ~~{State Board of Education}~~ **Department** may, to
40 the extent that money is available for that purpose, and in
41 cooperation with other appropriate agencies and organizations:

42 1. Conduct studies of methods of improving and expanding
43 programs of nutrition and promoting nutritional education in the
44 public schools.



2. Conduct appraisals of the nutritive benefits of programs of nutrition.

Sec. 88. NRS 387.105 is hereby amended to read as follows:

387.105 1. To enable the ~~[State—Board]~~ *Department* to provide for the establishment, maintenance, operation and expansion of programs of nutrition, money must be provided by legislative appropriation from the General Fund as a budgeted part of the appropriation for the support of the Department and must be paid out on claims as other claims against the State are paid.

2. In addition to the amounts provided pursuant to subsection 1, money must be provided by legislative appropriation in an amount that satisfies the amount required as a matching grant from this State for participation in the National School Lunch Program, 42 U.S.C. §§ 1751 et seq., which must be designated as the “Nutrition State Match.” For those school districts that participate in the National School Lunch Program, the amount appropriated must be a reduction in the total amount of basic support calculated for those school districts pursuant to NRS 387.1233 and must be distributed in accordance with NRS 387.124. Each school district receiving money that is designated as a “Nutrition State Match” shall verify that the money is used to support the National School Lunch Program in the public schools located within the school district.

Sec. 89. NRS 387.1211 is hereby amended to read as follows:

387.1211 As used in NRS 387.121 to 387.126, inclusive ~~[H]~~, *and section 81 of this act:*

1. “Average daily attendance” means the total number of pupils attending a particular school each day during a period of reporting divided by the number of days school is in session during that period.

2. “Enrollment” means the count of pupils enrolled in and scheduled to attend programs of instruction of a school district, charter school or university school for profoundly gifted pupils at a specified time during the school year.

3. “Special education program unit” means an organized unit of special education and related services which includes full-time services of persons licensed by the Superintendent of Public Instruction or other appropriate licensing body, providing a program of instruction in accordance with minimum standards prescribed by the ~~[State—Board.]~~ *Department.*

Sec. 90. NRS 387.123 is hereby amended to read as follows:

387.123 1. The count of pupils for apportionment purposes includes all pupils who are enrolled in programs of instruction of the school district, including, without limitation, a program of distance education provided by the school district, pupils who reside in the



1 county in which the school district is located and are enrolled in any
2 charter school, including, without limitation, a program of distance
3 education provided by a charter school, and pupils who are enrolled
4 in a university school for profoundly gifted pupils located in the
5 county, for:

6 (a) Pupils in the kindergarten department.

7 (b) Pupils in grades 1 to 12, inclusive.

8 (c) Pupils not included under paragraph (a) or (b) who are
9 receiving special education pursuant to the provisions of NRS
10 388.440 to 388.520, inclusive.

11 (d) Pupils who reside in the county and are enrolled part-time in
12 a program of distance education provided pursuant to NRS 388.820
13 to 388.874, inclusive.

14 (e) Children detained in facilities for the detention of children,
15 alternative programs and juvenile forestry camps receiving
16 instruction pursuant to the provisions of NRS 388.550, 388.560 and
17 388.570.

18 (f) Pupils who are enrolled in classes pursuant to subsection 4 of
19 NRS 386.560 and pupils who are enrolled in classes pursuant to
20 subsection 5 of NRS 386.580.

21 (g) Pupils who are enrolled in classes pursuant to subsection 3
22 of NRS 392.070.

23 (h) Pupils who are enrolled in classes and taking courses
24 necessary to receive a high school diploma, excluding those pupils
25 who are included in paragraphs (d), (f) and (g).

26 2. The ~~{State Board}~~ **Department** shall establish uniform
27 regulations for counting enrollment and calculating the average
28 daily attendance of pupils. In establishing such regulations for the
29 public schools, the ~~{State Board:}~~ **Department:**

30 (a) Shall divide the school year into 10 school months, each
31 containing 20 or fewer school days, or its equivalent for those public
32 schools operating under an alternative schedule authorized pursuant
33 to NRS 388.090.

34 (b) May divide the pupils in grades 1 to 12, inclusive, into
35 categories composed respectively of those enrolled in elementary
36 schools and those enrolled in secondary schools.

37 (c) Shall prohibit the counting of any pupil specified in
38 subsection 1 more than once.

39 ~~{3. Except as otherwise provided in subsection 4 and NRS~~
40 ~~388.700, the State Board shall establish by regulation the maximum~~
41 ~~pupil teacher ratio in each grade, and for each subject matter~~
42 ~~wherever different subjects are taught in separate classes, for each~~
43 ~~school district of this State which is consistent with:~~

44 ~~—(a) The maintenance of an acceptable standard of instruction;~~



~~—(b) The conditions prevailing in the school district with respect to the number and distribution of pupils in each grade; and~~

~~—(c) Methods of instruction used, which may include educational television, team teaching or new teaching systems or techniques.~~

~~→ If the Superintendent of Public Instruction finds that any school district is maintaining one or more classes whose pupil-teacher ratio exceeds the applicable maximum, and unless the Superintendent finds that the board of trustees of the school district has made every reasonable effort in good faith to comply with the applicable standard, the Superintendent shall, with the approval of the State Board, reduce the count of pupils for apportionment purposes by the percentage which the number of pupils attending those classes is of the total number of pupils in the district, and the State Board may direct the Superintendent to withhold the quarterly apportionment entirely.~~

~~—4. The provisions of subsection 3 do not apply to a charter school, a university school for profoundly gifted pupils or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.]~~

Sec. 91. NRS 387.1233 is hereby amended to read as follows:

387.1233 1. ~~[Except as otherwise provided in subsection 2,~~ **basic]** **Basic** support of each school district must be computed by:

(a) Multiplying the basic support guarantee per pupil established for that school district for that school year by the sum of:

(1) Six-tenths the count of pupils enrolled in the kindergarten department on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year.

(2) The count of pupils enrolled in grades 1 to 12, inclusive, on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year and the count of pupils who are enrolled in a university school for profoundly gifted pupils located in the county.

(3) The count of pupils not included under subparagraph (1) or (2) who are enrolled full-time in a program of distance education provided by that school district or a charter school located within that school district on the last day of the first school month of the school district for the school year.

(4) The count of pupils who reside in the county and are enrolled:



(I) In a public school of the school district and are concurrently enrolled part-time in a program of distance education provided by another school district or a charter school on the last day of the first school month of the school district for the school year, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(II) In a charter school and are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school on the last day of the first school month of the school district for the school year, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(5) The count of pupils not included under subparagraph (1), (2), (3) or (4), who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive, on the last day of the first school month of the school district for the school year, excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.490 on that day.

(6) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.490 on the last day of the first school month of the school district for the school year.

(7) The count of children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570 on the last day of the first school month of the school district for the school year.

(8) The count of pupils who are enrolled in classes for at least one semester pursuant to subsection 4 of NRS 386.560, subsection 5 of NRS 386.580 or subsection 3 of NRS 392.070, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(b) Multiplying the number of special education program units maintained and operated by the amount per program established for that school year.

(c) Adding the amounts computed in paragraphs (a) and (b).

2. ~~If the enrollment of pupils in a school district or a charter school that is located within the school district on the last day of the first school month of the school district for the school year is less~~



~~than or equal to 95 percent of the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for the immediately preceding school year, the largest number from among the immediately preceding 2 school years must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.~~

~~—3. If the enrollment of pupils in a school district or a charter school that is located within the school district on the last day of the first school month of the school district for the school year is more than 95 percent of the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for the immediately preceding school year, the larger enrollment number from the current year or the immediately preceding school year must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.~~

~~—4.] Pupils who are excused from attendance at examinations or have completed their work in accordance with the rules of the board of trustees must be credited with attendance during that period.~~

~~[5.] 3. Pupils who are incarcerated in a facility or institution operated by the Department of Corrections must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the Department of Education.~~

~~[6.] 4. Pupils who are enrolled in courses which are approved by the Department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing basic support pursuant to this section.~~

Sec. 92. NRS 387.124 is hereby amended to read as follows:

387.124 Except as otherwise provided in this section and NRS 387.528:

1. On or before August 1, November 1, February 1 and May 1 of each year, the Superintendent of Public Instruction shall apportion the State Distributive School Account in the State General Fund among the several county school districts, charter schools and university schools for profoundly gifted pupils in amounts approximating one-fourth of their respective yearly apportionments less any amount set aside as a reserve. The apportionment to a school district, computed on a yearly basis, equals the difference between the basic support and the local funds available pursuant to NRS 387.1235, minus all the funds attributable to pupils who reside in the county but attend a charter school, all the funds attributable to pupils who reside in the county and are enrolled full-time or part-time in a program of distance education provided by another school



1 district or a charter school and all the funds attributable to pupils
2 who are enrolled in a university school for profoundly gifted pupils
3 located in the county. No apportionment may be made to a school
4 district if the amount of the local funds exceeds the amount of basic
5 support.

6 2. Except as otherwise provided in subsection 3, the
7 apportionment to a charter school, computed on a yearly basis, is
8 equal to the sum of the basic support per pupil in the county in
9 which the pupil resides plus the amount of local funds available per
10 pupil pursuant to NRS 387.1235 and all other funds available for
11 public schools in the county in which the pupil resides minus all the
12 funds attributable to pupils who are enrolled in the charter school
13 but are concurrently enrolled part-time in a program of distance
14 education provided by a school district or another charter school. If
15 the apportionment per pupil to a charter school is more than the
16 amount to be apportioned to the school district in which a pupil who
17 is enrolled in the charter school resides, the school district in which
18 the pupil resides shall pay the difference directly to the charter
19 school.

20 3. The apportionment to a charter school that is sponsored by
21 the ~~[State Board]~~ **Department** or by a college or university within
22 the Nevada System of Higher Education, computed on a yearly
23 basis, is equal to the sum of the basic support per pupil in the county
24 in which the pupil resides plus the amount of local funds available
25 per pupil pursuant to NRS 387.1235 and all other funds available for
26 public schools in the county in which the pupil resides, minus all
27 funds attributable to pupils who are enrolled in the charter school
28 but are concurrently enrolled part-time in a program of distance
29 education provided by a school district or another charter school.

30 4. In addition to the apportionments made pursuant to this
31 section, an apportionment must be made to a school district or
32 charter school that provides a program of distance education for
33 each pupil who is enrolled part-time in the program. The amount of
34 the apportionment must be equal to the percentage of the total time
35 services are provided to the pupil through the program of distance
36 education per school day in proportion to the total time services are
37 provided during a school day to pupils who are counted pursuant to
38 subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233
39 for the school district in which the pupil resides.

40 5. The governing body of a charter school may submit a
41 written request to the Superintendent of Public Instruction to
42 receive, in the first year of operation of the charter school, an
43 apportionment 30 days before the apportionment is required to be
44 made pursuant to subsection 1. Upon receipt of such a request, the
45 Superintendent of Public Instruction may make the apportionment



1 30 days before the apportionment is required to be made. A charter
2 school may receive all four apportionments in advance in its first
3 year of operation.

4 6. The apportionment to a university school for profoundly
5 gifted pupils, computed on a yearly basis, is equal to the sum of the
6 basic support per pupil in the county in which the university school
7 is located plus the amount of local funds available per pupil
8 pursuant to NRS 387.1235 and all other funds available for public
9 schools in the county in which the university school is located. If the
10 apportionment per pupil to a university school for profoundly gifted
11 pupils is more than the amount to be apportioned to the school
12 district in which the university school is located, the school district
13 shall pay the difference directly to the university school. The
14 governing body of a university school for profoundly gifted pupils
15 may submit a written request to the Superintendent of Public
16 Instruction to receive, in the first year of operation of the university
17 school, an apportionment 30 days before the apportionment is
18 required to be made pursuant to subsection 1. Upon receipt of such a
19 request, the Superintendent of Public Instruction may make the
20 apportionment 30 days before the apportionment is required to be
21 made. A university school for profoundly gifted pupils may receive
22 all four apportionments in advance in its first year of operation.

23 7. The Superintendent of Public Instruction shall apportion, on
24 or before August 1 of each year, the money designated as the
25 "Nutrition State Match" pursuant to NRS 387.105 to those school
26 districts that participate in the National School Lunch Program, 42
27 U.S.C. §§ 1751 et seq. The apportionment to a school district must
28 be directly related to the district's reimbursements for the Program
29 as compared with the total amount of reimbursements for all school
30 districts in this State that participate in the Program.

31 8. If the State Controller finds that such an action is needed to
32 maintain the balance in the State General Fund at a level sufficient
33 to pay the other appropriations from it, the State Controller may pay
34 out the apportionments monthly, each approximately one-twelfth of
35 the yearly apportionment less any amount set aside as a reserve. If
36 such action is needed, the State Controller shall submit a report to
37 the Department of Administration and the Fiscal Analysis Division
38 of the Legislative Counsel Bureau documenting reasons for the
39 action.

40 **Sec. 93.** NRS 387.1245 is hereby amended to read as follows:

41 387.1245 1. The board of trustees of any school district in
42 this State whose estimated receipts from all sources provided by this
43 chapter and chapter 374 of NRS are less than the total estimated
44 receipts from these sources in the final approved budget for the
45 fiscal year, and which cannot therefore provide a minimum program



1 of education and meet its contract obligations, may apply for
2 emergency financial assistance from the State Distributive School
3 Account in the State General Fund.

4 2. The application must be made to the ~~{State Board of~~
5 ~~Education}~~ **Department** in the form prescribed by the
6 Superintendent of Public Instruction, and in accordance with
7 guidelines for evaluating needs for emergency financial assistance
8 as established by the ~~{State Board of Education.}~~ **Department.**

9 3. Before acting on any such application, the ~~{State Board of~~
10 ~~Education}~~ **Department** and *the* State Board of Examiners, jointly,
11 shall determine the difference between the total amount of money
12 appropriated and authorized for expenditure during the current
13 biennium from the State Distributive School Account in the State
14 General Fund and the total amount of money estimated to be
15 payable from that Fund during the biennium, and shall make no
16 distribution in excess of that difference.

17 4. The ~~{State Board of Education}~~ **Department** shall review
18 each application and shall by resolution find the least amount of
19 additional money, if any, which it deems necessary to enable the
20 board of trustees of the applying school district to provide a
21 minimum educational program and meet its irreducible contract
22 obligations. In making this determination, the ~~{State Board of~~
23 ~~Education}~~ **Department** shall consider also the amount available in
24 the State Distributive School Account in the State General Fund and
25 the anticipated amount of future applications, so that no deserving
26 school district will be wholly denied relief. Any money allocated by
27 the ~~{State Board of Education}~~ **Department** under this section may
28 not exceed, when added to all other estimated resources, the total
29 estimated receipts in the final approved budget of the applying
30 school district for the fiscal year.

31 5. If the ~~{State Board of Education}~~ **Department** finds that
32 emergency assistance should be granted to an applying school
33 district, it shall transmit its resolution finding the amount to the
34 State Board of Examiners, along with a report of its then current
35 estimate of the total requirements to be paid from the State
36 Distributive School Account in the State General Fund during the
37 then current fiscal year.

38 6. The State Board of Examiners shall independently review
39 each resolution so transmitted by the ~~{State Board of Education.}~~
40 **Department**, may require the submission of such additional
41 justification as it deems necessary, and shall find by resolution the
42 amount of emergency assistance, if any, to be granted. The Board
43 may defer, and subsequently grant or deny, any part of a request.
44 Any emergency assistance granted by the State Board of Examiners
45 may not exceed, when added to all other estimated resources, the



1 total estimated receipts in the final approved budget of the applying
2 school district for the fiscal year.

3 7. The State Board of Examiners shall transmit one copy of its
4 finding to the ~~[State Board of Education]~~ **Department** and one copy
5 to the State Controller. A claim pursuant to a grant of emergency
6 assistance must be paid from the State Distributive School Account
7 in the State General Fund as other claims against the State are paid.

8 8. Money received by a school district pursuant to a grant of
9 relief may be expended only in accordance with the approved
10 budget of that school district for the fiscal year for which the grant is
11 made. No formal action to incorporate the money so received in the
12 approved budget is required, but the receipts must be reported as
13 other receipts are reported and explained in a footnote as medium-
14 term obligations are explained.

15 9. The ~~[State Board of Education]~~ **Department** shall transmit to
16 the Legislature a report of each grant of emergency assistance paid
17 pursuant to this section.

18 **Sec. 94.** NRS 387.126 is hereby amended to read as follows:

19 387.126 The Superintendent of Public Instruction may in his or
20 her discretion ~~[and shall when so directed by the State Board]~~ verify
21 by independent audit or other suitable examination the reports of
22 enrollment and daily attendance submitted by any school district,
23 charter school or university school for profoundly gifted pupils for
24 apportionment purposes.

25 **Sec. 95.** NRS 387.303 is hereby amended to read as follows:

26 387.303 1. Not later than November 10 of each year, the
27 board of trustees of each school district shall submit to the
28 Superintendent of Public Instruction and the Department of
29 Taxation a report which includes the following information:

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

41 (b) The school district's actual expenditures in the fiscal year
42 immediately preceding the report.

43 (c) The school district's proposed expenditures for the current
44 fiscal year.



(d) The schedule of salaries for licensed employees in the current school year and a statement of whether the negotiations regarding salaries for the current school year have been completed. If the negotiations have not been completed at the time the schedule of salaries is submitted, the board of trustees shall submit a supplemental report to the Superintendent of Public Instruction upon completion of negotiations or the determination of an arbitrator concerning the negotiations that includes the schedule of salaries agreed to or required by the arbitrator.

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

(f) The number of employees eligible for health insurance within the school district for the current and preceding fiscal years and the amount paid for health insurance for each such employee during those years.

(g) The rates for fringe benefits, excluding health insurance, paid by the school district for its licensed employees in the preceding and current fiscal years.

(h) The amount paid for extra duties, supervision of extracurricular activities and supplemental pay and the number of employees receiving that pay in the preceding and current fiscal years.

(i) The expenditures from the account created pursuant to subsection 4 of NRS 179.1187. The report must indicate the total amount received by the district in the preceding fiscal year and the specific amount spent on books and computer hardware and software for each grade level in the district.

2. On or before November 25 of each year, the Superintendent of Public Instruction shall submit to the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau, in a format approved by the Director of the Department of Administration, a compilation of the reports made by each school district pursuant to subsection 1.

3. In preparing the agency biennial budget request for the State Distributive School Account for submission to the Department of Administration, the Superintendent of Public Instruction:

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



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

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

(d) May consider the cost of enhancements to existing programs or the projected cost of proposed new educational programs, regardless of whether those enhancements or new programs are included in the per pupil basic support guarantee for inclusion in the biennial budget request to the Department of Administration; and

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

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

5. The request prepared pursuant to subsection 3 must:

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

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

Sec. 96. NRS 387.304 is hereby amended to read as follows:

387.304 The Department shall:

1. Conduct an annual audit of the count of pupils for apportionment purposes reported by each school district pursuant to NRS 387.123 . ~~{and the data reported by each school district pursuant to NRS 388.710 that is used to measure the effectiveness of the implementation of a plan developed by each school district to reduce the pupil teacher ratio as required by NRS 388.720.}~~

2. Review each school district's report of the annual audit conducted by a public accountant as required by NRS 354.624, and the annual report prepared by each district as required by NRS 387.303, and report the findings of the review to the State Board and the Legislative Committee on Education, with any recommendations for legislation, revisions to regulations or training needed by school



1 district employees. The report by the Department must identify
2 school districts which failed to comply with any statutes or
3 administrative regulations of this State or which had any:

4 (a) Long-term obligations in excess of the general obligation
5 debt limit;

6 (b) Deficit fund balances or retained earnings in any fund;

7 (c) Deficit cash balances in any fund;

8 (d) Variances of more than 10 percent between total general
9 fund revenues and budgeted general fund revenues; or

10 (e) Variances of more than 10 percent between total actual
11 general fund expenditures and budgeted total general fund
12 expenditures.

13 3. In preparing its biennial budgetary request for the State
14 Distributive School Account, consult with the superintendent of
15 schools of each school district or a person designated by the
16 superintendent.

17 4. Provide, in consultation with the Budget Division of the
18 Department of Administration and the Fiscal Analysis Division of
19 the Legislative Counsel Bureau, training to the financial officers of
20 school districts in matters relating to financial accountability.

21 **Sec. 97.** NRS 387.510 is hereby amended to read as follows:

22 387.510 1. Whenever a county is abolished as provided in
23 Section 36 of Article IV of the Constitution of the State of Nevada
24 and NRS 243.420 to 243.455, inclusive, the county school district
25 whose boundaries are conterminous with the boundaries of the
26 county abolished shall, by such action, also be abolished.

27 2. When all of the territory of an abolished county is included
28 within the territory of an existing county, the territory of the
29 abolished county school district shall be included within the county
30 school district whose boundaries are conterminous with the
31 boundaries of the existing county.

32 3. When all of the territory of an abolished county is included
33 within the territory of two or more existing counties, the territory of
34 the abolished county school district shall be included within the
35 territory of the county school districts whose boundaries are
36 conterminous with the boundaries of the existing counties.

37 4. When a portion of a county is detached and annexed to
38 another county, that portion so detached and annexed shall become a
39 part of the county school district whose boundaries are
40 conterminous with the boundaries of the county to which the portion
41 is annexed.

42 5. When territory is taken from one county school district and
43 annexed to another, the territory becomes liable to taxation for the
44 bonded indebtedness of the district to which it is annexed.



6. The ~~[State Board of Education]~~ *Department* shall, by order entered on its minutes, within 60 days after the changes, determine what proportion of the outstanding bonded indebtedness of the county school district, from which territory was taken, was incurred for the acquisition or improvement of school sites, buildings or fixtures situated in the territory transferred. The district to which the territory was annexed shall thereupon become liable for the proportion of the indebtedness so determined.

Sec. 98. NRS 387.613 is hereby amended to read as follows:

387.613 1. Except as otherwise provided in NRS 387.607, each school district must undergo a review pursuant to NRS 387.602 to 387.644, inclusive, every 6 years unless the school district is granted an exemption from a review pursuant to NRS 387.631 or 387.639. The reviews must be conducted in even-numbered years to ensure compliance with the deadlines set forth in NRS 387.602 to 387.644, inclusive.

2. To ensure compliance with subsection 1, the Legislative Auditor shall, on or before February 1 of each odd-numbered year, submit a written list to the Director of the Legislative Counsel Bureau for transmission to the Legislature identifying each school district that the Legislative Auditor recommends for review in the next even-numbered year. The Legislature may, by concurrent resolution, accept the recommendations of the Legislative Auditor or revise the recommendations of the Legislative Auditor and select each school district to be reviewed in the next even-numbered year.

3. If a concurrent resolution is adopted pursuant to subsection 2, the Legislative Auditor shall, on or before September 1 after adoption of the resolution, issue a request for proposals, in accordance with any applicable procedures of the Legislative Counsel Bureau, for a qualified, independent consultant to conduct a review of each school district selected for a review. A consultant:

(a) Must be located outside this State and have previous experience with auditing school districts or otherwise reviewing school districts based upon the management principles;

(b) Must possess expertise and knowledge about the management principles;

(c) Must be capable of performing the requirements of NRS 387.602 to 387.644, inclusive, with integrity, objectivity and independence; and

(d) Must not be regularly engaged with or doing business with a school district in this State.

4. The Legislative Auditor shall ensure that the request for proposals includes, without limitation:



(a) The scope of the review, which must include an evaluation and determination of whether the school district is successfully carrying out the management principles;

(b) A requirement that the consultant adhere to a standardized format for each review that it conducts, including, without limitation, a standard and consistent format for presentation of the data, information and results of each review; and

(c) A requirement that the consultant include on the team that will conduct the review at least one person who has experience with auditing school districts or otherwise reviewing school districts in accordance with the management principles.

5. The Legislative Auditor shall review the proposals of applicants and prepare a list of those applicants that, in the determination of the Legislative Auditor, are the most qualified and capable of performing the requirements of NRS 387.602 to 387.644, inclusive, with a ranking provided for each applicant. On or before November 15, the Legislative Auditor shall submit the list and rankings of qualified applicants to the ~~{State Board,}~~ **Department**. On or before January 1 of the even-numbered year in which the review will be conducted, the ~~{State Board,}~~ **Department** shall select a consultant from the list submitted by the Legislative Auditor. Upon selection by the ~~{State Board,}~~ **Department**, the Legislative Counsel Bureau shall prepare a written agreement between the Bureau and the consultant in accordance with any applicable procedures of the Bureau. The consultant shall commence the review of each school district selected for a review not later than February 1.

6. The ~~{State Board,}~~ **Department** is responsible for monitoring the performance of the consultant and authorizing payments to the consultant. Upon authorization of the ~~{State Board,}~~ **Department**, the Legislative Counsel Bureau shall make the payments to the consultant. The oversight committee established pursuant to NRS 387.618 shall assist the ~~{State Board,}~~ **Department** in monitoring the performance of the consultant.

7. If a school district is selected for a review, the board of trustees of the school district shall conduct a self-assessment at least 60 days before the commencement of the review by the consultant. The self-assessment must include a review of the areas prescribed in subsection 2 of NRS 387.622 based upon the management principles. The results of the self-assessment must be submitted to the Department for transmission to the consultant not later than the date on which the review is commenced. The consultant shall use the self-assessment in the review of the school district.



Sec. 99. NRS 387.618 is hereby amended to read as follows:

387.618 1. If a school district is selected for a review, an oversight committee must be established to assist the consultant in the process of the review for that school district. Each oversight committee must consist of:

(a) One member of the general public, appointed by the Speaker of the Assembly;

(b) One member of the general public, appointed by the Majority Leader of the Senate;

(c) One ~~[member]~~ *representative* of the ~~[State Board,]~~ *Department*, appointed by the ~~[President of the State Board,]~~ *Superintendent of Public Instruction;*

(d) One member of the board of trustees of the school district, appointed by the president of that board;

(e) One member of a parent-teacher association located within the school district who has at least one child enrolled in a public school within the district, appointed by the Governor;

(f) One representative of:

(1) The Nevada State Education Association, appointed by the President of that Association; or

(2) At the discretion of the President of the Nevada State Education Association, one representative of a recognized employee organization representing licensed educational personnel within the school district, appointed by a designated representative of that employee organization; and

(g) One school administrator who is employed by the school district to provide administrative service at an individual school and not to provide service at the district level, appointed by the President of the Nevada Association of School Administrators.

2. An oversight committee established pursuant to subsection 1 shall monitor the progress of the consultant in conducting the review in accordance with NRS 387.602 to 687.644, inclusive, including, without limitation, requesting periodic reports from the consultant on the status of the evaluation.

Sec. 100. NRS 387.631 is hereby amended to read as follows:

387.631 1. The consultant shall complete the review of a school district within 6 months after the date on which the review is commenced. The consultant shall prepare a final written report of the review that:

(a) Is documented by sufficient, competent and relevant evidence to provide a reasonable basis for the findings and conclusions of the consultant.

(b) If the consultant determines that the school district is not successfully carrying out the management principles in one or more of the areas set forth in subsection 2 of NRS 387.622, includes a



1 plan for corrective action for the school district to carry out
2 successfully the management principles in each area within 2 years.

3 The plan must:

4 (1) Be logically connected to and substantiated by the results
5 of the review;

6 (2) Be specific and detailed; and

7 (3) Identify methods for the school district to reduce its costs
8 and expenses.

9 (c) Includes the written response of the school district prepared
10 pursuant to subsection 2.

11 2. The consultant shall furnish a copy of the preliminary report
12 of the review to the superintendent of schools of the school district
13 or the superintendent's designee and discuss the report with the
14 superintendent or the superintendent's designee. Within 30 days
15 after receipt of the preliminary report, the superintendent or the
16 superintendent's designee shall prepare a written response to the
17 preliminary report that includes a statement of explanation or
18 rebuttal of any findings contained in the preliminary report. The
19 consultant shall include the written response of the school district in
20 his or her final written report submitted pursuant to subsection 1.

21 3. The final written report of the consultant must be submitted
22 to the board of trustees of the school district, the State Board, *the*
23 *Department*, the Legislative Auditor and the Director of the
24 Legislative Counsel Bureau for transmission to the Legislature
25 within 60 days after the review is complete.

26 4. If the consultant determines that a school district is
27 successfully carrying out the management principles for each of the
28 areas set forth in subsection 2 of NRS 387.622, the school district is
29 exempt from its next 6-year review unless the Legislature
30 subsequently determines that the conditions or circumstances
31 occurring within the school district warrant another review pursuant
32 to NRS 387.602 to 387.644, inclusive. If a school district is exempt
33 pursuant to this subsection, the exemption is valid for only one
34 review and the school district must undergo a review at least once
35 every 12 years.

36 5. The preliminary report is confidential until the final report is
37 submitted. After the final written report is submitted, the
38 preliminary report and the final report must be made available to the
39 general public.

40 **Sec. 101.** NRS 387.636 is hereby amended to read as follows:

41 387.636 1. Upon receipt of a final written report pursuant to
42 NRS 387.631, the board of trustees of the school district shall hold a
43 public meeting to review the findings and recommendations of the
44 consultant. The consultant or the consultant's designee must be
45 present at the meeting and available for discussion and questions.



* S B 7 0 *

2. Except as otherwise provided in subsection 3, not later than 90 days after the issuance of the final written report, the board of trustees of the school district shall vote on whether to adopt the plan for corrective action if such a plan is recommended by the consultant. The superintendent of schools of the school district shall provide written notice of the outcome of the vote to the State Board, *the Department*, the Legislative Auditor and the Director of the Legislative Counsel Bureau for transmission to the Legislature. The board of trustees of a school district may vote to reverse a decision not to adopt a plan for corrective action if sufficient time remains, as determined by the board of trustees, to carry out the management principles within 2 years after the issuance of the final report.

3. If the board of trustees of a school district does not vote on whether to adopt a plan for corrective action within 90 days after the issuance of the final written report, the:

(a) Superintendent of schools of the school district shall provide written notice to the State Board, *the Department*, the Legislative Auditor and the Director of the Legislative Counsel Bureau for transmission to the Legislature; *and*

(b) Department may assess the situation and contact the members of the board of trustees to urge the board to take a vote ~~and~~

~~—(c) State Board]~~ *and* may allow an additional 30 days for the board of trustees to vote on the plan.

4. If the board of trustees of the school district does not vote on a plan for corrective action or if the board of trustees votes not to adopt a plan for corrective action, the members of the board of trustees may be required to appear and present testimony before the Legislature or a standing committee of the Legislature to examine any justification of the failure of the board of trustees to vote on the plan or to adopt the plan, as applicable.

Sec. 102. NRS 387.639 is hereby amended to read as follows:

387.639 1. If the board of trustees of a school district adopts a plan for corrective action, the board of trustees of the school district shall prepare, on or before February 1:

(a) A written progress report for submission, in the even-numbered year after the plan is adopted, to the State Board, *the Department*, the Legislative Committee on Education and the Legislative Auditor.

(b) A final written report for submission, in the odd-numbered year after the plan is adopted, to the State Board, *the Department*, the Legislative Auditor and the Director of the Legislative Counsel Bureau for transmission to the Legislature.

2. The written progress report and the final written report must indicate the extent to which the plan has been carried out, the extent



1 to which the plan has not been carried out and the reasons for any
2 failure to carry out the plan.

3 3. Upon receipt of the final written report of the school district,
4 the Legislative Auditor shall:

5 (a) Review the report and the plan for corrective action;

6 (b) Determine whether the school district successfully carried
7 out the plan for corrective action and complies with the management
8 principles for each of the areas set forth in subsection 2 of NRS
9 387.622; and

10 (c) Submit a written report of the determination of the Auditor
11 to the Legislature, including a recommendation whether the school
12 district should be granted an exemption from its next 6-year review.

13 4. The Legislature or a standing committee of the Legislature
14 may:

15 (a) Review the reports submitted pursuant to this section and the
16 written determination of the Legislative Auditor; and

17 (b) Conduct hearings to examine any justification for the failure
18 of a school district to carry out successfully the management
19 principles or to fully carry out the plan for corrective action.

20 5. The Legislature may, by concurrent resolution, determine
21 that the school district complies with the management principles and
22 grant an exemption to the school district from its next 6-year review.
23 If a school district is exempt pursuant to this subsection, the
24 exemption is valid for only one review and the school district must
25 undergo a review at least once every 12 years.

26 **Sec. 103.** NRS 387.644 is hereby amended to read as follows:

27 387.644 1. If a school district is granted an exemption
28 pursuant to NRS 387.631 or 387.639, the board of trustees of the
29 school district shall provide written notice for each year that the
30 exemption applies which includes:

31 (a) A determination of whether the school district continues to
32 carry out the management principles; and

33 (b) Any changes in the policies or operations of the school
34 district or any other circumstances occurring in the school district
35 that do not conform to the management principles.

36 2. The written notice must be submitted on or before January 1
37 to:

38 (a) In even-numbered years, the State Board, *the Department*,
39 the Legislative Committee on Education and the Legislative
40 Auditor.

41 (b) In odd-numbered years, the State Board, *the Department*,
42 the Legislative Auditor and the Director of the Legislative Counsel
43 Bureau for transmission to the Legislature.



Sec. 104. NRS 388.020 is hereby amended to read as follows:

388.020 1. An elementary school is a public school in which grade work is not given above that included in the eighth grade, according to the regularly adopted state course of study.

2. A junior high or middle school is a public school in which the sixth, seventh, eighth and ninth grades are taught under a course of study prescribed and approved by the ~~{State Board.}~~ **Department.** The school is an elementary or secondary school for the purpose of the licensure of teachers.

3. A high school is a public school in which subjects above the eighth grade, according to the state course of study, may be taught. The school is a secondary school for the purpose of the licensure of teachers.

4. A special school is an organized unit of instruction operating with approval of the ~~{State Board.}~~ **Department.**

5. A charter school is a public school that is formed pursuant to the provisions of NRS 386.500 to 386.610, inclusive.

6. A university school for profoundly gifted pupils is a public school established pursuant to NRS 392A.010 to 392A.110, inclusive.

Sec. 105. NRS 388.030 is hereby amended to read as follows:

388.030 The board of trustees of a school district may divide the public schools within the school district into kindergarten, elementary, high school and other permissible departments, and shall employ competent and legally qualified teachers for the instruction of the different departments, if:

1. The division into departments is in accordance with the state courses of study and regulations of the ~~{State Board of Education.}~~ **Department;** and

2. There is money for all of the departments, or if money is not available for all of the departments, the division is made in the order in which the departments are named in this section.

Sec. 106. NRS 388.090 is hereby amended to read as follows:

388.090 1. Except as otherwise provided in this section, boards of trustees of school districts shall schedule and provide a minimum of 180 days of free school in the districts under their charge.

2. Except for an alternative schedule described in subsection 3, the Superintendent of Public Instruction may, upon application by the board of trustees of a school district, authorize the school district to provide a program of instruction based on an alternative schedule if the number of minutes of instruction to be provided is equal to or greater than the number of minutes of instruction that would be provided in a program of instruction consisting of 180 school days. The Superintendent of Public Instruction shall notify the board of



1 trustees of the school district of the approval or denial of the
2 application not later than 30 days after the Superintendent of Public
3 Instruction receives the application. An alternative schedule
4 proposed pursuant to this subsection must be developed in
5 accordance with chapter 288 of NRS. If a school district is located
6 in a county whose population is 100,000 or more, the board of
7 trustees of the school district may not submit an application
8 pursuant to this subsection unless the proposed alternative schedule
9 of the school district:

10 (a) Will apply only to a rural portion or a remote portion of the
11 county in which the school district is located, as defined by the
12 ~~[State Board]~~ Department pursuant to subsection 9; or

13 (b) Is designed solely for the purpose of providing regular
14 professional development to educational personnel and such
15 professional development is focused on analyzing and discussing
16 measures of the performance of pupils and identifying appropriate
17 instructional strategies to improve the achievement of pupils.

18 3. The Superintendent of Public Instruction may, upon
19 application by the board of trustees of a school district, authorize a
20 reduction of not more than 15 school days in that particular district
21 to establish or maintain an alternative schedule consisting of a
22 12-month school program if the board of trustees demonstrates that
23 the proposed alternative schedule for the program provides for a
24 number of minutes of instruction that is equal to or greater than that
25 which would be provided under a program consisting of 180 school
26 days. Before authorizing a reduction in the number of required
27 school days pursuant to this subsection, the Superintendent of Public
28 Instruction must find that the proposed alternative schedule will be
29 used to alleviate problems associated with a growth in enrollment or
30 overcrowding.

31 4. The Superintendent of Public Instruction may, upon
32 application by a board of trustees, authorize the addition of minutes
33 of instruction to any scheduled day of free school if days of free
34 school are lost because of any interscholastic activity. Not more than
35 5 days of free school so lost may be rescheduled in this manner. The
36 provisions of this subsection do not apply to an alternative schedule
37 approved pursuant to subsection 2.

38 5. The number of minutes of instruction required for a
39 particular group of pupils in a program of instruction based on an
40 alternative schedule approved pursuant to this section must be
41 determined by multiplying the appropriate minimum daily period of
42 instruction established by the ~~[State Board]~~ Department by
43 regulation for that particular group of pupils by 180.

44 6. Each school district shall schedule at least 3 contingent days
45 of school, or its equivalent if the school district operates under an



1 alternative schedule authorized pursuant to this section, in addition
2 to the number of days required by this section, which must be used
3 if a natural disaster, inclement weather or an accident necessitates
4 the closing of a majority of the facilities within the district. The 3
5 contingent days of school, or its equivalent, may be scheduled as:

6 (a) Full days of school;

7 (b) An equivalent number of minutes of instruction added to any
8 scheduled day of instruction, except that the minutes added must not
9 be less than 30 minutes per school day; or

10 (c) Any combination thereof.

11 7. If more than 3 days of free school or minutes of instruction
12 equaling 3 days of free school, or the equivalent if the school district
13 operates under an alternative schedule authorized pursuant to this
14 section, are lost because a natural disaster, inclement weather or an
15 accident necessitates the closing of a majority of the facilities within
16 a school district, the Superintendent of Public Instruction, upon
17 application by the school district, may permit the additional days or
18 equivalent minutes of instruction lost to be counted as school days
19 in session. The application must be submitted in the manner
20 prescribed by the Superintendent of Public Instruction.

21 8. The Superintendent of Public Instruction may, upon
22 application by the board of trustees of a school district, authorize
23 additional days or minutes of instruction for a program of remedial
24 education that is fully paid for through the school district, including,
25 without limitation, the provision of transportation. If the
26 Superintendent of Public Instruction authorizes such additional days
27 or minutes, the board of trustees may adopt a policy prescribing the
28 minimum number of days of attendance or the minimum number of
29 minutes of attendance for a pupil who is determined to need such
30 remedial education. If the board of trustees adopts such a policy, the
31 policy must include, without limitation, the criteria for determining
32 that a pupil be enrolled in the program of remedial education, the
33 procedure pursuant to which parents and guardians will be notified
34 of the pupil's progress throughout the school year and a process for
35 appealing a determination regarding a pupil's need for remedial
36 education.

37 9. The ~~[State Board]~~ *Department* shall adopt regulations:

38 (a) Providing procedures for changing schedules of instruction
39 to be used if a natural disaster, inclement weather or an accident
40 necessitates the closing of a particular school within a school
41 district.

42 (b) Defining a rural portion of a county and a remote portion of
43 a county for the purposes of subsection 2.



Sec. 107. NRS 388.340 is hereby amended to read as follows:

388.340 ~~[(1.) The Superintendent of Public Instruction shall serve as Executive Officer of the State Board for Career and Technical Education.~~

~~2. The Executive Officer]~~ shall:

~~[(a)]~~ 1. Employ personnel for such positions *within the limits of available funds* as are ~~[approved by the State Board for Career and Technical Education and]~~ necessary to carry out properly the provisions of this title relating to career and technical education.

~~[(b)]~~ 2. Carry into effect the *policies and* regulations ~~[of the State Board for Career and Technical Education.~~

~~[(c) Maintain an office for the Board.~~

~~[(d) Keep all records of the Board in the office of the Board.]~~
adopted pursuant to NRS 388.360.

Sec. 108. NRS 388.360 is hereby amended to read as follows:

388.360 The ~~[State Board for Career and Technical Education]~~
Department may:

1. Cooperate with any federal agency, board or department designated to administer the Acts of Congress apportioning federal money to the State of Nevada for career and technical education.

2. Establish policies and adopt regulations for the administration of any legislation enacted pursuant thereto by the State of Nevada.

3. Establish policies and adopt regulations for the administration of money provided by the Federal Government and the State of Nevada for the promotion, extension and improvement of career and technical education in Nevada.

4. Establish policies or regulations and formulate plans for the promotion of career and technical education in such subjects as are an essential and integral part of the system of public education in the State of Nevada.

5. Establish policies to provide for the preparation of teachers of such programs and subjects.

6. Approve positions for such persons as may be necessary to administer the federal act and provisions of this title enacted pursuant thereto for the State of Nevada.

~~7. [Direct its Executive Officer to make]~~ *Make* studies and investigations relating to career and technical education.

8. Establish policies to promote and aid in the establishment by local communities of schools, departments or classes giving training in career and technical subjects.

9. Cooperate with local communities in the maintenance of such schools, departments or classes.

10. Prescribe qualifications for the teachers, directors and supervisors of career and technical subjects.



11. Provide for the certification of such teachers, directors and supervisors.

12. Establish policies or regulations to cooperate in the maintenance of classes supported and controlled by the public for the preparation of the teachers, directors and supervisors of career and technical subjects, or maintain such classes under its own direction and control.

13. Establish by regulation the qualifications required for persons engaged in the training of teachers for career and technical education.

Sec. 109. NRS 388.365 is hereby amended to read as follows:

388.365 1. All gifts of money which the ~~{State Board for Career and Technical Education}~~ *Department* is authorized to accept *for career and technical education* must be deposited in a permanent trust fund in the State Treasury designated as the Gift Fund for Career and Technical Education.

2. The money available in the Fund must be used only for the purpose specified by the donor, within the scope of the ~~{Board's}~~ powers and duties ~~{}~~ *of the Department*. The ~~{Board}~~ *Department* may adopt regulations or establish policies for the disbursement of money from the Fund in accordance with the terms of the gift or bequest on warrants of the State Controller issued upon the orders of the ~~{Executive Officer of the State Board for Career and Technical Education.}~~ *Superintendent of Public Instruction*. Any expenditures pursuant to this section may include matching state and federal money available for career and technical education.

3. If all or part of the money accepted by the ~~{Board}~~ *Department* from a donor is not expended before the end of the fiscal year in which the gift was accepted, the remaining balance of the amount donated must remain in the Fund until needed for the purpose specified by the donor.

Sec. 110. NRS 388.370 is hereby amended to read as follows:

388.370 The ~~{Executive Officer of the State Board for Career and Technical Education}~~ *Superintendent of Public Instruction* shall make a report biennially to the Governor ~~{}~~ *relating to career and technical education*.

Sec. 111. NRS 388.380 is hereby amended to read as follows:

388.380 1. Except as otherwise provided in subsection 3, the board of trustees of a school district in a county whose population is 100,000 or more shall and any other board of trustees of a school district may:

(a) Establish and maintain a program of career and technical education giving instruction in the subjects approved by the ~~{State Board for Career and Technical Education.}~~ *Department*.



(b) Raise and expend money for the establishment and maintenance of a program of career and technical education.

2. A pupil who successfully completes a program of career and technical education and who otherwise satisfies the requirements for graduation from high school must be awarded a high school diploma with an endorsement indicating that the pupil has successfully completed the program of career and technical education. The provisions of this subsection do not preclude a pupil from receiving more than one endorsement on his or her diploma, if applicable.

3. The board of trustees of each school district shall incorporate into the curriculum:

(a) Guidance and counseling in career and technical education in accordance with NRS 389.180; and

(b) Technology.

4. The ~~{State Board for Career and Technical Education}~~ *Department* shall adopt regulations prescribing the endorsement of career and technical education for a high school diploma.

Sec. 112. NRS 388.385 is hereby amended to read as follows:

388.385 1. If the board of trustees of a school district has established a program of career and technical education pursuant to NRS 388.380 and to the extent that money is available from this State or the Federal Government, the superintendent of schools of the school district shall appoint an advisory technical skills committee consisting of:

(a) Representatives of businesses and industries in the community;

(b) Employees of the school district who possess knowledge and experience in career and technical education;

(c) Pupils enrolled in public schools in the school district;

(d) Parents and legal guardians of pupils enrolled in public schools in the school district;

(e) To the extent practicable, representatives of postsecondary educational institutions that provide career and technical education; and

(f) Other interested persons.

2. An advisory technical skills committee established pursuant to subsection 1 shall:

(a) Review the curriculum, design, content and operation of the program of career and technical education to determine its effectiveness in:

(1) Preparing pupils enrolled in the program to enter the workforce and meeting the needs of supplying an appropriately trained workforce to businesses and industries in the community; and



(2) Complying with the provisions of NRS ~~388.330~~ 388.340 to 388.400, inclusive, and any regulations adopted pursuant thereto.

(b) Advise the school district regarding the curriculum, design, content, operation and effectiveness of the program of career and technical education.

(c) Provide technical assistance to the school district in designing and revising as necessary the curriculum for the program of career and technical education.

(d) In cooperation with businesses, industries, employer associations and employee organizations in the community, develop work-based experiences for pupils enrolled in the program of career and technical education. The work-based experiences must:

(1) Be designed:

(I) For pupils enrolled in grades 11 and 12, but may be offered to pupils enrolled in grades 9 and 10 upon the approval of the principal of the school where the program is offered.

(II) To prepare and train pupils to work as apprentices in business settings.

(2) Allow a pupil to earn academic credit for the work-based experience.

(e) Meet at least three times each calendar year.

(f) Provide to the superintendent of schools of the school district any recommendations regarding the program of career and technical education and any actions of the committee.

(g) Comply with the provisions of chapter 241 of NRS.

3. The members of an advisory technical skills committee serve without compensation.

Sec. 113. NRS 388.390 is hereby amended to read as follows:

388.390 If the board of trustees of a school district or the governing body of a charter school organizes a program of career and technical education in accordance with the regulations adopted by the ~~{State Board for Career and Technical Education}~~ Department and the program has been approved by the ~~{Executive Officer of the Board,}~~ Superintendent of Public Instruction, the school district or the charter school is entitled to share in federal and state money available for the promotion of career and technical education in the amount determined by the ~~{Executive Officer of the Board,}~~ Superintendent of Public Instruction, in accordance with the regulations and policies of the ~~{Board,}~~ Department.

Sec. 114. NRS 388.400 is hereby amended to read as follows:

388.400 1. The money for career and technical education must be provided for and raised in the manner specified in NRS 387.050 and ~~388.330~~ 388.340 to 388.400, inclusive.



2. The State Treasurer is the custodian of the money and shall make disbursements therefrom on warrants of the State Controller issued upon the order of the ~~[Executive Officer of the State Board for Career and Technical Education.]~~ *Superintendent of Public Instruction.*

Sec. 115. NRS 388.405 is hereby amended to read as follows:

388.405 The ~~[State Board]~~ *Department* shall:

1. Establish a program to teach the English language to pupils who are limited English proficient.

2. Adopt regulations to carry out the program. The regulations must prescribe the procedure by which a school district may obtain a waiver from the requirements of the program.

3. Submit all evaluations required pursuant to 20 U.S.C. §§ 6801 et seq. and the regulations adopted pursuant thereto regarding the programs for pupils who are limited English proficient carried out pursuant to that provision of federal law to the:

(a) Governor;

(b) Committee; *and*

(c) ~~[Bureau; and~~

~~—(d)]~~ Board of trustees of each school district.

Sec. 116. NRS 388.450 is hereby amended to read as follows:

388.450 1. The Legislature declares that the basic support guarantee for each special education program unit established by law for each school year establishes financial resources sufficient to ensure a reasonably equal educational opportunity to pupils with disabilities and gifted and talented pupils residing in Nevada.

2. Subject to the provisions of NRS 388.440 to 388.520, inclusive, the board of trustees of each school district shall make such special provisions as may be necessary for the education of pupils with disabilities and gifted and talented pupils.

3. The board of trustees of a school district in a county whose population is less than 400,000 may provide early intervening services. Such services must be provided in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the regulations adopted pursuant thereto.

4. The board of trustees of a school district shall establish uniform criteria governing eligibility for instruction under the special education programs provided for by NRS 388.440 to 388.520, inclusive. The criteria must prohibit the placement of a pupil in a program for pupils with disabilities solely because the pupil is a disciplinary problem in school. The criteria are subject to such standards as may be prescribed by the ~~[State Board.]~~

Department.



Sec. 117. NRS 388.470 is hereby amended to read as follows:

388.470 1. Before any child is placed in a special program for pupils with disabilities or gifted and talented pupils:

(a) A consultation must be held with the child's parents or guardian.

(b) An examination must be conducted for the purpose of finding the extent to which the child deviates from normal growth and development patterns. The examination must be conducted in accordance with standards prescribed by the ~~[State Board.]~~

Department.

2. A psychiatrist may be consulted in any specific case when the board of trustees of a school district deems it necessary.

3. The board of trustees of a school district or the governing body of a charter school shall not place a child or authorize the placement of a child in a program for pupils with disabilities solely because the child is a disciplinary problem in school.

4. Pursuant to the provisions of NRS 392C.010, a child with a disability who transfers to a school in this State from a school inside or outside this State because of the military transfer of the parent or legal guardian of the child must initially be provided services that are comparable to the services the child received at his or her previous school under his or her current individualized education program until the placement of the child is determined pursuant to this section.

Sec. 118. NRS 388.493 is hereby amended to read as follows:

388.493 1. A parent of a pupil with a disability may, at least 90 days before the pupil attains 18 years of age, submit an application to the school district or the charter school in which the pupil is enrolled to appoint the parent to represent the educational interests of the pupil if:

(a) The parent believes that the pupil does not have the ability to provide informed consent with respect to the pupil's own educational program; and

(b) The status of the pupil is such, as determined in accordance with the regulations adopted pursuant to subsection 5, that the parent is authorized to submit such an application.

2. The application must be submitted on a concise form prescribed by the Department. The application:

(a) Must not be unduly burdensome on the parent to fill out; and

(b) Must not require the pupil to sign the application or otherwise require the pupil to grant permission for the parent to represent the pupil's educational interests.

3. If the school district or charter school grants an application, the parent shall continue to represent the educational interests of the pupil until:



1 (a) The pupil receives a standard high school diploma or an
2 adjusted diploma;

3 (b) The pupil is no longer enrolled in a program of special
4 education pursuant to NRS 388.440 to 388.5317, inclusive; or

5 (c) The parent elects to transfer the right to represent educational
6 interests to the pupil.

7 4. A parent or a pupil may appeal a determination made
8 pursuant to this section in accordance with the procedure used by
9 the Department for administrative complaints.

10 5. The ~~[State Board]~~ *Department* shall adopt regulations to
11 carry out this section and NRS 388.492, including, without
12 limitation, the establishment of criteria for determining whether the
13 status of a pupil with a disability is such that his or her parent is
14 authorized to submit an application to represent the educational
15 interests of the pupil pursuant to this section.

16 **Sec. 119.** NRS 388.520 is hereby amended to read as follows:

17 388.520 1. The Department shall:

18 (a) Prescribe a form that contains the basic information
19 necessary for the uniform development, review and revision of an
20 individualized education program for a pupil with a disability in
21 accordance with 20 U.S.C. § 1414(d); and

22 (b) Make the form available on a computer disc for use by
23 school districts and, upon request, in any other manner deemed
24 reasonable by the Department.

25 2. Except as otherwise provided in this subsection, each school
26 district shall ensure that the form prescribed by the Department is
27 used for the development, review and revision of an individualized
28 education program for each pupil with a disability who receives
29 special education in the school district. A school district may use an
30 expanded form that contains additions to the form prescribed by the
31 Department if the basic information contained in the expanded form
32 complies with the form prescribed by the Department.

33 3. The ~~[State Board:]~~ *Department:*

34 (a) Shall prescribe minimum standards for the special education
35 of pupils with disabilities and gifted and talented pupils.

36 (b) May prescribe minimum standards for the provision of early
37 intervening services.

38 4. The minimum standards prescribed by the ~~[State Board]~~
39 *Department* must include standards for programs of instruction or
40 special services maintained for the purpose of serving pupils with:

41 (a) Hearing impairments, including, but not limited to, deafness.

42 (b) Visual impairments, including, but not limited to, blindness.

43 (c) Orthopedic impairments.

44 (d) Speech and language impairments.

45 (e) Mental retardation.



- (f) Multiple impairments.
- (g) Serious emotional disturbances.
- (h) Other health impairments.
- (i) Specific learning disabilities.
- (j) Autism.
- (k) Traumatic brain injuries.
- (l) Developmental delays.
- (m) Gifted and talented abilities.

5. No apportionment of state money may be made to any school district or charter school for the instruction of pupils with disabilities and gifted and talented pupils until the program of instruction maintained therein for such pupils is approved by the Superintendent of Public Instruction as meeting the minimum standards prescribed by the ~~[State Board.]~~ *Department*.

6. The Department shall, upon the request of the board of trustees of a school district, provide information to the board of trustees concerning the identification and evaluation of pupils with disabilities in accordance with the standards prescribed by the ~~[State Board.]~~ *Department*.

7. As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

Sec. 120. NRS 388.532 is hereby amended to read as follows:

388.532 1. The ~~[State Board.]~~ *Department* in cooperation with the board of trustees of the various county school districts shall develop for pupils in the first through eighth grades:

(a) Programs designed to reduce the number of pupils who drop out of school; and

(b) Programs for the prevention of the abuse of alcohol and controlled substances.

2. The ~~[State Board.]~~ *Department* in cooperation with the board of trustees of the various county school districts may seek the cooperation of private industry in developing for pupils in all grades programs and activities designed to reduce the number of pupils who participate in the activities of criminal gangs, as defined in NRS 213.1263.

Sec. 121. NRS 388.537 is hereby amended to read as follows:

388.537 1. The board of trustees of a school district may, subject to the approval of the Superintendent of Public Instruction, operate an alternative program for the education of pupils at risk of dropping out of school, including pupils who are enrolled in kindergarten or grades 1 to 12, inclusive.

2. The board of trustees of a school district may submit to the Department, in the form prescribed by the Department, a plan to operate an alternative program.



3. The Superintendent of Public Instruction shall review each plan to operate an alternative program submitted to the Department and approve or deny the plan. Approval by the Superintendent constitutes approval of each component of the plan for the alternative program.

4. If a plan for an alternative program is denied by the Superintendent of Public Instruction, the board of trustees of a school district may appeal the decision of the Superintendent to the ~~[State Board. The State Board may approve or deny the plan for the alternative program upon appeal.] Governor.~~

5. An alternative program may include:

(a) A shorter school day or an opportunity for pupils to attend a longer school day than that regularly provided in the school district. The alternative program must provide for a number of minutes of instruction that is equal to or greater than that which would be provided under a program consisting of 180 school days.

(b) An opportunity for pupils to attend classes of instruction during any part of the calendar year.

(c) A comprehensive curriculum that includes elective classes of instruction and career and technical education.

(d) An opportunity for pupils to obtain academic credit through experience gained at work or while engaged in other activities.

(e) An opportunity for pupils to satisfy either:

(1) The requirements for a regular high school diploma; or

(2) The requirements for an adult standard diploma.

(f) The provision of child care for the children of pupils.

(g) The transportation of pupils to and from classes of instruction.

(h) The placement of pupils for independent study pursuant to NRS 389.155, if the board of trustees of the school district determines that the pupil would benefit from such placement.

6. The board of trustees of a school district may operate an alternative program pursuant to this section through a program of distance education pursuant to NRS 388.820 to 388.874, inclusive.

Sec. 122. NRS 388.560 is hereby amended to read as follows:

388.560 Only courses of instruction approved by the ~~[State Board]~~ *Department* may be given in such local, regional or state facilities for the detention of children, alternative programs or juvenile forestry camps. Necessary textbooks, equipment and supplies must be furnished by the school district.

Sec. 123. NRS 388.570 is hereby amended to read as follows:

388.570 1. The ~~[State Board]~~ *Department* shall establish regulations for the computation of enrollment and average daily attendance of children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving



1 instruction pursuant to the provisions of this section and NRS
2 388.550 and 388.560.

3 2. Boards of trustees of school districts providing such
4 instruction shall report to the Superintendent of Public Instruction at
5 such times and in such manner as the Superintendent prescribes.

6 **Sec. 124.** NRS 388.577 is hereby amended to read as follows:

7 388.577 1. There is hereby created in the State Treasury the
8 Fund for Programs of Education for Incarcerated Persons. The Fund
9 is administered by the ~~{State—Board.}~~ **Department.** The
10 Superintendent of Public Instruction may accept gifts and grants of
11 money from any source for deposit in the Fund. The interest and
12 income earned on the money in the Fund, after deducting any
13 applicable charges, must be credited to the Fund.

14 2. Money in the Fund must be used for programs of education
15 for incarcerated persons.

16 3. Money in the Fund must not be:

17 (a) Considered in negotiations between a recognized
18 organization of employees of a school district and the school
19 district; or

20 (b) Used to reduce the amount of money which would otherwise
21 be made available for programs of education for incarcerated
22 persons in the absence of this section.

23 4. The Department shall establish a formula for equitably
24 allocating money from the Fund to each school district that operates
25 a program of education for incarcerated persons.

26 5. The ~~{State—Board.}~~ **Department** shall establish annually,
27 within the limits of money available in the Fund, a basic allocation
28 to each school district that operates a program of education for
29 incarcerated persons.

30 **Sec. 125.** NRS 388.585 is hereby amended to read as follows:

31 388.585 1. The board of trustees of each school district may:

32 (a) Establish a program of information concerning missing
33 children for pupils, parents and other residents of the district; and

34 (b) Use materials prepared by the Attorney General in
35 developing such a program.

36 2. The board of trustees may request the assistance of the
37 Attorney General or the ~~{State Board of Education}~~ **Department** in
38 establishing its program.

39 **Sec. 126.** NRS 388.795 is hereby amended to read as follows:

40 388.795 1. The ~~{Commission}~~ **Department** shall establish a
41 plan for the use of educational technology in the public schools of
42 this State. In preparing the plan, the ~~{Commission}~~ **Department**
43 shall consider:

44 (a) Plans that have been adopted by the Department and the
45 school districts in this State;



- 1 (b) Plans that have been adopted in other states;
- 2 (c) The information reported pursuant to paragraph (t) of
- 3 subsection 2 of NRS 385.347;
- 4 (d) The results of the assessment of needs conducted pursuant to
- 5 subsection ~~{6;}~~ 5; and
- 6 (e) Any other information that the ~~{Commission}~~ Department or
- 7 the Committee deems relevant to the preparation of the plan.
- 8 2. The plan established by the ~~{Commission}~~ Department must
- 9 include recommendations for methods to:
- 10 (a) Incorporate educational technology into the public schools of
- 11 this State;
- 12 (b) Increase the number of pupils in the public schools of this
- 13 State who have access to educational technology;
- 14 (c) Increase the availability of educational technology to assist
- 15 licensed teachers and other educational personnel in complying with
- 16 the requirements of continuing education, including, without
- 17 limitation, the receipt of credit for college courses completed
- 18 through the use of educational technology;
- 19 (d) Facilitate the exchange of ideas to improve the achievement
- 20 of pupils who are enrolled in the public schools of this State; and
- 21 (e) Address the needs of teachers in incorporating the use of
- 22 educational technology in the classroom, including, without
- 23 limitation, the completion of training that is sufficient to enable the
- 24 teachers to instruct pupils in the use of educational technology.
- 25 3. ~~{The Department shall provide:~~
- 26 ~~—(a) Administrative support;~~
- 27 ~~—(b) Equipment; and~~
- 28 ~~—(c) Office space;~~
- 29 ~~→ as is necessary for the Commission to carry out the provisions of~~
- 30 ~~this section.~~
- 31 ~~—4.}~~ The following entities shall cooperate with the
- 32 ~~{Commission}~~ Department in carrying out the provisions of this
- 33 section:
- 34 (a) The State Board.
- 35 (b) The board of trustees of each school district.
- 36 (c) The superintendent of schools of each school district.
- 37 ~~{(d) The Department.~~
- 38 ~~—5.}~~ 4. The ~~{Commission}~~ Department shall:
- 39 (a) Develop technical standards for educational technology and
- 40 any electrical or structural appurtenances necessary thereto,
- 41 including, without limitation, uniform specifications for computer
- 42 hardware and wiring, to ensure that such technology is compatible,
- 43 uniform and can be interconnected throughout the public schools of
- 44 this State.



(b) Allocate money to the school districts from the Trust Fund for Educational Technology created pursuant to NRS 388.800 and any money appropriated by the Legislature for educational technology, subject to any priorities for such allocation established by the Legislature.

(c) Establish criteria for the board of trustees of a school district that receives an allocation of money from the ~~{Commission}~~ **Department** to:

(1) Repair, replace and maintain computer systems.

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

(3) Provide training, installation and technical support related to the use of educational technology within the district.

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

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

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

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

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

(b) The plan for educational technology of each school district, if applicable;

(c) Evaluations of educational technology conducted for the State or for a school district, if applicable; and

(d) Any other information deemed relevant by the ~~{Commission.}~~
~~→ The Commission shall submit a final written report of the assessment to the Superintendent of Public Instruction on or before April 1 of each even-numbered year.~~

~~→7.}~~ **Department.**

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



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

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

~~[9.]~~ 8. As used in this section ~~[“public”]~~:

(a) *“Public school”* includes the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS.

(b) *“Committee” means the Legislative Committee on Education created by NRS 218E.605.*

Sec. 127. NRS 388.800 is hereby amended to read as follows:

388.800 1. The Trust Fund for Educational Technology is hereby created in the State General Fund. The Trust Fund must be administered by the Superintendent of Public Instruction. The Superintendent may accept gifts and grants of money from any source for deposit in the Trust Fund. Any such money may be expended in accordance with the terms and conditions of the gift or grant, or in accordance with subsection 3.

2. The interest and income earned on the money in the Trust Fund must be credited to the Trust Fund.

3. The money in the Trust Fund may be used only for the distribution of money to school districts to be used in kindergarten through 12th grade to obtain and maintain hardware and software for computer systems, equipment for transfer of data by modem through connection to telephone lines, and other educational technology as may be approved by the ~~[Commission]~~ *Department* for use in classrooms.

Sec. 128. NRS 388.805 is hereby amended to read as follows:

388.805 The Department shall ~~[, in consultation with the Commission,]~~ adopt regulations that establish a program whereby school districts may apply to the ~~[Commission on Educational Technology]~~ *Department* for money from the Trust Fund for Educational Technology.

Sec. 129. NRS 388.838 is hereby amended to read as follows:

388.838 1. The board of trustees of a school district or the governing body of a charter school may submit an application to the Department to provide a program of distance education. In addition,



1 a committee to form a charter school may submit an application to
2 the Department to provide a program of distance education if the
3 application to form the charter school submitted by the committee
4 pursuant to NRS 386.520 indicates that the charter school intends to
5 provide a program of distance education.

6 2. An applicant to provide a program of distance education
7 may seek approval to provide a program that is comprised of one or
8 more courses of distance education included on the list of courses
9 approved by the Department pursuant to NRS 388.834 or a program
10 that is comprised of one or more courses of distance education
11 which have not been reviewed by the Department before submission
12 of the application.

13 3. An application to provide a program of distance education
14 must include:

15 (a) All the information prescribed by the ~~{State—Board}~~
16 *Department* by regulation.

17 (b) Except as otherwise provided in this paragraph, proof
18 satisfactory to the Department that the program satisfies all
19 applicable statutes and regulations. The proof required by this
20 paragraph shall be deemed satisfied if the program is comprised
21 only of courses of distance education approved by the Department
22 pursuant to NRS 388.834 before submission of the application.

23 4. Except as otherwise provided in this subsection, the
24 Department shall approve an application submitted pursuant to this
25 section if the application satisfies the requirements of NRS 388.820
26 to 388.874, inclusive, and all other applicable statutes and
27 regulations. The Department shall deny an application to provide
28 a program of distance education submitted by a committee to form a
29 charter school if the Department denies the application to form a
30 charter school submitted by that committee. The Department shall
31 provide written notice to the applicant of the Department's approval
32 or denial of the application.

33 5. If the Department denies an application, the Department
34 shall include in the written notice the reasons for the denial and the
35 deficiencies of the application. The applicant must be granted 30
36 days after receipt of the written notice to correct any deficiencies
37 identified in the written notice and resubmit the application. The
38 Department shall approve an application that has been resubmitted
39 pursuant to this subsection if the application satisfies the
40 requirements of NRS 388.820 to 388.874, inclusive, and all other
41 applicable statutes and regulations.

42 **Sec. 130.** NRS 388.850 is hereby amended to read as follows:

43 388.850 1. A pupil may enroll in a program of distance
44 education only if the pupil satisfies the requirements of any other
45 applicable statute and the pupil:



(a) Is participating in a program for pupils at risk of dropping out of school pursuant to NRS 388.537;

(b) Is participating in a program of independent study pursuant to NRS 389.155;

(c) Is enrolled in a public school that does not offer certain advanced or specialized courses that the pupil desires to attend;

(d) Has a physical or mental condition that would otherwise require an excuse from compulsory attendance pursuant to NRS 392.050;

(e) Would otherwise be excused from compulsory attendance pursuant to NRS 392.080;

(f) Is otherwise prohibited from attending public school pursuant to NRS 392.264, 392.4642 to 392.4648, inclusive, 392.466, 392.467 or 392.4675;

(g) Is otherwise permitted to enroll in a program of distance education provided by the board of trustees of a school district if the board of trustees determines that the pupil will benefit from the program; or

(h) Is otherwise permitted to enroll in a program of distance education provided by the governing body of a charter school if the governing body of the charter school determines that the pupil will benefit from the program.

2. In addition to the eligibility for enrollment set forth in subsection 1, a pupil must satisfy the qualifications and conditions for enrollment in a program of distance education adopted by the ~~{State-Board}~~ Department pursuant to NRS 388.874.

3. A child who is exempt from compulsory attendance and is enrolled in a private school pursuant to chapter 394 of NRS or is being homeschooled is not eligible to enroll in or otherwise attend a program of distance education, regardless of whether the child is otherwise eligible for enrollment pursuant to subsection 1.

4. If a pupil who is prohibited from attending public school pursuant to NRS 392.264 enrolls in a program of distance education, the enrollment and attendance of that pupil must comply with all requirements of NRS 62F.100 to 62F.150, inclusive, and 392.251 to 392.271, inclusive.

5. If a pupil is eligible for enrollment in a program of distance education pursuant to paragraph (c) of subsection 1, the pupil may enroll in the program of distance education only to take those advanced or specialized courses that are not offered at the public school he or she otherwise attends.

Sec. 131. NRS 388.874 is hereby amended to read as follows:

388.874 1. The ~~{State-Board}~~ Department shall adopt regulations that prescribe:



1 (a) The process for submission of an application by a person or
2 entity for inclusion of a course of distance education on the list
3 prepared by the Department pursuant to NRS 388.834 and the
4 contents of the application;

5 (b) The process for submission of an application by the board of
6 trustees of a school district, the governing body of a charter school
7 or a committee to form a charter school to provide a program of
8 distance education and the contents of the application;

9 (c) The qualifications and conditions for enrollment that a pupil
10 must satisfy to enroll in a program of distance education, consistent
11 with NRS 388.850;

12 (d) A method for reporting to the Department the number of
13 pupils who are enrolled in a program of distance education and the
14 attendance of those pupils;

15 (e) The requirements for assessing the achievement of pupils
16 who are enrolled in a program of distance education, which must
17 include, without limitation, the administration of the achievement
18 and proficiency examinations required pursuant to NRS 389.015 and
19 389.550; and

20 (f) A written description of the process pursuant to which the
21 ~~[State Board]~~ *Department* may revoke its approval for the operation
22 of a program of distance education.

23 2. The ~~[State Board]~~ *Department* may adopt regulations as it
24 determines are necessary to carry out the provisions of NRS 388.820
25 to 388.874, inclusive.

26 **Sec. 132.** NRS 389.006 is hereby amended to read as follows:

27 389.006 1. In addition to any other test, examination or
28 assessment required by state or federal law, the board of trustees of
29 each school district may require the administration of district-wide
30 tests, examinations and assessments that the board of trustees
31 determines are vital to measure the achievement and progress of
32 pupils. In making this determination, the board of trustees shall
33 consider any applicable findings and recommendations of the
34 Legislative Committee on Education.

35 2. The tests, examinations and assessments required pursuant
36 to subsection 1 must be limited to those which can be demonstrated
37 to provide a direct benefit to pupils or which are used by teachers to
38 improve instruction and the achievement of pupils.

39 3. The board of trustees of each school district and the ~~[State~~
40 ~~Board]~~ *Department* shall periodically review the tests, examinations
41 and assessments administered to pupils to ensure that the time taken
42 from instruction to conduct a test, examination or assessment is
43 warranted because it is still accomplishing its original purpose.



Sec. 133. NRS 389.011 is hereby amended to read as follows:

389.011 1. The board of trustees of each school district and the governing body of each charter school shall ensure that each pupil who is limited English proficient and is enrolled in the school district or charter school, as applicable, participates in the achievement and proficiency examinations administered pursuant to this chapter. The ~~{State-Board}~~ *Department* shall prescribe reasonable modifications and accommodations that must be used in the administration of an examination to a pupil who is limited English proficient and who is unable to take an examination under regular testing conditions. The results of each pupil who is limited English proficient and who takes an examination with modifications and accommodations must be reported and included within the determination of whether the school and the school district have made adequate yearly progress.

2. The board of trustees of a school district and the governing body of a charter school shall administer to a pupil who is limited English proficient:

(a) To the extent practicable, examinations in mathematics and science required by subsection 1 in the language most likely to yield accurate and reliable information on what the pupil knows.

(b) To the extent practicable, examinations in reading required by subsection 1 in the language most likely to yield accurate and reliable information on what the pupil knows if the pupil has attended public schools in the United States for less than 3 consecutive years.

(c) If the pupil has attended public schools in the United States for 3 consecutive years but less than 5 consecutive years:

(1) Examinations in reading required by subsection 1 in the English language; or

(2) Examinations in reading required by subsection 1 in the language most likely to yield accurate and reliable information on what the pupil knows if the board of trustees or the governing body, as applicable, determines that the pupil has not reached a level of English proficiency sufficient to yield valid and reliable information on what the pupil knows. The board of trustees or the governing body of a charter school, as applicable, may grant exceptions for a particular pupil pursuant to this subparagraph, on a case-by-case basis, for a period not longer than 2 consecutive years.

(d) If the pupil has attended public schools in the United States for 5 consecutive years or more, examinations in reading required by subsection 1 in the English language.

3. The ~~{State-Board}~~ *Department* shall prescribe an assessment of proficiency in the English language for pupils who are limited English proficient to measure oral language skills, comprehension



1 skills, reading skills and writing skills. The board of trustees of each
2 school district and the governing body of each charter school shall
3 administer the assessment annually at the time prescribed by the
4 ~~{State Board.}~~ *Department*. A pupil who takes the assessment
5 prescribed pursuant to this subsection is not exempt from the
6 achievement and proficiency examinations administered pursuant to
7 this chapter.

8 **Sec. 134.** NRS 389.0115 is hereby amended to read as
9 follows:

10 389.0115 1. If a pupil with a disability is unable to take an
11 examination administered pursuant to NRS 389.015 or 389.550
12 under regular testing conditions, the pupil may take the examination
13 with modifications and accommodations that the pupil's
14 individualized education program team determines, in consultation
15 with the Department and in accordance with the Individuals with
16 Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the No
17 Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq., are
18 necessary to measure the progress of the pupil. If modifications or
19 accommodations are made in the administration of an examination
20 for a pupil with a disability, the modifications or accommodations
21 must be set forth in the pupil's individualized education program.
22 The results of each pupil with a disability who takes an examination
23 with modifications or accommodations must be reported and must
24 be included in the determination of whether the school and the
25 school district have made adequate yearly progress.

26 2. The ~~{State Board.}~~ *Department* shall prescribe an alternate
27 examination for administration to a pupil with a disability if the
28 pupil's individualized education program team determines, in
29 consultation with the Department, that the pupil cannot participate
30 in all or a portion of an examination administered pursuant to NRS
31 389.015 or 389.550 even with modifications and accommodations.

32 3. The ~~{State Board.}~~ *Department* shall prescribe, in accordance
33 with the Individuals with Disabilities Education Act, 20 U.S.C. §§
34 1400 et seq., and the No Child Left Behind Act of 2001, 20 U.S.C.
35 §§ 6301 et seq., the modifications and accommodations that must be
36 used in the administration of an examination to a pupil with a
37 disability who is unable to take the examination under regular
38 testing conditions.

39 4. As used in this section:

40 (a) "Individualized education program" has the meaning
41 ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

42 (b) "Individualized education program team" has the meaning
43 ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

44 **Sec. 135.** NRS 389.012 is hereby amended to read as follows:

45 389.012 1. The ~~{State Board.}~~ *Department* shall:



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

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

(1) Governor;

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

(3) Legislative Committee on Education created pursuant to NRS 218E.605 . ~~and~~

~~— (4) Legislative Bureau of Educational Accountability and Program Evaluation created pursuant to NRS 218E.625.]~~

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

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

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

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

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

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

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

(a) Governor; *and*

(b) Legislative Committee on Education . ~~and~~



~~—(c) Legislative Bureau of Educational Accountability and Program Evaluation; and~~

~~—(d) Council to Establish Academic Standards for Public Schools.~~

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

Sec. 136. NRS 389.015 is hereby amended to read as follows:

389.015 1. The board of trustees of each school district shall administer examinations in all public schools of the school district. The governing body of a charter school shall administer the same examinations in the charter school. The examinations administered by the board of trustees and governing body must determine the achievement and proficiency of pupils in:

- (a) Reading;
- (b) Mathematics; and
- (c) Science.

2. The examinations required by subsection 1 must be:

(a) Administered before the completion of grades 4, 7, 10 and 11.

(b) Administered in each school district and each charter school at the same time during the spring semester. The time for the administration of the examinations must be prescribed by the ~~{State Board.}~~ **Department.**

(c) Administered in each school in accordance with uniform procedures adopted by the ~~{State Board.}~~ **Department.** The Department shall monitor the compliance of school districts and individual schools with the uniform procedures.

(d) Administered in each school in accordance with the plan adopted pursuant to NRS 389.616 by the Department and with the plan adopted pursuant to NRS 389.620 by the board of trustees of the school district in which the examinations are administered. The Department shall monitor the compliance of school districts and individual schools with:

- (1) The plan adopted by the Department; and
- (2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department.



(e) Scored by a single private entity that has contracted with the ~~[State Board]~~ **Department** to score the examinations. The private entity that scores the examinations shall report the results of the examinations in the form and by the date required by the Department.

3. Not more than 14 working days after the results of the examinations are reported to the Department by a private entity that scored the examinations, the Superintendent of Public Instruction shall certify that the results of the examinations have been transmitted to each school district and each charter school. Not more than 10 working days after a school district receives the results of the examinations, the superintendent of schools of each school district shall certify that the results of the examinations have been transmitted to each school within the school district. Except as otherwise provided in this subsection, not more than 15 working days after each school receives the results of the examinations, the principal of each school and the governing body of each charter school shall certify that the results for each pupil have been provided to the parent or legal guardian of the pupil:

(a) During a conference between the teacher of the pupil or administrator of the school and the parent or legal guardian of the pupil; or

(b) By mailing the results of the examinations to the last known address of the parent or legal guardian of the pupil.

➤ If a pupil fails the high school proficiency examination, the school shall notify the pupil and the parents or legal guardian of the pupil of each subject area that the pupil failed as soon as practicable but not later than 15 working days after the school receives the results of the examination.

4. If a pupil fails to demonstrate at least adequate achievement on the examination administered before the completion of grade 4, 7 or 10, the pupil may be promoted to the next higher grade, but the results of the pupil's examination must be evaluated to determine what remedial study is appropriate. If such a pupil is enrolled at a school that has failed to make adequate yearly progress or in which less than 60 percent of the pupils enrolled in grade 4, 7 or 10 in the school who took the examinations administered pursuant to this section received an average score on those examinations that is at least equal to the 26th percentile of the national reference group of pupils to which the examinations were compared, the pupil must, in accordance with the requirements set forth in this subsection, complete remedial study that is determined to be appropriate for the pupil.



5. Except as otherwise provided in subsection 6, if a pupil fails to pass the high school proficiency examination, the pupil must not be graduated unless he or she:

(a) Is able, through remedial study, to pass the proficiency examination; or

(b) Passes the subject areas of mathematics and reading tested on the proficiency examination, has at least a 2.75 grade point average on a 4.0 grading scale and satisfies the alternative criteria prescribed by the ~~[State Board]~~ Department pursuant to NRS 389.805,

↳ but the pupil may be given a certificate of attendance, in place of a diploma, if the pupil has reached the age of 18 years.

6. A pupil who transfers during grade 12 to a school in this State from a school outside this State because of the military transfer of the parent or legal guardian of the pupil may receive a waiver from the requirements of subsection 5 if, in accordance with the provisions of NRS 392C.010, the school district in which the pupil is enrolled:

(a) Accepts the results of the exit or end-of-course examinations required for graduation in the local education agency in which the pupil was previously enrolled;

(b) Accepts the results of a national norm-referenced achievement examination taken by the pupil; or

(c) Establishes an alternative test for the pupil which demonstrates proficiency in the subject areas tested on the high school proficiency examination, and the pupil successfully passes that test.

7. The ~~[State Board]~~ Department shall prescribe standard examinations of achievement and proficiency to be administered pursuant to subsection 1. The high school proficiency examination must include the subjects of reading, mathematics and science and, except for the writing portion prescribed pursuant to NRS 389.550, must be developed, printed and scored by a nationally recognized testing company in accordance with the process established by the testing company. The examinations on reading, mathematics and science prescribed for grades 4, 7 and 10 must be selected from examinations created by private entities and administered to a national reference group, and must allow for a comparison of the achievement and proficiency of pupils in grades 4, 7 and 10 in this State to that of a national reference group of pupils in grades 4, 7 and 10. The questions contained in the examinations and the approved answers used for grading them are confidential, and disclosure is unlawful except:

(a) To the extent necessary for administering and evaluating the examinations.



(b) That a disclosure may be made to a:

(1) State officer who is a member of the Executive or Legislative Branch to the extent that it is necessary for the performance of his or her duties;

(2) Superintendent of schools of a school district to the extent that it is necessary for the performance of his or her duties;

(3) Director of curriculum of a school district to the extent that it is necessary for the performance of his or her duties; and

(4) Director of testing of a school district to the extent that it is necessary for the performance of his or her duties.

(c) That specific questions and answers may be disclosed if the Superintendent of Public Instruction determines that the content of the questions and answers is not being used in a current examination and making the content available to the public poses no threat to the security of the current examination process.

(d) As required pursuant to NRS 239.0115.

Sec. 137. NRS 389.017 is hereby amended to read as follows:

389.017 1. The ~~{State-Board}~~ **Department** shall adopt regulations requiring that each board of trustees of a school district and each governing body of a charter school submit to the Superintendent of Public Instruction and the Department, in the form and manner prescribed by the Superintendent, the results of achievement and proficiency examinations administered pursuant to NRS 389.015 to public school pupils of the district and charter schools. The ~~{State-Board}~~ **Department** shall not include in the regulations any provision which would violate the confidentiality of the test scores of any individual pupil.

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

(a) The average score, as defined by the Department, of pupils who took the examinations under regular testing conditions; and

(b) The average score, as defined by the Department, of pupils who took the examinations with modifications or accommodations, if such reporting does not violate the confidentiality of the test scores of any individual pupil.

~~3. [Not later than 10 days after the Department receives the results of the achievement and proficiency examinations, the Department shall transmit a copy of the results of the examinations administered pursuant to NRS 389.015 to the Legislative Bureau of Educational Accountability and Program Evaluation in a manner that does not violate the confidentiality of the test scores of any individual pupil.]~~

~~4.]~~ On or before July 1 of each year, each school district and each charter school shall report to the Department the following



1 information for each examination administered in the public schools
2 in the school district or charter school:

- 3 (a) The examination administered;
- 4 (b) The grade level or levels of pupils to whom the examination
5 was administered;
- 6 (c) The costs incurred by the school district or charter school in
7 administering each examination; and
- 8 (d) The purpose, if any, for which the results of the examination
9 are used by the school district or charter school.

10 ➔ On or before September 1 of each year, the Department shall
11 transmit to the Budget Division of the Department of
12 Administration and the Fiscal Analysis Division of the Legislative
13 Counsel Bureau the information submitted to the Department
14 pursuant to this subsection.

15 ~~[5.]~~ 4. The superintendent of schools of each school district
16 and the governing body of each charter school shall certify that the
17 number of pupils who took the examinations required pursuant to
18 NRS 389.015 is equal to the number of pupils who are enrolled in
19 each school in the school district or in the charter school who are
20 required to take the examinations.

21 ~~[6.]~~ 5. In addition to the information required by subsection
22 ~~[4.]~~ 3, the Superintendent of Public Instruction shall:

- 23 (a) Report the number of pupils who were absent from school on
24 the day that the examinations were administered; and
- 25 (b) Reconcile the number of pupils who were required to take
26 the examinations with the number of pupils who were absent from
27 school on the day that the examinations were administered.

28 **Sec. 138.** NRS 389.018 is hereby amended to read as follows:

29 389.018 1. The following subjects are designated as the core
30 academic subjects that must be taught, as applicable for grade
31 levels, in all public schools, the Caliente Youth Center, the Nevada
32 Youth Training Center and any other state facility for the detention
33 of children that is operated pursuant to title 5 of NRS:

- 34 (a) English, including reading, composition and writing;
- 35 (b) Mathematics;
- 36 (c) Science; and
- 37 (d) Social studies, which includes only the subjects of history,
38 geography, economics and government.

39 2. Except as otherwise provided in this subsection, a pupil
40 enrolled in a public high school must enroll in a minimum of:

- 41 (a) Four units of credit in English;
- 42 (b) Four units of credit in mathematics, including, without
43 limitation, Algebra I and geometry, or an equivalent course of study
44 that integrates Algebra I and geometry;



(c) Three units of credit in science, including two laboratory courses; and

(d) Three units of credit in social studies, including, without limitation:

- (1) American government;
- (2) American history; and
- (3) World history or geography.

➔ A pupil is not required to enroll in the courses of study and credits required by this subsection if the pupil, the parent or legal guardian of the pupil and an administrator or a counselor at the school in which the pupil is enrolled mutually agree to a modified course of study for the pupil and that modified course of study satisfies at least the requirements for a standard high school diploma or an adjusted diploma, as applicable.

3. Except as otherwise provided in this subsection, in addition to the core academic subjects, the following subjects must be taught as applicable for grade levels and to the extent practicable in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

- (a) The arts;
- (b) Computer education and technology;
- (c) Health; and
- (d) Physical education.

➔ If the ~~{State—Board}~~ *Department* requires the completion of course work in a subject area set forth in this subsection for graduation from high school or promotion to the next grade, a public school shall offer the required course work. Unless a subject is required for graduation from high school or promotion to the next grade, a charter school is not required to comply with this subsection.

Sec. 139. NRS 389.0185 is hereby amended to read as follows:

389.0185 The ~~{State—Board}~~ *Department* shall adopt regulations establishing courses of study and the grade levels for which the courses of study apply for:

1. The academic subjects set forth in NRS 389.018.
2. Citizenship and physical training for pupils enrolled in high school.
3. Physiology, hygiene and cardiopulmonary resuscitation.
4. The prevention of suicide.
5. Instruction relating to child abuse.
6. The economics of the American system of free enterprise.
7. American Sign Language.
8. Environmental education.



9. Adult roles and responsibilities.

➔ A course of study established for subsection 1 may include one or more of the subjects listed in subsections 2 to 9, inclusive.

Sec. 140. NRS 389.019 is hereby amended to read as follows:

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

1. The standards of content and performance established by the ~~{Council to Establish Academic Standards for Public Schools}~~ *Department pursuant to NRS 389.520* and the courses of study related to those standards; and

2. The courses of study prescribed and adopted by the ~~{State Board.}~~ *Department.*

Sec. 141. NRS 389.0195 is hereby amended to read as follows:

389.0195 1. The ~~{State Board}~~ *Department* shall adopt regulations that prescribe a uniform grading scale for all public high schools, including, without limitation, a uniform grading scale for advanced placement courses and honors courses.

2. The board of trustees of each school district and the governing body of each charter school that operates as a high school shall comply with the uniform grading scale.

Sec. 142. NRS 389.045 is hereby amended to read as follows:

389.045 1. The ~~{State Board}~~ *Department* shall prescribe, by regulation, a course of study that is designed to assist pupils enrolled in high school with passing the high school proficiency examination. The course of study must:

(a) Be consistent with the statewide program to prepare pupils for the high school proficiency examination established pursuant to NRS 389.0175; and

(b) Ensure the security and confidentiality of the high school proficiency examination in accordance with the plan for test security adopted by the Department pursuant to NRS 389.616.

2. The board of trustees of each school district may offer the course of study prescribed by the ~~{State Board}~~ *Department* pursuant to subsection 1 as an elective to pupils enrolled in high school in the school district.

Sec. 143. NRS 389.090 is hereby amended to read as follows:

389.090 1. The ~~{State Board}~~ *Department* shall adopt regulations governing the establishment, conduct and scope of automobile drivers' education in the public schools of this State. The regulations must set forth, without limitation:

(a) The number of hours of training that must be completed by a pupil who enrolls in a course in automobile drivers' education;

(b) That a course in automobile drivers' education:



(1) Must include a component of training conducted in a classroom; and

(2) May, in addition to the component of training conducted in a classroom, include a component of training conducted in a motor vehicle; and

(c) That if a course in automobile drivers' education includes components of training conducted both in a classroom and in a motor vehicle:

(1) One hour of training in a motor vehicle is equivalent to 3 hours of training in a classroom; and

(2) Not more than one-half of the required number of hours of training described in paragraph (a) may be training in a motor vehicle.

2. The aims and purposes of automobile drivers' education are to develop the knowledge, attitudes, habits and skills necessary for the safe operation of motor vehicles.

3. The board of trustees of a school district may establish and maintain courses in automobile drivers' education during regular semesters and summer sessions and during the regular school day and at times other than during the regular school day for:

(a) Pupils enrolled in the regular full-time day high schools in the school district.

(b) Pupils enrolled in summer classes conducted in high schools in the school district.

➔ A board of trustees maintaining courses in automobile drivers' education shall insure against any liability arising out of the use of motor vehicles in connection with those courses. The cost of the insurance must be paid from available money of the school district.

4. A governing body of a charter school may establish and maintain courses in automobile drivers' education if the governing body insures against any liability arising out of the use of motor vehicles in connection with those courses.

5. Automobile drivers' education must be provided by boards of trustees of school districts and governing bodies of charter schools in accordance with the regulations of the ~~[State Board]~~ **Department** and may not be duplicated by any other agency, department, commission or officer of the State of Nevada.

6. Each course in automobile drivers' education provided by a board of trustees of a school district or a governing body of a charter school must include, without limitation, instruction in:

(a) Motor vehicle insurance.

(b) The effect of drugs and alcohol on an operator of a motor vehicle.



7. Each course in automobile drivers' education provided by a board of trustees of a school district or a governing body of a charter school must be restricted to pupils who are at least 15 years of age.

Sec. 144. NRS 389.155 is hereby amended to read as follows:

389.155 1. The ~~[State—Board]~~ **Department** shall, by regulation, establish a program pursuant to which a pupil:

(a) Enrolled full-time in public school;

(b) Enrolled in an alternative program pursuant to NRS 388.537;

(c) Enrolled in a program designed to meet the requirements for an adult standard diploma; or

(d) Except as otherwise provided in subsection 4, who has been suspended or expelled from a public school,

↳ may complete any required or elective course by independent study outside of the normal classroom setting. A program of independent study provided pursuant to this section may be offered through a program of distance education pursuant to NRS 388.820 to 388.874, inclusive.

2. The regulations must:

(a) Require that:

(1) The teacher of the course assign to the pupil the work assignments necessary to complete the course; and

(2) For each course in which the pupil is enrolled, the pupil and the teacher of the course meet or otherwise communicate with each other at least once each week for the duration of the course to discuss the pupil's progress; or

(b) Require that the program of independent study satisfies the requirements of a plan to operate an alternative program of education submitted by the school district and approved pursuant to NRS 388.537.

3. The board of trustees of a school district may, in accordance with the regulations adopted pursuant to subsections 1 and 2, provide for independent study by the pupils described in subsection 1.

4. A program of independent study offered pursuant to this section must not allow a pupil who has been suspended or expelled from a public school to attend that public school during the period of his or her suspension or expulsion.

Sec. 145. NRS 389.160 is hereby amended to read as follows:

389.160 1. A pupil enrolled in high school, including, without limitation, a pupil enrolled in grade 9, 10, 11 or 12 in a charter school or a pupil enrolled in a program designed to meet the requirements of an adult standard diploma, who successfully completes a course of education offered by a community college or university in this State which has been approved pursuant to subsection 2, must be allowed to apply the credit received for the



1 course so completed to the total number of credits required for
2 graduation from the high school or the charter school in which the
3 pupil is enrolled or the credits required for receipt of an adult
4 standard diploma, as applicable.

5 2. With the approval of the ~~[State Board,]~~ *Department*, the
6 board of trustees of each county school district and the governing
7 body of each charter school shall prescribe the courses for which
8 credits may be received pursuant to subsection 1, including
9 occupational courses for academic credit, and the amount of credit
10 allowed for the completion of those courses.

11 **Sec. 146.** NRS 389.165 is hereby amended to read as follows:

12 389.165 1. A pupil enrolled in high school who successfully
13 completes a community service project which has been approved
14 pursuant to this section must be allowed to apply not more than one
15 credit received for the completion of the project toward the total
16 number of credits required for graduation from high school. The
17 credit must be applied toward the pupil's elective course credits and
18 not toward a course that is required for graduation from high school.
19 A pupil may not receive credit for the completion of a community
20 service project if the project duplicates a course of study in which
21 the pupil has received instruction.

22 2. With the approval of the ~~[State Board,]~~ *Department*, the
23 board of trustees of each school district shall prescribe for the
24 district the:

- 25 (a) Community service projects for which credit will be granted;
26 (b) Amount of credit which will be granted upon completion of
27 each project;
28 (c) Rules regarding how a pupil may apply for such credit upon
29 completion of a community service project; and
30 (d) Procedures for obtaining the consent of a parent or legal
31 guardian of a pupil before the pupil may participate in a community
32 service project for which credit will be granted.

33 **Sec. 147.** NRS 389.171 is hereby amended to read as follows:

34 389.171 1. A pupil may be granted credit for a specific
35 course of study without having attended the regularly scheduled
36 classes in the course if the pupil demonstrates his or her competence
37 to meet the objectives of the course through his or her performance
38 on an examination prescribed by the ~~[State Board,]~~ *Department*.

39 2. The ~~[State Board]~~ *Department* shall adopt regulations that
40 prescribe the:

- 41 (a) Form on which a pupil may apply to the board of trustees of
42 a school district in which the pupil attends school to take an
43 examination pursuant to subsection 1;
44 (b) Courses of study for which pupils may take an examination
45 pursuant to subsection 1; and



(c) Minimum score on each such examination that is required to demonstrate competency in a course.

Sec. 148. NRS 389.180 is hereby amended to read as follows:

389.180 1. The ~~[State—Board]~~ **Department** shall, by regulation, establish a course of study in occupational guidance and counseling.

2. The board of trustees of each school district shall establish the curriculum for the course of study in that district. The curriculum must be organized and, with the assistance of teachers, administrators, pupils, parents and the business community, coordinated by licensed school counselors who shall provide instruction and activities designed to:

(a) Promote normal growth and development.

(b) Promote positive mental and physical health.

(c) Provide each pupil with knowledge and skills which permit the pupil to control his or her own destiny.

(d) Assist each pupil to plan, monitor and manage the pupil's personal, educational and occupational development.

(e) Meet the immediate needs and concerns of each pupil, whether the pupil's needs or concerns require counseling, consultation, referral or information.

(f) Provide counselors, teachers and support staff with the knowledge and skills required to maintain and improve the course.

(g) Provide such other related assistance and instruction as is deemed necessary.

3. The instruction required by this section must be made available for each pupil in grades 7 to 12, inclusive.

4. The board of trustees in each school district shall organize and offer the curriculum within the limits of money made available to the district by the Legislature for that purpose.

Sec. 149. NRS 389.520 is hereby amended to read as follows:

389.520 1. The ~~[Council]~~ **Department** shall:

(a) Establish standards of content and performance, including, without limitation, a prescription of the resulting level of achievement, for the grade levels set forth in subsection 3, based upon the content of each course, that is expected of pupils for the following courses of study:

(1) English, including reading, composition and writing;

(2) Mathematics;

(3) Science;

(4) Social studies, which includes only the subjects of history, geography, economics and government;

(5) The arts;

(6) Computer education and technology;

(7) Health; and



1 (8) Physical education.

2 (b) Establish a schedule for the periodic review and, if
3 necessary, revision of the standards of content and performance. The
4 review must include, without limitation, the review required
5 pursuant to NRS 389.570 of the results of pupils on the
6 examinations administered pursuant to NRS 389.550.

7 (c) Assign priorities to the standards of content and performance
8 relative to importance and degree of emphasis and revise the
9 standards, if necessary, based upon the priorities.

10 2. The standards for computer education and technology must
11 include a policy for the ethical, safe and secure use of computers
12 and other electronic devices. The policy must include, without
13 limitation:

14 (a) The ethical use of computers and other electronic devices,
15 including, without limitation:

16 (1) Rules of conduct for the acceptable use of the Internet
17 and other electronic devices; and

18 (2) Methods to ensure the prevention of:

19 (I) Cyber-bullying;

20 (II) Plagiarism; and

21 (III) The theft of information or data in an electronic
22 form;

23 (b) The safe use of computers and other electronic devices,
24 including, without limitation, methods to:

25 (1) Avoid harassment, cyber-bullying and other unwanted
26 electronic communication, including, without limitation,
27 communication with on-line predators;

28 (2) Recognize when an on-line electronic communication is
29 dangerous or potentially dangerous; and

30 (3) Report a dangerous or potentially dangerous on-line
31 electronic communication to the appropriate school personnel;

32 (c) The secure use of computers and other electronic devices,
33 including, without limitation:

34 (1) Methods to maintain the security of personal identifying
35 information and financial information, including, without limitation,
36 identifying unsolicited electronic communication which is sent for
37 the purpose of obtaining such personal and financial information for
38 an unlawful purpose;

39 (2) The necessity for secure passwords or other unique
40 identifiers;

41 (3) The effects of a computer contaminant;

42 (4) Methods to identify unsolicited commercial material; and

43 (5) The dangers associated with social networking Internet
44 sites; and



(d) A designation of the level of detail of instruction as appropriate for the grade level of pupils who receive the instruction.

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

~~{4. The Council shall forward to the State Board the standards of content and performance established by the Council for each course of study. The State Board shall:~~

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

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

~~{5. If the State Board returns to the Council the standards of content and performance for a course of study or a grade level, the Council shall:~~

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

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

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

~~{6. The Council shall work in cooperation with the State Board to}~~

4. The Department shall prescribe the examinations required by NRS 389.550.

~~{7.}~~ **5.** As used in this section:

(a) "Computer contaminant" has the meaning ascribed to it in NRS 205.4737.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Electronic communication" has the meaning ascribed to it in NRS 388.124.

Sec. 150. NRS 389.540 is hereby amended to read as follows:

389.540 The board of trustees of each school district shall conduct a periodic review of the courses of study offered in the public schools of the school district to determine whether the courses of study comply with the standards of content and performance established by the ~~{Council}~~ **Department** pursuant to



1 NRS 389.520 and if revision of the courses of study is necessary to
2 ensure compliance.

3 **Sec. 151.** NRS 389.550 is hereby amended to read as follows:

4 389.550 1. ~~[The State Board shall, in consultation with the~~
5 ~~Council,]~~ **The Department shall** prescribe examinations that comply
6 with 20 U.S.C. § 6311(b)(3) and that measure the achievement and
7 proficiency of pupils:

8 (a) For grades 3, 4, 5, 6, 7 and 8 in the standards of content
9 established by the ~~[Council]~~ **Department** for the subjects of English
10 and mathematics.

11 (b) For grades 5 and 8, in the standards of content established by
12 the ~~[Council]~~ **Department** for the subject of science.

13 ➤ The examinations prescribed pursuant to this subsection must be
14 written, developed, printed and scored by a nationally recognized
15 testing company.

16 2. In addition to the examinations prescribed pursuant to
17 subsection 1, ~~[the State Board shall, in consultation with the~~
18 ~~Council,]~~ **the Department shall** prescribe a writing examination for
19 grades 5 and 8 and for the high school proficiency examination.

20 3. The board of trustees of each school district and the
21 governing body of each charter school shall administer the
22 examinations prescribed by the ~~[State Board,]~~ **Department**. The
23 examinations must be:

24 (a) Administered to pupils in each school district and each
25 charter school at the same time during the spring semester, as
26 prescribed by the ~~[State Board,]~~ **Department**.

27 (b) Administered in each school in accordance with uniform
28 procedures adopted by the ~~[State Board,]~~ **Department**. The
29 Department shall monitor the school districts and individual schools
30 to ensure compliance with the uniform procedures.

31 (c) Administered in each school in accordance with the plan
32 adopted pursuant to NRS 389.616 by the Department and with the
33 plan adopted pursuant to NRS 389.620 by the board of trustees of
34 the school district in which the examinations are administered. The
35 Department shall monitor the compliance of school districts and
36 individual schools with:

37 (1) The plan adopted by the Department; and

38 (2) The plan adopted by the board of trustees of the
39 applicable school district, to the extent that the plan adopted by the
40 board of trustees of the school district is consistent with the plan
41 adopted by the Department.

42 **Sec. 152.** NRS 389.560 is hereby amended to read as follows:

43 389.560 1. The ~~[State Board]~~ **Department** shall adopt
44 regulations that require the board of trustees of each school district
45 and the governing body of each charter school to submit to the



1 Superintendent of Public Instruction ~~[4]~~ and the Department, ~~[and~~
2 ~~the Council,]~~ in the form and manner prescribed by the
3 Superintendent, the results of the examinations administered
4 pursuant to NRS 389.550. The ~~[State Board]~~ Department shall not
5 include in the regulations any provision that would violate the
6 confidentiality of the test scores of an individual pupil.

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

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

13 (b) The percentage of pupils who have demonstrated
14 proficiency, as defined by the Department, and took the
15 examinations with modifications or accommodations, if such
16 reporting does not violate the confidentiality of the test scores of any
17 individual pupil.

18 3. ~~[Not later than 10 days after the Department receives the~~
19 ~~results of the examinations, the Department shall transmit a copy of~~
20 ~~the results to the Legislative Bureau of Educational Accountability~~
21 ~~and Program Evaluation in a manner that does not violate the~~
22 ~~confidentiality of the test scores of any individual pupil.~~

23 ~~—4.]~~ On or before July 1 of each year, each school district and
24 each charter school shall report to the Department the following
25 information for each examination administered in the public schools
26 in the school district or charter school:

27 (a) The examination administered;

28 (b) The grade level or levels of pupils to whom the examination
29 was administered;

30 (c) The costs incurred by the school district or charter school in
31 administering each examination; and

32 (d) The purpose, if any, for which the results of the examination
33 are used by the school district or charter school.

34 ➔ On or before September 1 of each year, the Department shall
35 transmit to the Budget Division of the Department of
36 Administration and the Fiscal Analysis Division of the Legislative
37 Counsel Bureau the information submitted to the Department
38 pursuant to this subsection.

39 ~~[5.]~~ 4. The superintendent of schools of each school district
40 and the governing body of each charter school shall certify that the
41 number of pupils who took the examinations is equal to the number
42 of pupils who are enrolled in each school in the school district or in
43 the charter school who are required to take the examinations.

44 ~~[6.]~~ 5. In addition to the information required by subsection
45 ~~[4.]~~ 3, the Superintendent of Public Instruction shall:



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

(b) Reconcile the number of pupils who were required to take the examinations with the number of pupils who were exempt from taking the examinations or absent from school on the day that the examinations were administered.

Sec. 153. NRS 389.570 is hereby amended to read as follows:

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

2. After the completion of the review pursuant to subsection 1, the ~~{Council}~~ *Department* shall evaluate:

(a) Whether the standards of content and performance established by the ~~{Council}~~ *Department* require revision; and

(b) The success of pupils, as measured by the results of the examinations, in achieving the standards of performance established by the ~~{Council}~~ *Department*.

3. The ~~{Council}~~ *Department* shall report the results of the evaluation conducted pursuant to subsection 2 to the State Board and the Legislative Committee on Education.

Sec. 154. NRS 389.805 is hereby amended to read as follows:

389.805 1. Except as otherwise provided in subsection 3, a pupil must receive a standard high school diploma if the pupil:

(a) Passes all subject areas of the high school proficiency examination administered pursuant to NRS 389.015 and otherwise satisfies the requirements for graduation from high school; or

(b) Has failed to pass the high school proficiency examination administered pursuant to NRS 389.015 in its entirety not less than two times before beginning grade 12 and the pupil:

(1) Passes the subject areas of mathematics and reading on the proficiency examination;

(2) Has an overall grade point average of not less than 2.75 on a 4.0 grading scale;

(3) Satisfies the alternative criteria prescribed by the ~~{State Board}~~ *Department* pursuant to subsection 4; and

(4) Otherwise satisfies the requirements for graduation from high school.

2. A pupil with a disability who does not satisfy the requirements for receipt of a standard high school diploma may receive a diploma designated as an adjusted diploma if the pupil



1 satisfies the requirements set forth in his or her individualized
2 education program. As used in this subsection, "individualized
3 education program" has the meaning ascribed to it in 20 U.S.C. §
4 1414(d)(1)(A).

5 3. A pupil who transfers during grade 12 to a school in this
6 State from a school outside this State because of the military transfer
7 of the parent or legal guardian of the pupil may receive a waiver
8 from the requirements of paragraphs (a) and (b) of subsection 1 if, in
9 accordance with the provisions of NRS 392C.010, the school district
10 in which the pupil is enrolled:

11 (a) Accepts the results of the exit or end-of-course examinations
12 required for graduation in the local education agency in which the
13 pupil was previously enrolled;

14 (b) Accepts the results of a national norm-referenced
15 achievement examination taken by the pupil; or

16 (c) Establishes an alternative test for the pupil which
17 demonstrates proficiency in the subject areas tested on the high
18 school proficiency examination, and the pupil successfully passes
19 that test.

20 4. The ~~[State Board]~~ *Department* shall adopt regulations that
21 prescribe the alternative criteria for a pupil to receive a standard
22 high school diploma pursuant to paragraph (b) of subsection 1,
23 including, without limitation:

24 (a) An essay;

25 (b) A senior project; or

26 (c) A portfolio of work,

27 ➔ or any combination thereof, that demonstrate proficiency in the
28 subject areas on the high school proficiency examination which the
29 pupil failed to pass.

30 **Sec. 155.** NRS 389.810 is hereby amended to read as follows:

31 389.810 1. Notwithstanding any provision of this title to the
32 contrary, a person who:

33 (a) Left high school before graduating to serve in the Armed
34 Forces of the United States during:

35 (1) World War II and so served at any time between
36 September 16, 1940, and December 31, 1946;

37 (2) The Korean War and so served at any time between
38 June 25, 1950, and January 31, 1955; or

39 (3) The Vietnam Era and so served at any time between
40 January 1, 1961, and May 7, 1975;

41 (b) Was discharged from the Armed Forces of the United States
42 under honorable conditions; and

43 (c) As a result of his or her service in the Armed Forces of the
44 United States, did not receive a high school diploma,



1 ➤ shall be deemed to have earned sufficient credits to receive a
2 standard high school diploma.

3 2. A school district may, upon request, issue a standard high
4 school diploma to any person who meets the requirements set forth
5 in subsection 1. A school district may issue a standard high school
6 diploma to such a person even if the person:

7 (a) Holds a general educational development credential or its
8 equivalent; or

9 (b) Is deceased, if the family of the veteran requests the issuance
10 of the diploma.

11 3. The ~~[State Board]~~ *Department* and the Office of Veterans'
12 Services shall work cooperatively to establish guidelines for
13 identifying and issuing standard high school diplomas to persons
14 pursuant to this section.

15 4. A person to whom a standard high school diploma is issued
16 pursuant to this section shall not be deemed to be a pupil for the
17 purposes of this title.

18 **Sec. 156.** NRS 390.140 is hereby amended to read as follows:

19 390.140 1. The ~~[State Board]~~ *Department* shall make the
20 final selection of all textbooks to be used in the public schools in
21 this State, except for charter schools. If a textbook proposed for
22 selection is in a subject area for which standards of content have
23 been ~~[established]~~ *adopted* by the ~~[Council to Establish Academic~~
24 ~~Standards for Public Schools]~~ *Department* pursuant to NRS
25 389.520, the ~~[State Board]~~ *Department* shall not select the textbook
26 unless the ~~[State Board]~~ *Department* determines that the textbook
27 adequately supports the standards for that subject area.

28 2. A textbook must not be selected by the ~~[State Board]~~
29 *Department* pursuant to subsection 1 for use in the public schools in
30 classes in literature, history or social sciences unless it accurately
31 portrays the cultural and racial diversity of our society, including
32 lessons on the contributions made to our society by men and women
33 from various racial and ethnic backgrounds.

34 **Sec. 157.** NRS 390.160 is hereby amended to read as follows:

35 390.160 1. The ~~[State Board]~~ *Department* may make such
36 contracts for the purchase and use of textbooks in the name of the
37 State as it deems necessary for the interests of the public schools.

38 2. Contracts must:

39 (a) Set forth the introductory, exchange and retail price of each
40 textbook, which must not exceed the lowest price the publisher has
41 charged for the same textbook anywhere in the continental United
42 States for similar quantities exclusive of shipping costs.

43 (b) Guarantee that there is no subversive or sectarian doctrine, as
44 determined by the laws of Nevada and the United States, in any of
45 the textbooks covered by the contract.



Sec. 158. NRS 390.220 is hereby amended to read as follows:

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.]~~ *Department*.

Sec. 159. NRS 390.230 is hereby amended to read as follows:

390.230 1. Except as otherwise provided in subsection 2, the textbooks adopted by the ~~[State Board.]~~ *Department* must be used in the public schools in this State, and no other books may be used as basic textbooks.

2. This section does not prohibit:

(a) The continued use of such textbooks previously approved until they become unserviceable.

(b) The use of supplemental textbooks purchased by a school district with the approval of the Superintendent of Public Instruction.

(c) After approval by the ~~[State Board.]~~ *Department*, the temporary use of textbooks for tryout purposes.

(d) A charter school from using textbooks other than those adopted for use by the ~~[State Board.]~~ *Department*.

3. Any school officer or teacher who violates the provisions of this chapter, or knowingly fails to follow the regulations of the ~~[State Board.]~~ *Department* relating to use of textbooks shall be punished by a fine of not more than \$250.

4. All superintendents, principals, teachers and school officers are charged with the execution of this section.

Sec. 160. NRS 391.027 is hereby amended to read as follows:

391.027 1. The ~~[State Board.]~~ *Department* may disapprove any regulation adopted by the Commission if the regulation:

(a) Threatens the efficient operation of the public schools in this State; or

(b) Creates an undue financial hardship for any teacher, administrator or other educational personnel or any county school district.

2. A regulation shall be deemed approved if the ~~[State Board.]~~ *Department* does not disapprove the regulation within 90 days after it is adopted by the Commission.

Sec. 161. NRS 391.037 is hereby amended to read as follows:

391.037 1. The ~~[State Board.]~~ *Department* shall:

(a) Prescribe by regulation the standards for approval of a course of study or training offered by an educational institution to qualify a person to be a teacher or administrator or to perform other educational functions.

(b) Maintain descriptions of the approved courses of study required to qualify for endorsements in fields of specialization and



1 provide to an applicant, upon request, the approved course of study
2 for a particular endorsement.

3 2. Except for an applicant who submits an application for the
4 issuance of a license pursuant to subparagraph (7) or (10) of
5 paragraph (a) of subsection 1 of NRS 391.019, an applicant for a
6 license as a teacher or administrator or to perform some other
7 educational function must submit with his or her application, in the
8 form prescribed by the Superintendent of Public Instruction, proof
9 that the applicant has satisfactorily completed a course of study and
10 training approved by the ~~{State Board}~~ *Department* pursuant to
11 subsection 1.

12 **Sec. 162.** NRS 391.038 is hereby amended to read as follows:

13 391.038 1. The ~~{State Board,}~~ *Department*, in consultation
14 with educational institutions in this State which offer courses of
15 study and training for the education of teachers, the board of trustees
16 of each school district in this State and other educational personnel,
17 shall review and evaluate a course of study and training offered by
18 an educational institution which is designed to provide the education
19 required for:

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

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

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

24 ➤ If the course of study and training meets the requirements
25 established by the ~~{State Board,}~~ *Department*, it must be approved
26 by the ~~{State Board,}~~ *Department*. The ~~{State Board}~~ *Department*
27 shall not approve a course of study or training unless the course of
28 study and training provides instruction, to the extent deemed
29 necessary by the ~~{State Board,}~~ *Department*, in the standards of
30 content and performance prescribed by the ~~{Council to Establish
31 Academic Standards for Public Schools}~~ *Department* pursuant to
32 NRS 389.520.

33 2. The ~~{State Board}~~ *Department* may review and evaluate
34 such courses of study and training itself or may recognize a course
35 of study and training approved by a national agency for
36 accreditation acceptable to the ~~{Board,}~~ *Department*.

37 3. The ~~{State Board}~~ *Department* shall adopt regulations
38 establishing fees for the review by the ~~{Board}~~ *Department* of a
39 course of study and training submitted to the ~~{Board}~~ *Department*
40 by an educational institution.

41 4. The ~~{State Board,}~~ *Department*, in consultation with
42 educational institutions in this State which offer courses of study
43 and training for the education of teachers and other educational
44 personnel, and the Nevada Association of Colleges for Teacher
45 Education and the Nevada Association of Teacher Educators, shall



1 adopt regulations governing the approval by the ~~{State Board}~~
2 *Department* of courses of study and training which are accredited
3 by the National Council for Accreditation of Teacher Education, and
4 those which are not so accredited.

5 5. If the ~~{State Board}~~ *Department* denies or withdraws its
6 approval of a course of study or training, the educational institution
7 is entitled to a hearing and judicial review of the decision of the
8 ~~{State Board}~~ *Department*.

9 **Sec. 163.** NRS 391.055 is hereby amended to read as follows:

10 391.055 1. The Department shall adopt regulations that
11 establish a procedure for the notification, tracking and monitoring of
12 the status of criminal cases involving persons who are licensed
13 pursuant to this chapter. The procedure must include, without
14 limitation:

15 (a) A method by which the superintendent of schools of a school
16 district and the administrative head of a charter school must notify
17 the Department in a timely manner of the arrest of a person who is
18 licensed pursuant to this chapter if:

19 (1) The act for which the licensee is arrested:

20 (I) May be a ground for the suspension or revocation of
21 the person's license pursuant to NRS 391.330; and

22 (II) Is not excluded by the Department from the
23 notification requirements of this section; and

24 (2) The school district or charter school has knowledge of
25 that arrest.

26 (b) A method by which the superintendent of schools of a school
27 district and the administrative head of a charter school must notify
28 the Department in a timely manner of:

29 (1) Each action, if any, taken against the licensee by the
30 school district or charter school after the arrest; and

31 (2) The conviction of the licensee, if the licensee is convicted
32 of the act for which he or she was arrested.

33 (c) The steps that the Department must follow in response to the
34 receipt of notice pursuant to this section, including, without
35 limitation, the preparation of a separate file on the licensee for the
36 documentation and monitoring of the status of the case.

37 2. Each file that is maintained on a licensee pursuant to
38 subsection 1 must include, without limitation:

39 (a) The date on which the person was arrested and the date on
40 which the Department received notice of the arrest from the school
41 district or charter school;

42 (b) The reason why the licensee was arrested;

43 (c) The steps taken by the Department in response to all notices
44 received by the Department from a school district or charter school
45 pursuant to subsection 1;



(d) An indication whether the case was referred to the Attorney General's office for review and the date of the referral, if any;

(e) An indication whether the Superintendent of Public Instruction has presented the case to the State Board for action and the type of action recommended by the Superintendent, if any;

(f) A description of any action taken by the ~~[State Board]~~ *Department* against the licensee and the reason for that action or, if no action is taken by the ~~[State Board,]~~ *Department*, the reason for the inaction; and

(g) The final resolution of the case and the date of resolution.

3. If the Department receives notice of a conviction of a licensee and the conviction is for an act which is a ground for the suspension or revocation of a license, the Superintendent of Public Instruction shall immediately recommend that the ~~[State Board]~~ *Department* proceed in accordance with the provisions of NRS 391.320 to 391.361, inclusive.

4. If the Department maintains a file on a licensee pursuant to this section and the ~~[State Board]~~ *Department* determines that there is not sufficient evidence to suspend or revoke the license, the file and any related documents must not be made a part of that licensee's permanent employment record.

Sec. 164. NRS 391.092 is hereby amended to read as follows:

391.092 1. The board of trustees of each school district:

(a) Shall establish a plan for the teachers and other licensed educational personnel in the school district who teach or supervise pupils in physical education; and

(b) May establish a plan for the teachers and other licensed educational personnel in the school district who teach or supervise pupils in courses of study or activities other than physical education which involve a high risk that cardiopulmonary resuscitation will need to be administered during the course of study or activity,
↳ to receive the training which is necessary for certification in the administration of cardiopulmonary resuscitation.

2. A plan established by the board of trustees pursuant to subsection 1 must:

(a) Comply with the guidelines established by the American National Red Cross or the American Heart Association for the certification of persons in the administration of cardiopulmonary resuscitation;

(b) Set forth the courses of study and activities offered at schools within the district other than physical education which involve a high risk that cardiopulmonary resuscitation will need to be administered during the course of study or activity, including, without limitation, laboratory sciences, vocational education, special education, competitive sports and the transportation of pupils; and



(c) Set forth an estimation of the time and resources necessary for all personnel of the district to obtain certification in the administration of cardiopulmonary resuscitation.

3. The board of trustees of each school district shall submit to the ~~{State-Board}~~ **Department** any plan that it establishes pursuant to subsection 1.

4. A teacher or other person who:

(a) Is licensed pursuant to this chapter; and

(b) Teaches or supervises:

(1) Physical education; or

(2) A course of study or an activity that the board of trustees of the school district in which the person is employed has identified as involving a high risk that cardiopulmonary resuscitation will need to be administered during the course of study or activity and for which the board of trustees has established a plan pursuant to subsection 1,

shall establish and maintain current certification in the administration of cardiopulmonary resuscitation in accordance with the plan established by the board of trustees.

5. The board of trustees of a school district may enter into an agreement with a local fire department, a local law enforcement agency or a nonprofit organization to provide the training and certification required by the plan.

Sec. 165. NRS 391.094 is hereby amended to read as follows:

391.094 The ~~{State-Board}~~ **Department** shall prescribe by regulation at least one examination for those paraprofessionals who desire to satisfy the requirements of 20 U.S.C. § 6319(c) by passing an examination prescribed by this State. The regulations must include the passing score required to demonstrate satisfaction of the requirements of 20 U.S.C. § 6319(c).

Sec. 166. NRS 391.095 is hereby amended to read as follows:

391.095 1. A school district may enter into an agreement with a branch of the Nevada System of Higher Education or an accredited postsecondary educational institution which is licensed by the Commission on Postsecondary Education and which offers courses of study and training for the education of teachers which are approved or recognized by the ~~{State-Board}~~ **Department** pursuant to NRS 391.038, for the assignment of students for training purposes as student teachers, counselors or trainees in a library, or for experience in a teaching laboratory. Students so assigned within the school district for training purposes may, under the direction and supervision of a licensed teacher, instruct and supervise pupils in the school, on the school grounds or on authorized field trips. The students so assigned are employees of the school district for purposes of NRS 41.038 and 41.039, while performing such



1 authorized duties, whether or not the duties are performed entirely in
2 the presence of the licensed teacher.

3 2. As used in this section:

4 (a) "Accredited" has the meaning ascribed to it in NRS 394.006.

5 (b) "Postsecondary educational institution" has the meaning
6 ascribed to it in NRS 394.099.

7 **Sec. 167.** NRS 391.097 is hereby amended to read as follows:

8 391.097 1. Upon the request of a parent or legal guardian of a
9 pupil who is enrolled in a public school, the board of trustees of the
10 school district in which the school is located or the governing body
11 of the charter school, as applicable, shall provide to the parent or
12 guardian information regarding the professional qualifications of the
13 pupil's teachers. The ~~{State Board}~~ **Department** shall prescribe the
14 time by which such information must be provided after receipt of
15 the request by the school district or charter school. The information
16 provided must include, without limitation:

17 (a) For each teacher who provides instruction to the pupil:

18 (1) Whether the teacher holds a license for the grade level
19 and subject area in which the teacher provides instruction;

20 (2) Whether the teacher is:

21 (I) Providing instruction pursuant to NRS 391.125;

22 (II) Providing instruction pursuant to a waiver of the
23 requirements for licensure for the grade level or subject area in
24 which the teacher is employed; or

25 (III) Otherwise providing instruction without an
26 endorsement for the subject area in which the teacher is employed;
27 and

28 (3) The degree held by the teacher and any other graduate
29 certification or degree held by the teacher, including, without
30 limitation, the field in which each degree or certification was
31 obtained; and

32 (b) If a paraprofessional, as defined in NRS 391.008, provides
33 services to the pupil, the qualifications of the paraprofessional.

34 2. At the beginning of each school year, the board of trustees of
35 each school district and the governing body of each charter school
36 shall provide written notice to the parents and guardians of each
37 pupil enrolled in a school within the school district or enrolled in the
38 charter school, as applicable, that a parent or guardian may request
39 information pursuant to subsection 1. The ~~{State Board}~~ **Department**
40 shall prescribe the date by which the notice required by this
41 subsection must be provided.

42 3. The information required pursuant to subsection 1 and the
43 notice required pursuant to subsection 2 must be provided in a
44 uniform and understandable format and, to the extent practicable, in
45 a language that parents and guardians can understand.



Sec. 168. NRS 391.098 is hereby amended to read as follows:

391.098 1. If a pupil enrolled in a Title I school or a school that is designated as needing improvement pursuant to NRS 385.3623:

(a) Is assigned to a teacher, as the pupil's regular classroom teacher, who is not highly qualified; or

(b) Has been taught for 4 consecutive weeks or more by a teacher who is not the pupil's regular classroom teacher and who is not highly qualified,

→ the principal of the school or the administrative head of the charter school, as applicable, shall provide notice of that fact to the parent or legal guardian of the pupil.

2. The ~~[State Board]~~ **Department** shall prescribe the date on which the notice required by subsection 1 must be provided. The notice must be provided in a uniform and understandable format and, to the extent practicable, in a language that parents and guardians can understand.

3. As used in this section, "highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

Sec. 169. NRS 391.166 is hereby amended to read as follows:

391.166 1. There is hereby created the Grant Fund for Incentives for Licensed Educational Personnel to be administered by the Department. The Department may accept gifts and grants from any source for deposit in the Grant Fund.

2. The board of trustees of each school district shall establish a program of incentive pay for licensed teachers, school psychologists, school librarians, school counselors and administrators employed at the school level which must be designed to attract and retain those employees. The program must be negotiated pursuant to chapter 288 of NRS and must include, without limitation, the attraction and retention of:

(a) Licensed teachers, school psychologists, school librarians, school counselors and administrators employed at the school level who have been employed in that category of position for at least 5 years in this State or another state and who are employed in schools which are at-risk, as determined by the Department pursuant to subsection 8; and

(b) Teachers who hold an endorsement in the field of mathematics, science, special education, English as a second language or other area of need within the school district, as determined by the Superintendent of Public Instruction.

3. A program of incentive pay established by a school district must specify the type of financial incentives offered to the licensed educational personnel. Money available for the program must not be



1 used to negotiate the salaries of individual employees who
2 participate in the program.

3 4. If the board of trustees of a school district wishes to receive
4 a grant of money from the Grant Fund, the board of trustees shall
5 submit to the Department an application on a form prescribed by the
6 Department. The application must include a description of the
7 program of incentive pay established by the school district.

8 5. The Superintendent of Public Instruction shall compile a list
9 of the financial incentives recommended by each school district that
10 submitted an application. On or before December 1 of each year, the
11 Superintendent shall submit the list to the Interim Finance
12 Committee for its approval of the recommended incentives.

13 6. After approval of the list of incentives by the Interim
14 Finance Committee pursuant to subsection 5 and within the limits of
15 money available in the Grant Fund, the Department shall provide
16 grants of money to each school district that submits an application
17 pursuant to subsection 4 based upon the amount of money that is
18 necessary to carry out each program. If an insufficient amount of
19 money is available to pay for each program submitted to the
20 Department, the amount of money available must be distributed pro
21 rata based upon the number of licensed employees who are
22 estimated to be eligible to participate in the program in each school
23 district that submitted an application.

24 7. An individual employee may not receive as a financial
25 incentive pursuant to a program an amount of money that is more
26 than \$3,500 per year.

27 8. The Department shall, in consultation with representatives
28 appointed by the Nevada Association of School Superintendents and
29 the Nevada Association of School Boards, develop a formula for
30 identifying at-risk schools for purposes of this section. The formula
31 must be developed on or before July 1 of each year and include,
32 without limitation, the following factors:

33 (a) The percentage of pupils who are eligible for free or
34 reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq.;

35 (b) The transiency rate of pupils;

36 (c) The percentage of pupils who are limited English proficient;

37 (d) The percentage of pupils who have individualized education
38 programs;

39 (e) The percentage of pupils who score in the bottom two
40 quarters on the mathematics portion or the reading portion, or both,
41 of the high school proficiency examination; and

42 (f) The percentage of pupils who drop out of high school before
43 graduation.

44 9. The board of trustees of each school district that receives a
45 grant of money pursuant to this section shall evaluate the



1 effectiveness of the program for which the grant was awarded. The
2 evaluation must include, without limitation, an evaluation of
3 whether the program is effective in recruiting and retaining the
4 personnel as set forth in subsection 2. On or before December 1 of
5 each year, the board of trustees shall submit a report of its
6 evaluation to the:

7 (a) Governor;

8 (b) *Department*;

9 (c) State Board;

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

11 ~~(d)~~ (e) If the report is submitted in an even-numbered year,
12 Director of the Legislative Counsel Bureau for transmittal to the
13 next regular session of the Legislature; and

14 ~~(e)~~ (f) Legislative Committee on Education.

15 **Sec. 170.** NRS 391.295 is hereby amended to read as follows:

16 391.295 A board of trustees of a school district may authorize
17 the use of school buses to transport teachers, school administrators
18 and other school employees to educational conferences convened by
19 the ~~[State Board of Education.]~~ *Superintendent of Public*
20 *Education.*

21 **Sec. 171.** NRS 391.3015 is hereby amended to read as
22 follows:

23 391.3015 1. Except as otherwise provided by subsection 3, if
24 the license of an employee lapses during a time that school is in
25 session:

26 (a) The school district that employs him or her shall provide
27 written notice to the employee of the lapse of the employee's license
28 and of the provisions of this section;

29 (b) The employee must not be suspended from employment for
30 the lapsed license for a period of 90 days after the date of the notice
31 pursuant to paragraph (a) or the end of the school year, whichever is
32 longer; and

33 (c) The employee's license shall be deemed valid for the period
34 described in paragraph (b) for purposes of the employee's continued
35 employment with the school district during that period.

36 2. If a school district complies with subsection 1 and an
37 employee fails to reinstate his or her license within the time
38 prescribed in paragraph (b) of subsection 1, his or her employment
39 shall be deemed terminated at the end of the period described in
40 paragraph (b) of subsection 1 and the school district is not otherwise
41 required to comply with NRS 391.301 to 391.309, inclusive.

42 3. The provisions of this section do not apply to an employee
43 whose license has been suspended or revoked by the ~~[State Board]~~
44 *Department* pursuant to NRS 391.320 to 391.361, inclusive.



1 **Sec. 172.** NRS 391.3161 is hereby amended to read as
2 follows:

3 391.3161 1. Each request for the appointment of a person to
4 serve as a hearing officer must be submitted to the Superintendent of
5 Public Instruction.

6 2. Within 10 days after receipt of such a request, the
7 Superintendent of Public Instruction shall request that the Hearings
8 Division of the Department of Administration appoint a hearing
9 officer.

10 3. The ~~[State—Board]~~ *Department* shall prescribe the
11 procedures for exercising challenges to a hearing officer, including,
12 without limitation, the number of challenges that may be exercised,
13 and the time limits in which the challenges must be exercised.

14 4. A hearing officer shall conduct hearings in cases of
15 demotion, dismissal or a refusal to reemploy based on the grounds
16 contained in subsection 1 of NRS 391.312.

17 5. This section does not preclude the employee and the
18 superintendent from mutually selecting an attorney who is a resident
19 of this State, an arbitrator provided by the American Arbitration
20 Association or a representative of an agency or organization that
21 provides alternative dispute resolution services to serve as a hearing
22 officer to conduct a particular hearing.

23 **Sec. 173.** NRS 391.3192 is hereby amended to read as
24 follows:

25 391.3192 1. As soon as possible after the time of his or her
26 designation, the hearing officer shall hold a hearing to determine
27 whether the grounds for the recommendation are substantiated.

28 2. The Superintendent of Public Instruction shall furnish the
29 hearing officer with any assistance which is reasonably required to
30 conduct the hearing, and the hearing officer may require witnesses
31 to give testimony under oath and produce evidence relevant to the
32 investigation.

33 3. The licensed employee and superintendent are entitled to be
34 heard, to be represented by an attorney and to call witnesses in their
35 behalf.

36 4. The hearing officer is entitled to be reimbursed for his or her
37 reasonable actual expenses.

38 5. If requested by the hearing officer, an official transcript must
39 be made.

40 6. The board and the licensed employee are equally responsible
41 for the expense of and compensation for the hearing officer and the
42 expense of the official transcript.

43 7. The ~~[State—Board]~~ *Department* shall develop a set of
44 uniform standards and procedures to be used in such a hearing. The
45 technical rules of evidence do not apply to this hearing.



1 **Sec. 174.** NRS 391.320 is hereby amended to read as follows:
2 391.320 The ~~{State Board of Education}~~ **Department** may
3 suspend or revoke the license of any teacher for any cause specified
4 by law.

5 **Sec. 175.** NRS 391.321 is hereby amended to read as follows:
6 391.321 1. If the ~~{State Board}~~ **Department** receives a copy
7 of a court order issued pursuant to NRS 425.540 that provides for
8 the suspension of all professional, occupational and recreational
9 licenses, certificates and permits issued to a person who is the
10 holder of a license issued pursuant to this chapter, the ~~{State Board}~~
11 **Department** shall deem the license issued to that person to be
12 suspended at the end of the 30th day after the date on which the
13 court order was issued unless the ~~{State Board}~~ **Department** receives
14 a letter issued to the holder of the license by the district attorney or
15 other public agency pursuant to NRS 425.550 stating that the holder
16 of the license has complied with the subpoena or warrant or has
17 satisfied the arrearage pursuant to NRS 425.560.

18 2. The ~~{State Board}~~ **Department** shall reinstate a license
19 issued pursuant to this chapter that has been suspended by a district
20 court pursuant to NRS 425.540 if the ~~{State Board}~~ **Department**
21 receives a letter issued by the district attorney or other public agency
22 pursuant to NRS 425.550 to the person whose license was
23 suspended stating that the person whose license was suspended has
24 complied with the subpoena or warrant or has satisfied the arrearage
25 pursuant to NRS 425.560.

26 **Sec. 176.** NRS 391.322 is hereby amended to read as follows:
27 391.322 1. If the board of trustees of a school district or the
28 Superintendent of Public Instruction or the Superintendent's
29 designee submits a recommendation to the ~~{State Board}~~
30 **Department** for the suspension or revocation of a license issued
31 pursuant to this chapter, the ~~{State Board}~~ **Department** shall give
32 written notice of the recommendation to the person to whom the
33 license has been issued.

34 2. A notice given pursuant to subsection 1 must contain:
35 (a) A statement of the charge upon which the recommendation is
36 based;

37 (b) A copy of the recommendation received by the ~~{State~~
38 **Board;}** **Department;**

39 (c) A statement that the licensee is entitled to a hearing before a
40 hearing officer if the licensee makes a written request for the
41 hearing as provided by subsection 3; and

42 (d) A statement that the grounds and procedure for the
43 suspension or revocation of a license are set forth in NRS 391.320 to
44 391.361, inclusive.



3. A licensee to whom notice has been given pursuant to this section may request a hearing before a hearing officer selected pursuant to subsection 4. Such a request must be in writing and must be filed with the Superintendent of Public Instruction within 15 days after receipt of the notice by the licensee.

4. Upon receipt of a request filed pursuant to subsection 3, the Superintendent of Public Instruction shall request from the Hearings Division of the Department of Administration a list of potential hearing officers. The licensee requesting a hearing and the Superintendent of Public Instruction shall select a person to serve as hearing officer from the list provided by the Hearings Division of the Department of Administration by alternately striking one name until the name of only one hearing officer remains. The Superintendent of Public Instruction shall strike the first name.

5. Except as otherwise provided in subsection 6, if no request for a hearing is filed within the time specified in subsection 3, the ~~{State Board}~~ Department may suspend or revoke the license or take no action on the recommendation.

6. If the Department receives notice of a conviction of a licensee and the conviction is for an act which is a ground for the suspension or revocation of a license, the ~~{State Board}~~ Department shall immediately process the recommendation in accordance with the provisions of NRS 391.320 to 391.361, inclusive. If no request for a hearing is filed within the time specified in subsection 3, the ~~{State Board}~~ Department may accept, reject or modify the recommendation.

Sec. 177. NRS 391.323 is hereby amended to read as follows:

391.323 1. Within 30 days after the selection of a hearing officer pursuant to NRS 391.322, the hearing officer shall conduct a hearing. Within 15 days after the conclusion of the hearing, the hearing officer shall prepare and file with the Superintendent of Public Instruction a report containing:

(a) A recommendation as to whether the license of the licensee should be suspended or revoked; and

(b) Findings of fact and conclusions of law which support the recommendation.

2. The ~~{State Board}~~ Department may accept or reject the recommendation or refer the report back to the hearing officer for further evidence and recommendation, and shall notify the teacher, administrator or other licensed employee in writing of its decision. The decision of the ~~{State Board}~~ Department is a final decision in a contested case.

Sec. 178. NRS 391.330 is hereby amended to read as follows:

391.330 The ~~{State Board}~~ Department may suspend or revoke the license of any teacher, administrator or other licensed employee,



1 after notice and an opportunity for hearing have been provided
2 pursuant to NRS 391.322 and 391.323, for:

- 3 1. Immoral or unprofessional conduct.
- 4 2. Evident unfitness for service.
- 5 3. Physical or mental incapacity which renders the teacher,
6 administrator or other licensed employee unfit for service.
- 7 4. Conviction of a felony or crime involving moral turpitude.
- 8 5. Conviction of a sex offense under NRS 200.366, 200.368,
9 201.190, 201.220, 201.230, 201.540 or 201.560 in which a pupil
10 enrolled in a school of a county school district was the victim.
- 11 6. Knowingly advocating the overthrow of the Federal
12 Government or of the State of Nevada by force, violence or
13 unlawful means.
- 14 7. Persistent defiance of or refusal to obey the regulations of
15 the ~~{State—Board,}~~ *Department*, the Commission or the
16 Superintendent of Public Instruction, defining and governing the
17 duties of teachers, administrators and other licensed employees.
- 18 8. Breaches in the security or confidentiality of the questions
19 and answers of the achievement and proficiency examinations that
20 are administered pursuant to NRS 389.015.
- 21 9. Intentional failure to observe and carry out the requirements
22 of a plan to ensure the security of examinations adopted pursuant to
23 NRS 389.616 or 389.620.
- 24 10. An intentional violation of NRS 388.5265 or 388.527.

25 **Sec. 179.** NRS 391.350 is hereby amended to read as follows:

26 391.350 1. Any teacher or other licensed employee employed
27 by any board for a specified time who willfully refuses or fails to
28 fulfill his or her employment obligations after the employee has
29 notified the board of his or her acceptance of employment under
30 subsection 3 of NRS 391.3196 or subsection 2 of NRS 391.3197 or
31 to comply with the provisions of his or her contract after it has been
32 signed without first obtaining the written consent of the board may
33 be found guilty of unprofessional conduct. The board shall not
34 unreasonably withhold its consent. Any administrator who willfully
35 secures the signature on a statement of intent to accept employment
36 of any teacher or other licensed employee who has notified the
37 board of another school district in this State of his or her acceptance
38 of employment is guilty of unprofessional conduct, unless the
39 employee has first obtained the written consent of the board to
40 which he or she has given notice of acceptance. If the failure or
41 refusal to comply with the provisions of the contract is the result of
42 having subsequently executed an employment contract with another
43 board in this State without the written consent of the board first
44 employing him or her, the second contract is void.



2. Upon receiving a formal complaint from the board, substantiated by conclusive evidence of a teacher's failure or refusal under subsection 1 or that an administrator has willfully secured such a signature, the ~~{State-Board}~~ *Department* may suspend or revoke the license of the teacher or administrator after notice and opportunity for a hearing have been provided pursuant to NRS 391.322 and 391.323.

3. The Superintendent of Public Instruction shall notify state agencies for education in other states of any revocation pursuant to this section.

Sec. 180. NRS 391.355 is hereby amended to read as follows:

391.355 1. The ~~{State-Board}~~ *Department* shall adopt rules of procedure for the conduct of hearings conducted pursuant to NRS 391.323.

2. The rules of procedure must provide for boards of trustees of school districts or the Superintendent of Public Instruction or the Superintendent's designee to bring charges, when cause exists.

3. A hearing officer selected pursuant to NRS 391.322 shall, upon the request of a party, issue subpoenas to compel the attendance of witnesses and the production of books, records, documents or other pertinent information to be used as evidence in hearings conducted pursuant to NRS 391.323.

Sec. 181. NRS 391.361 is hereby amended to read as follows:

391.361 If charges are brought against a teacher, administrator or other educational personnel for the suspension or revocation of his or her license and the ~~{State-Board-of-Education}~~ *Department* determines that there is not sufficient evidence to suspend or revoke the license, the complaint and any related documents must not be made a part of that person's permanent employment record.

Sec. 182. NRS 391.512 is hereby amended to read as follows:

391.512 1. ~~{There are hereby created}~~ *To the extent money is available from legislative appropriation or otherwise*, the Southern Nevada Regional Training Program, the Northeastern Nevada Regional Training Program and the Northwestern Nevada Regional Training Program ~~{The}~~ *are hereby created. If created, the* governing body of ~~{each}~~ *a* regional training program shall establish and operate a:

(a) Regional training program for the professional development of teachers and administrators.

(b) Nevada Early Literacy Intervention Program through the regional training program established pursuant to paragraph (a).

2. Except as otherwise provided in subsection 5, the Southern Nevada Regional Training Program *, if created*, must primarily provide services to teachers and administrators who are employed by school districts in:



- 1 (a) Clark County;
- 2 (b) Esmeralda County;
- 3 (c) Lincoln County;
- 4 (d) Mineral County; and
- 5 (e) Nye County.

6 3. Except as otherwise provided in subsection 5, the
7 Northeastern Nevada Regional Training Program , *if created*, must
8 primarily provide services to teachers and administrators who are
9 employed by school districts in:

- 10 (a) Churchill County;
- 11 (b) Elko County;
- 12 (c) Eureka County;
- 13 (d) Lander County;
- 14 (e) Humboldt County;
- 15 (f) Pershing County; and
- 16 (g) White Pine County.

17 4. Except as otherwise provided in subsection 5, the
18 Northwestern Nevada Regional Training Program , *if created*, must
19 primarily provide services to teachers and administrators who are
20 employed by school districts in:

- 21 (a) Carson City;
- 22 (b) Douglas County;
- 23 (c) Lyon County;
- 24 (d) Storey County; and
- 25 (e) Washoe County.

26 5. ~~Each~~ *If created, a* regional training program shall, when
27 practicable, make reasonable accommodations for the attendance of
28 teachers and administrators who are employed by school districts
29 outside the primary jurisdiction of the regional training program.

30 6. The board of trustees of the:

31 (a) Clark County School District shall serve as the fiscal agent
32 for the Southern Nevada Regional Training Program ~~H~~ , *if created*.

33 (b) Elko County School District shall serve as the fiscal agent
34 for the Northeastern Nevada Regional Training Program ~~H~~ , *if*
35 *created*.

36 (c) Washoe County School District shall serve as the fiscal agent
37 for the Northwestern Nevada Regional Training Program ~~H~~ , *if*
38 *created*.

39 ➡ As fiscal agent, each school district is responsible for the
40 payment, collection and holding of all money received from this
41 State for the maintenance and support of the regional training
42 program and Nevada Early Literacy Intervention Program
43 established and operated by the applicable governing body.



Sec. 183. NRS 391.516 is hereby amended to read as follows:

391.516 1. ~~{The}~~ *To the extent money is available from legislative appropriation or otherwise, there is hereby created the* Statewide Council for the Coordination of the Regional Training Programs, consisting of seven members . ~~{, is hereby created. The}~~ *If created, the* membership of the Council consists of:

(a) Each coordinator hired by the governing body of each regional training program pursuant to NRS 391.532.

(b) One member of the governing body of each regional training program, appointed by the governing body. The member appointed pursuant to this paragraph may appoint a designee to serve in his or her place.

(c) One representative of the Nevada State Education Association, appointed by the President of that Association.

2. Each coordinator who serves on the Statewide Council is a member of the Statewide Council only for the period of his or her service as coordinator of the regional training program pursuant to NRS 391.532.

3. Each member appointed by the governing body pursuant to paragraph (b) of subsection 1 and the member appointed pursuant to paragraph (c) of subsection 1 serve a term of 2 years.

4. Members of the Statewide Council serve without salary, but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during which a member attends a meeting of the Statewide Council or is otherwise engaged in the work of the Statewide Council. For the members of the Statewide Council who are appointed pursuant to paragraphs (a) and (b) of subsection 1, the governing body of the regional training program represented by those members shall pay the per diem allowance and travel expenses. For the member of the Statewide Council who is appointed pursuant to paragraph (c) of subsection 1, the Nevada State Education Association shall pay the per diem allowance and travel expenses.

5. The governing bodies of the regional training programs may mutually agree to expend a portion of their respective budgets to pay for the administrative support of the Statewide Council.

Sec. 184. NRS 391.520 is hereby amended to read as follows:

391.520 1. ~~{The}~~ *To the extent money is available from legislative appropriation or otherwise, the* Statewide Council ~~{shall}~~ *may* meet not less than four times per year.

2. ~~{The}~~ *If created, the* Statewide Council shall:

(a) Adopt uniform standards for use by the governing body of each regional training program in the review and approval by the governing body of the training to be provided by the regional



1 training program pursuant to NRS 391.540 and 391.544. The
2 standards must ensure that the training provided by the regional
3 training programs includes activities set forth in 20 U.S.C. §
4 7801(34), as appropriate for the type of training offered, is of high
5 quality and is effective in addressing the training programs specified
6 in subsection 1 of NRS 391.544.

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

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

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

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

19 3. ~~The~~ *If created, the* Statewide Council may:

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

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

33 **Sec. 185.** NRS 391.524 is hereby amended to read as follows:

34 391.524 1. ~~Each~~ *If created, a* regional training program
35 must have a governing body consisting of:

36 (a) The superintendent of schools, or the superintendent's
37 designee, for each school district that is included within the primary
38 jurisdiction of the regional training program. The superintendent of
39 schools serves ex officio.

40 (b) Teachers who are considered masters, appointed by the
41 superintendents of schools of the school districts that are included
42 within the primary jurisdiction of the regional training program and
43 the representatives of higher education appointed to the governing
44 body. Each teacher who wishes to be considered for appointment to
45 the governing body must submit an application explaining his or her



1 qualifications as a master teacher. At least one teacher must be
2 appointed from each school district within the primary jurisdiction
3 of the regional training program.

4 (c) Representatives of the Nevada System of Higher Education,
5 appointed by the Board of Regents, and representatives of other
6 institutions of higher education, as determined by the
7 superintendents of school districts included within the primary
8 jurisdiction of the regional training program.

9 (d) A nonvoting member who is an employee of the
10 Department.

11 2. After the appointments are made, the governing body shall
12 select a chair from among its membership.

13 3. Each member of the governing body shall serve a term of 2
14 years. A person must not be appointed to serve more than three
15 consecutive terms.

16 4. A vacancy in the governing body must be filled in the same
17 manner as the original appointment.

18 **Sec. 186.** NRS 391.528 is hereby amended to read as follows:

19 391.528 1. ~~{Each}~~ *To the extent money is available from*
20 *legislative appropriation or otherwise, each* governing body ~~{shall}~~
21 *may* meet not less than two times per year and at the call of the
22 chair.

23 2. Members of the governing body serve without salary or
24 compensation for their travel or per diem expenses.

25 **Sec. 187.** NRS 391.532 is hereby amended to read as follows:

26 391.532 1. ~~{The}~~ *To the extent money is available from*
27 *legislative appropriation or otherwise, the* governing body of each
28 regional training program ~~{shall:}~~ *may:*

29 (a) Employ or otherwise contract with a coordinator of the
30 program, who serves at the pleasure of the governing body.

31 (b) Set the salary or other compensation of the coordinator.

32 2. ~~{The}~~ *If a* coordinator ~~{of each regional training program}~~ *is*
33 *employed by or contracts with a governing body, such a*
34 *coordinator* shall:

35 (a) Serve on the Statewide Council;

36 (b) Assist in the evaluation of the regional training program, as
37 directed by the governing body; and

38 (c) Perform such other duties as directed by the governing body.

39 **Sec. 188.** NRS 391.540 is hereby amended to read as follows:

40 391.540 1. ~~{The}~~ *To the extent money is available from*
41 *legislative appropriation or otherwise, the* governing body of
42 ~~{each}~~ *a* regional training program shall:

43 (a) Adopt a training model, taking into consideration other
44 model programs, including, without limitation, the program used by
45 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 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) Plans for restructuring schools implemented pursuant to NRS 385.37607,

➤ for individual schools within the primary jurisdiction of the regional training program.

(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~~ *To the extent money is available from legislative appropriation or otherwise, 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



1 may, but is not required to, grant a request pursuant to this
2 subsection.

3 **Sec. 189.** NRS 391.544 is hereby amended to read as follows:

4 391.544 1. Based upon the assessment of needs for training
5 within the region and priorities of training adopted by the governing
6 body pursuant to NRS 391.540, ~~teach~~ *to the extent money is*
7 *available from legislative appropriation or otherwise, a* regional
8 training program must provide:

9 (a) Training for teachers in the standards established by the
10 ~~[Council to Establish Academic Standards for Public Schools]~~
11 *Department* pursuant to NRS 389.520.

12 (b) Through the Nevada Early Literacy Intervention Program
13 established for the regional training program, training for teachers
14 who teach kindergarten and grades 1, 2 or 3 on methods to teach
15 fundamental reading skills, including, without limitation:

- 16 (1) Phonemic awareness;
17 (2) Phonics;
18 (3) Vocabulary;
19 (4) Fluency;
20 (5) Comprehension; and
21 (6) Motivation.

22 (c) At least one of the following types of training:

23 (1) Training for teachers and school administrators in the
24 assessment and measurement of pupil achievement and the effective
25 methods to analyze the test results and scores of pupils to improve
26 the achievement and proficiency of pupils.

27 (2) Training for teachers in specific content areas to enable
28 the teachers to provide a higher level of instruction in their
29 respective fields of teaching. Such training must include instruction
30 in effective methods to teach in a content area provided by teachers
31 who are considered masters in that content area.

32 (3) In addition to the training provided pursuant to paragraph
33 (b) of subsection 1, training for teachers in the methods to teach
34 basic skills to pupils, such as providing instruction in reading with
35 the use of phonics and providing instruction in basic skills of
36 mathematics computation.

37 2. The training required pursuant to subsection 1 must:

38 (a) Include the activities set forth in 20 U.S.C. § 7801(34), as
39 deemed appropriate by the governing body for the type of training
40 offered.

41 (b) Include appropriate procedures to ensure follow-up training
42 for teachers and administrators who have received training through
43 the program.

44 (c) Incorporate training that addresses the educational needs of:



(1) Pupils with disabilities who participate in programs of special education; and

(2) Pupils who are limited English proficient.

3. The governing body of ~~each~~ a regional training program shall prepare and maintain a list that identifies programs for the professional development of teachers and administrators that successfully incorporate:

(a) The standards of content and performance ~~established~~ adopted by the ~~Council to Establish Academic Standards for Public Schools~~ Department pursuant to NRS 389.520;

(b) Fundamental reading skills; and

(c) Other training listed in subsection 1.

↪ The governing body shall provide a copy of the list on an annual basis to school districts for dissemination to teachers and administrators.

4. A regional training program may include model classrooms that demonstrate the use of educational technology for teaching and learning.

5. A regional training program may contract with the board of trustees of a school district that is served by the regional training program as set forth in NRS 391.512 to provide professional development to the teachers and administrators employed by the school district that is in addition to the training required by this section. Any training provided pursuant to this subsection must include the activities set forth in 20 U.S.C. § 7801(34), as deemed appropriate by the governing body for the type of training offered.

6. To the extent money is available from legislative appropriation or otherwise, a regional training program may provide training to paraprofessionals.

Sec. 190. NRS 391.552 is hereby amended to read as follows:

391.552 ~~The~~ To the extent money is available from legislative appropriation or otherwise, the governing body of ~~each~~ a regional training program shall:

1. Establish a method for the evaluation of the success of the regional training program, including, without limitation, the Nevada Early Literacy Intervention Program. The method must be consistent with the uniform procedures adopted by the Statewide Council pursuant to NRS 391.520.

2. On or before September 1 of each year, submit an annual report to the State Board, the Commission ~~and~~ and the Legislative Committee on Education ~~and the Legislative Bureau of Educational Accountability and Program Evaluation~~ that includes:

(a) The priorities for training adopted by the governing body pursuant to NRS 391.540.



(b) The type of training offered through the program in the immediately preceding year.

(c) The number of teachers and administrators who received training through the program in the immediately preceding year.

(d) The number of paraprofessionals, if any, who received training through the program in the immediately preceding year.

(e) An evaluation of the success of the program, including, without limitation, the Nevada Early Literacy Intervention Program, in accordance with the method established pursuant to subsection 1.

(f) A description of the gifts and grants, if any, received by the governing body in the immediately preceding year and the gifts and grants, if any, received by the Statewide Council during the immediately preceding year on behalf of the regional training program. The description must include the manner in which the gifts and grants were expended.

(g) The 5-year plan for the program prepared pursuant to NRS 391.540 and any revisions to the plan made by the governing body in the immediately preceding year.

Sec. 191. NRS 391.556 is hereby amended to read as follows:

391.556 The board of trustees of each school district shall submit an annual report to the State Board, *the Department*, the Commission ~~[]~~ *and* the Legislative Committee on Education ~~[and the Legislative Bureau of Educational Accountability and Program Evaluation]~~ that includes for the immediately preceding year:

1. The number of teachers and administrators employed by the school district who received training through the program; and

2. An evaluation of whether that training included the standards of content and performance ~~[established]~~ *adopted* by the ~~[Council to Establish Academic Standards for Public Schools]~~ *Department* pursuant to NRS 389.520.

Sec. 192. NRS 391.632 is hereby amended to read as follows:

391.632 1. If any reprisal or retaliatory action is taken against a school official who discloses information concerning irregularities in testing administration or testing security within 2 years after the information is disclosed, the school official may file a written appeal with the ~~[State Board]~~ *Department* for a hearing on the matter and determination of whether the action taken was a reprisal or retaliatory action. The written appeal must be accompanied by a statement that sets forth with particularity:

(a) The facts and circumstances pursuant to which the disclosure of information concerning irregularities in testing administration or testing security was made; and

(b) The reprisal or retaliatory action that is alleged to have been taken against the school official.



1 ↪ The hearing must be conducted in accordance with the rules of
2 procedure adopted by the ~~{State Board}~~ Department pursuant to
3 subsection 4.

4 2. If the ~~{State Board}~~ Department determines that the action
5 taken was a reprisal or retaliatory action, it may issue an order
6 directing the proper person to desist and refrain from engaging in
7 such action.

8 3. The ~~{State Board}~~ Department may not rule against the
9 school official based on the identity of the person or persons to
10 whom the information concerning irregularities in testing
11 administration or testing security was disclosed.

12 4. The ~~{State Board}~~ Department shall adopt rules of procedure
13 for conducting a hearing pursuant to this section.

14 **Sec. 193.** NRS 391.636 is hereby amended to read as follows:

15 391.636 1. During any stage of an investigation or hearing
16 concerning allegations of reprisal or retaliatory action, the ~~{State~~
17 ~~Board}~~ Department may issue a subpoena to compel the attendance
18 or testimony of a witness or the production of any relevant
19 materials, including, but not limited to, books, papers, documents,
20 records, photographs, recordings, reports and tangible objects.

21 2. If a witness refuses to attend, testify or produce materials as
22 required by the subpoena, the ~~{State Board}~~ Department may report
23 to the district court by petition, setting forth that:

24 (a) Due notice has been given of the time and place of
25 attendance or testimony of the witness or the production of
26 materials;

27 (b) The witness has been subpoenaed by the ~~{State Board}~~
28 Department pursuant to this section; and

29 (c) The witness has failed or refused to attend, testify or produce
30 materials as required by the subpoena before the ~~{State Board,}~~
31 Department, or has refused to answer questions propounded to him
32 or her,

33 ↪ and asking for an order of the court compelling the witness to
34 attend, testify or produce materials before the ~~{State Board,}~~
35 Department.

36 3. Upon receipt of such a petition, the court shall enter an order
37 directing the witness to appear before the court at a time and place
38 to be fixed by the court in its order, the time to be not more than 10
39 days after the date of the order, and then and there show cause why
40 the witness has not attended, testified or produced materials before
41 the ~~{State Board,}~~ Department. A certified copy of the order must be
42 served upon the witness.

43 4. If it appears to the court that the subpoena was regularly
44 issued by the ~~{State Board,}~~ Department, the court shall enter an
45 order that the witness appear before the ~~{State Board}~~ Department at



1 a time and place fixed in the order and testify or produce materials,
2 and that upon failure to obey the order the witness must be dealt
3 with as for contempt of court.

4 **Sec. 194.** NRS 392.017 is hereby amended to read as follows:

5 392.017 The ~~[State Board]~~ **Department** shall adopt regulations
6 to carry out the provisions of 20 U.S.C. § 7912 concerning the
7 choice that must be offered to a pupil to attend another public
8 school, including, without limitation, a charter school, if the pupil is
9 enrolled in a persistently dangerous school or is the victim of a
10 violent offense while at school or on the grounds of the school in
11 which the pupil is enrolled. The regulations must include the criteria
12 for identifying a school as persistently dangerous.

13 **Sec. 195.** NRS 392.029 is hereby amended to read as follows:

14 392.029 1. If a parent or legal guardian of a pupil requests
15 the education records of the pupil, a public school shall comply with
16 the provisions of 20 U.S.C. § 1232g(a) and 34 C.F.R. Part 99.

17 2. If a parent or legal guardian of a pupil reviews the education
18 records of the pupil and requests an amendment or other change to
19 the education records, a public school shall comply with the
20 provisions of 20 U.S.C. § 1232g(a) and 34 C.F.R. Part 99.

21 3. Except as otherwise provided in 20 U.S.C. § 1232g(b), a
22 public school shall not release the education records of a pupil to a
23 person, agency or organization without the written consent of the
24 parent or legal guardian of the pupil.

25 4. If a public school administers a program which includes a
26 survey, analysis or evaluation that is designed to elicit the
27 information described in 20 U.S.C. § 1232h, it must comply with
28 the provisions of that section.

29 5. A right accorded to a parent or legal guardian of a pupil
30 pursuant to the provisions of this section devolves upon the pupil on
31 the date on which the pupil attains the age of 18 years.

32 6. A public school shall, at least annually, provide to each pupil
33 who is at least 18 years of age and to a parent or legal guardian of
34 each pupil who is not at least 18 years of age, written notice of his
35 or her rights pursuant to this section.

36 7. The provisions of this section:

37 (a) Are intended to ensure that each public school complies with
38 the provisions of 20 U.S.C. §§ 1232g and 1232h;

39 (b) Must, to the extent possible, be construed in a manner that is
40 consistent with 20 U.S.C. §§ 1232g and 1232h, and the regulations
41 adopted pursuant thereto;

42 (c) Apply to a public school regardless of whether the school
43 receives money from the Federal Government; and

44 (d) Do not impair any right, obligation or prohibition established
45 pursuant to chapter 432B of NRS.



1 8. The ~~[State-Board]~~ **Department** may adopt such regulations
2 as are necessary to ensure that public schools comply with the
3 provisions of this section.

4 9. As used in this section, unless the context otherwise
5 requires, "education records" has the meaning ascribed to it in 20
6 U.S.C. § 1232g(a)(4).

7 **Sec. 196.** NRS 392.033 is hereby amended to read as follows:

8 392.033 1. The ~~[State-Board]~~ **Department** shall adopt
9 regulations which prescribe the courses of study required for
10 promotion to high school, including, without limitation, English,
11 mathematics, science and social studies. The regulations may
12 include the credits to be earned in each course.

13 2. Except as otherwise provided in subsection 4, the board of
14 trustees of a school district shall not promote a pupil to high school
15 if the pupil does not complete the course of study or credits required
16 for promotion. The board of trustees of the school district in which
17 the pupil is enrolled may provide programs of remedial study to
18 complete the courses of study required for promotion to high school.

19 3. The board of trustees of each school district shall adopt a
20 procedure for evaluating the course of study or credits completed by
21 a pupil who transfers to a junior high or middle school from a junior
22 high or middle school in this State or from a school outside of this
23 State.

24 4. The board of trustees of each school district shall adopt a
25 policy that allows a pupil who has not completed the courses of
26 study or credits required for promotion to high school to be placed
27 on academic probation and to enroll in high school. A pupil who is
28 on academic probation pursuant to this subsection shall complete
29 appropriate remediation in the subject areas that the pupil failed to
30 pass. The policy must include the criteria for eligibility of a pupil to
31 be placed on academic probation. A parent or guardian may elect
32 not to place his or her child on academic probation but to remain in
33 grade 8.

34 5. A homeschooled child who enrolls in a public high school
35 shall, upon initial enrollment:

36 (a) Provide documentation sufficient to prove that the child has
37 successfully completed the courses of study required for promotion
38 to high school through an accredited program of homeschool study
39 recognized by the board of trustees of the school district;

40 (b) Demonstrate proficiency in the courses of study required for
41 promotion to high school through an examination prescribed by the
42 board of trustees of the school district; or

43 (c) Provide other proof satisfactory to the board of trustees of
44 the school district demonstrating competency in the courses of study
45 required for promotion to high school.



Sec. 197. NRS 392.300 is hereby amended to read as follows:

392.300 1. As provided in this title, the board of trustees of any school district may furnish transportation for all resident children of school age in the school district attending a public school, including pupils assigned to special schools or programs pursuant to NRS 388.440 to 388.520, inclusive:

(a) Who are not excused from school attendance by the provisions of this title; and

(b) Who reside within the school district at such a distance from the school as to make transportation necessary and desirable.

2. When the board of trustees of a school district whose population is less than 100,000 furnishes transportation for pupils attending public schools pursuant to subsection 1, the board may also provide transportation for all resident children of school age in the school district attending private schools not operated for profit, over bus routes established for pupils attending public schools. If such transportation is provided, the pupils attending such private schools must be transported, if space is available, to and from the points on the established routes nearest to the schools which they attend.

3. The board of trustees of any school district may:

(a) Establish bus routes.

(b) Make regulations governing the conduct of pupils while being transported.

(c) For the safety of pupils being transported, govern the conduct of drivers by making and enforcing regulations not inconsistent with regulations of the ~~[State Board of Education]~~ **Department** or with law.

Sec. 198. NRS 392.320 is hereby amended to read as follows:

392.320 1. As used in this section, "vehicles" means the school buses, station wagons, automobiles and other motor or mechanically propelled vehicles required by the school district for the transportation of pupils.

2. The board of trustees of a school district shall use transportation funds of the school district for:

(a) The purchase, rent, hire and use of vehicles, and for necessary equipment, supplies and articles therefor.

(b) Necessary repairs of vehicles to keep them in safe and workable condition.

(c) The employment and compensation of capable and reliable drivers of vehicles and other employees necessary for the transportation of pupils and other authorized persons.

(d) Insuring vehicles owned, rented, hired, used or operated by or under the direction or supervision of the board of trustees. Such insurance shall:



(1) Be of such an amount as the board of trustees may be able to obtain and the regulations of the ~~[State Board of Education]~~ **Department** require as sufficient to protect the board of trustees, the pupils being transported, and their parents, guardians or legal representatives from loss or damage resulting from acts covered by the insurance.

(2) Especially insure against loss and damage resulting from or on account of injury or death of any pupil being transported, caused by collision or any accident during the operation of any such vehicle.

Sec. 199. NRS 392.330 is hereby amended to read as follows:

392.330 1. In addition to the purposes authorized by NRS 392.320, a board of trustees may use transportation funds of the school district for:

(a) Arranging and paying for transportation, in accordance with subsection 2, by motor vehicles or otherwise, by contract or such other arrangement as the board of trustees finds most economical, expedient and feasible and for the best interests of the school district.

(b) Purchasing tickets at reduced rates for the transportation of pupils, including, without limitation, homeless pupils, on public buses for use by pupils enrolled in middle school, junior high school and high school to travel to and from school.

2. Transportation may be arranged and contracted for by a board of trustees with:

(a) Any railroad company holding a certificate of public convenience and necessity issued by the Public Utilities Commission of Nevada or bus company or other licensed common carrier holding a certificate of public convenience and necessity issued by the Nevada Transportation Authority.

(b) The owners and operators of private automobiles or other private motor vehicles, including parents of pupils who attend school and are entitled to transportation. When required by the board of trustees, every such private automobile or other private motor vehicle regularly transporting pupils must be insured in the amount required by regulation of the ~~[State Board]~~ **Department** against the loss and damage described in subsection 2 of NRS 392.320.

Sec. 200. NRS 392.350 is hereby amended to read as follows:

392.350 1. Except as otherwise provided in NRS 392.268, if the daily transportation of a pupil is not practical or economical, the board of trustees, in lieu of furnishing transportation, may pay to the parents or guardian of the pupil an amount of money not to exceed \$10 per day of attendance at school to assist the parents or guardian in defraying the cost of board, lodging and other subsistence



1 expenses of the pupil to attend a public school in a city or town in
2 this State or in an adjoining state. If the public school is in an
3 adjoining county or state, costs for tuition and subsistence must be
4 fixed by agreement between the boards of trustees of the school
5 district in which the pupil resides and the school district in which
6 the pupil attends school.

7 2. Payment of money in lieu of furnishing transportation may
8 be made only if:

9 (a) The guardian or parents have been residents in the area for a
10 period set by the board of trustees; and

11 (b) The Superintendent of Public Instruction determines that the
12 arrangements comply with regulations of the ~~{State-Board.}~~
13 *Department.*

14 **Sec. 201.** NRS 392.360 is hereby amended to read as follows:

15 392.360 1. A board of trustees of a school district may permit
16 school buses or vehicles belonging to the school district to be used
17 for the transportation of public school pupils to and from:

18 (a) Interscholastic contests;

19 (b) School festivals; or

20 (c) Other activities properly a part of a school program.

21 2. In addition to the use of school buses and vehicles
22 authorized pursuant to subsection 1, the board of trustees of a school
23 district may permit school buses and vehicles belonging to the
24 school district to be used for the transportation of children to and
25 from:

26 (a) Programs for the supervision of children before and after
27 school; and

28 (b) Other programs or activities that the board of trustees deems
29 appropriate,

30 ↪ regardless of whether such programs or activities are part of a
31 school program.

32 3. The use of school buses or vehicles belonging to the school
33 district for the purposes enumerated in subsections 1 and 2 is
34 governed by regulations made by the board of trustees, which must
35 not conflict with regulations of the ~~{State-Board.}~~ *Department.*
36 Proper supervision for each vehicle so used must be furnished by
37 school authorities, and each school bus must be operated by a driver
38 qualified under the provisions of NRS 392.300 to 392.410,
39 inclusive.

40 4. A driver shall not operate a vehicle for the purposes
41 enumerated in subsections 1 and 2 for more than 10 hours in a
42 15-hour period. The time spent operating, inspecting, loading,
43 unloading, repairing and servicing the vehicle and waiting for
44 passengers must be included in determining the 15-hour period.



1 After 10 hours of operating a vehicle, the driver must rest for 10
2 hours before he or she again operates a vehicle for such purposes.

3 5. ~~{Before January 1, 1984, the State Board}~~ *The Department*
4 shall adopt regulations to carry out the provisions of subsection 4.

5 **Sec. 202.** NRS 392.380 is hereby amended to read as follows:

6 392.380 1. No person may be employed by a board of
7 trustees of a school district as a driver of a school bus, station
8 wagon, automobile or other motor vehicle, or mechanically or self-
9 propelled vehicle of any kind which transports pupils to and from
10 school or any other place in connection with school activities unless
11 the person is:

12 (a) Of good, reputable and sober character.

13 (b) Competent and qualified by experience and disposition to
14 operate the particular type of vehicle in a safe and dependable
15 manner.

16 (c) Licensed under the laws of this State to operate the particular
17 type of vehicle.

18 2. Each driver of a school bus or a bus used to transport pupils
19 for extracurricular activities must complete a training course
20 approved by the ~~{State Board of Education}~~ *Department* which
21 includes at least 10 hours of training while operating the vehicle,
22 and 10 hours of training in:

23 (a) The responsibilities of drivers;

24 (b) The requirements for drivers of school vehicles;

25 (c) The laws affecting the operation of a school bus or a vehicle
26 belonging to a school district;

27 (d) Defensive driving;

28 (e) Emergency procedures; and

29 (f) First aid.

30 3. Each driver must pass a written test each year approved by
31 the Superintendent of Public Instruction and administered by the
32 local school district.

33 4. A board of trustees may employ a pupil attending a school
34 under the supervision of the board as a driver when the pupil
35 possesses the qualifications stated in subsection 1 and the pupil's
36 guardian or parents first consent to the employment of the pupil.
37 The board of trustees may arrange or contract, in writing, with the
38 pupil, and with the pupil's parents or guardian if the pupil is under
39 the age of 18 years, for the pupil's services as a driver upon such
40 terms, conditions and provisions and for such compensation as the
41 board deems most economical and for the best interests of the
42 school district, pupils and other persons.

43 5. ~~{Before January 1, 1984, the State Board of Education}~~ *The*
44 *Department* shall adopt regulations to carry out the provisions of
45 this section.



Sec. 203. NRS 392.400 is hereby amended to read as follows:

392.400 1. All vehicles used in the transportation of pupils must be:

(a) In good condition and state of repair.

(b) Well equipped, and must contain sufficient room and seats so that the driver and each pupil being transported have a seat inside the vehicle. Each pupil shall remain seated when the vehicle is in motion.

(c) Inspected semiannually by the Department of Public Safety to ensure that the vehicles are mechanically safe and meet the minimum specifications established by the ~~{State Board.}~~ *Department of Education*. The Department of Public Safety shall make written recommendations to the superintendent of schools of the school district wherein any such vehicle is operating for the correction of any defects discovered thereby.

2. If the superintendent of schools fails or refuses to take appropriate action to have the defects corrected within 10 days after receiving notice of them from the Department of Public Safety, the superintendent is guilty of a misdemeanor, and upon conviction thereof may be removed from office.

3. Except as otherwise provided in subsection 4, all vehicles used for transporting pupils must meet the specifications established by regulation of the ~~{State Board.}~~ *Department of Education*.

4. Any bus which is purchased and used by a school district to transport pupils to and from extracurricular activities is exempt from the specifications adopted by the ~~{State Board}~~ *Department of Education* if the bus meets the federal safety standards for motor vehicles which were applicable at the time the bus was manufactured and delivered for introduction in interstate commerce.

5. Any person violating any of the requirements of this section is guilty of a misdemeanor.

Sec. 204. NRS 392.410 is hereby amended to read as follows:

392.410 1. Except as otherwise provided in this subsection, every school bus operated for the transportation of pupils to or from school must be equipped with:

(a) A system of flashing red lights of a type approved by the ~~{State Board}~~ *Department* and installed at the expense of the school district or operator. Except as otherwise provided in subsection 2, the driver shall operate this signal:

(1) When the bus is stopped to unload pupils.

(2) When the bus is stopped to load pupils.

(3) In times of emergency or accident, when appropriate.

(b) A mechanical device, attached to the front of the bus which, when extended, causes persons to walk around the device. The device must be approved by the ~~{State Board}~~ *Department* and



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1 installed at the expense of the school district or operator. The driver
2 shall operate the device when the bus is stopped to load or unload
3 pupils. The installation of such a mechanical device is not required
4 for a school bus which is used solely to transport pupils with special
5 needs who are individually loaded and unloaded in a manner which
6 does not require them to walk in front of the bus. The provisions of
7 this paragraph do not prohibit a school district from upgrading or
8 replacing such a mechanical device with a more efficient and
9 effective device that is approved by the ~~[State Board.]~~ *Department.*

10 2. A driver may stop to load and unload pupils in a designated
11 area without operating the system of flashing red lights required by
12 subsection 1 if the designated area:

13 (a) Has been designated by a school district and approved by the
14 Department;

15 (b) Is of sufficient depth and length to provide space for the bus
16 to park at least 8 feet off the traveled portion of the roadway;

17 (c) Is not within an intersection of roadways;

18 (d) Contains ample space between the exit door of the bus and
19 the parking area to allow safe exit from the bus;

20 (e) Is located so as to allow the bus to reenter the traffic from its
21 parked position without creating a traffic hazard; and

22 (f) Is located so as to allow pupils to enter and exit the bus
23 without crossing the roadway.

24 3. In addition to the equipment required by subsection 1 and
25 except as otherwise provided in subsection 4 of NRS 392.400, each
26 school bus must be equipped and identified as required by the
27 regulations of the ~~[State Board.]~~ *Department.*

28 4. The agents and employees of the Department of Motor
29 Vehicles shall inspect school buses to determine whether the
30 provisions of this section concerning equipment and identification
31 of the school buses have been complied with, and shall report any
32 violations discovered to the superintendent of schools of the school
33 district wherein the vehicles are operating.

34 5. If the superintendent of schools fails or refuses to take
35 appropriate action to correct any such violation within 10 days after
36 receiving notice of it from the Department of Motor Vehicles, the
37 superintendent is guilty of a misdemeanor, and upon conviction
38 must be removed from office.

39 6. Any person who violates any of the provisions of this
40 section is guilty of a misdemeanor.

41 **Sec. 205.** NRS 392.456 is hereby amended to read as follows:

42 392.456 1. The Department shall:

43 (a) Prescribe a form for use by teachers in elementary schools to
44 provide reports to parents and legal guardians of pupils pursuant to
45 this section;



(b) Work in consultation with the ~~Legislative Bureau of Educational Accountability and Program Evaluation, the~~ Nevada Association of School Boards, the Nevada Association of School Administrators, the Nevada State Education Association and the Nevada Parent Teacher Association in the development of the form; and

(c) Make the form available in electronic format for use by school districts and charter schools and, upon request, in any other manner deemed reasonable by the Department.

2. The form must include, without limitation:

(a) A notice to parents and legal guardians that parental involvement is important in ensuring the success of the academic achievement of pupils;

(b) A checklist indicating whether:

(1) The pupil completes his or her homework assignments in a timely manner;

(2) The pupil is present in the classroom when school begins each day and is present for the entire school day unless the pupil's absence is approved in accordance with NRS 392.130;

(3) The parent or legal guardian and the pupil abide by any applicable rules and policies of the school and the school district; and

(4) The pupil complies with the dress code for the school, if applicable; and

(c) A list of the resources and services available within the community to assist parents and legal guardians in addressing any issues identified on the checklist.

3. In addition to the requirements of subsection 2, the Department may prescribe additional information for inclusion on the form, including, without limitation:

(a) A report of the participation of the parent or legal guardian, including, without limitation, whether the parent or legal guardian:

(1) Completes forms and other documents that are required by the school or school district in a timely manner;

(2) Assists in carrying out a plan to improve the pupil's academic achievement, if applicable;

(3) Attends conferences between the teacher and the parent or legal guardian, if applicable; and

(4) Attends school activities.

(b) A report of whether the parent or legal guardian ensures the health and safety of the pupil, including, without limitation, whether:

(1) Current information is on file with the school that designates each person whom the school should contact if an emergency involving the pupil occurs; and



(2) Current information is on file with the school regarding the health and safety of the pupil, such as immunization records, if applicable, and any special medical needs of the pupil.

4. A teacher at an elementary school may provide the form prescribed by the Department, including the additional information prescribed pursuant to subsection 3 if the Department has prescribed such information on the form, to a parent or legal guardian of a pupil if the teacher determines that the provision of such a report would assist in improving the academic achievement of the pupil.

5. A report provided to a parent or legal guardian pursuant to this section must not be used in a manner that:

(a) Interferes unreasonably with the personal privacy of the parent or legal guardian or the pupil;

(b) Reprimands the parent or legal guardian; or

(c) Affects the grade or report of progress given to a pupil based upon the information contained in the report.

6. The principal of each elementary school at which a teacher provides reports pursuant to this section shall provide to the support team established for the school in accordance with the regulations of the ~~{State Board}~~ Department adopted pursuant to NRS 385.361, if applicable, the information contained in the completed reports for consideration by the support team. The information must be provided in an aggregated format and must not disclose the identity of an individual parent, legal guardian or pupil.

Sec. 206. NRS 392.457 is hereby amended to read as follows:

392.457 1. The ~~{State Board}~~ Department shall, in consultation with the boards of trustees of school districts, educational personnel, local associations and organizations of parents whose children are enrolled in public schools throughout this State and individual parents and legal guardians whose children are enrolled in public schools throughout this State, adopt a policy to encourage effective involvement by parents and families in support of their children and the education of their children. The policy adopted by the ~~{State Board}~~ Department must be considered when the ~~{Board:}~~ Department:

(a) Consults with the boards of trustees of school districts in the adoption of policies pursuant to subsection 3; and

(b) Interacts with school districts, public schools, educational personnel, parents and legal guardians of pupils, and members of the general public in carrying out its duties pursuant to this title.

2. The policy adopted by the ~~{State Board}~~ Department pursuant to subsection 1 must include the following elements and goals:

(a) Promotion of regular, two-way, meaningful communication between home and school.



(b) Promotion and support of responsible parenting.

(c) Recognition of the fact that parents and families play an integral role in assisting their children to learn.

(d) Promotion of a safe and open atmosphere for parents and families to visit the school that their children attend and active solicitation of parental and familial support and assistance for school programs.

(e) Inclusion of parents as full partners in decisions affecting their children and families.

(f) Availability of community resources to strengthen and promote school programs, family practices and the achievement of pupils.

3. The board of trustees of each school district shall, in consultation with the ~~{State Board,}~~ *Department*, educational personnel, local associations and organizations of parents whose children are enrolled in public schools of the school district and individual parents and legal guardians whose children are enrolled in public schools of the school district, adopt policies to encourage effective involvement by parents and families in support of their children and the education of their children. The policies adopted pursuant to this subsection must:

(a) Be consistent, to the extent applicable, with the policy adopted by the ~~{State Board}~~ *Department* pursuant to subsection 1;

(b) Include the elements and goals specified in subsection 2; and

(c) Comply with the parental involvement policy required by the federal No Child Left Behind Act of 2001, as set forth in 20 U.S.C. § 6318.

4. The ~~{State Board}~~ *Department* and the board of trustees of each school district shall, at least once each year, review and amend their respective policies as necessary.

Sec. 207. NRS 392.4575 is hereby amended to read as follows:

392.4575 1. The Department shall prescribe a form for educational involvement accords to be used by all public schools in this State. The educational involvement accord must comply with the parental involvement policy:

(a) Required by the federal No Child Left Behind Act of 2001, as set forth in 20 U.S.C. § 6318.

(b) Adopted by the ~~{State Board}~~ *Department* pursuant to NRS 392.457.

2. Each educational involvement accord must include, without limitation:

(a) A description of how the parent or legal guardian will be involved in the education of the pupil, including, without limitation:



(1) Reading to the pupil, as applicable for the grade or reading level of the pupil;

(2) Reviewing and checking the pupil's homework; and

(3) Contributing 5 hours of time each school year, including, without limitation, by attending school-related activities, parent-teacher association meetings, parent-teacher conferences, volunteering at the school and chaperoning school-sponsored activities.

(b) The responsibilities of a pupil in a public school, including, without limitation:

(1) Reading each day before or after school, as applicable for the grade or reading level of the pupil;

(2) Using all school equipment and property appropriately and safely;

(3) Following the directions of any adult member of the staff of the school;

(4) Completing and submitting homework in a timely manner; and

(5) Respecting himself or herself, others and all property.

(c) The responsibilities of a public school and the administrators, teachers and other personnel employed at a school, including, without limitation:

(1) Ensuring that each pupil is provided proper instruction, supervision and interaction;

(2) Maximizing the educational and social experience of each pupil;

(3) Carrying out the professional responsibility of educators to seek the best interest of each pupil; and

(4) Making staff available to the parents and legal guardians of pupils to discuss the concerns of parents and legal guardians regarding the pupils.

3. Each educational involvement accord must be accompanied by, without limitation:

(a) Information describing how the parent or legal guardian may contact the pupil's teacher and the principal of the school in which the pupil is enrolled;

(b) The curriculum of the course or standards for the grade in which the pupil is enrolled, as applicable, including, without limitation, a calendar that indicates the dates of major examinations and the due dates of significant projects, if those dates are known by the teacher at the time that the information is distributed;

(c) The homework and grading policies of the pupil's teacher or school;

(d) Directions for finding resource materials for the course or grade in which the pupil is enrolled, as applicable;



(e) Suggestions for parents and legal guardians to assist pupils in their schoolwork at home;

(f) The dates of scheduled conferences between teachers or administrators and the parents or legal guardians of the pupil;

(g) The manner in which reports of the pupil's progress will be delivered to the parent or legal guardian and how a parent or legal guardian may request a report of progress;

(h) The classroom rules and policies;

(i) The dress code of the school, if any;

(j) The availability of assistance to parents who have limited proficiency in the English language;

(k) Information describing the availability of free and reduced-price meals, including, without limitation, information regarding school breakfast, school lunch and summer meal programs;

(l) Opportunities for parents and legal guardians to become involved in the education of their children and to volunteer for the school or class; and

(m) The code of honor relating to cheating prescribed pursuant to NRS 392.461.

4. The board of trustees of each school district shall adopt a policy providing for the development and distribution of the educational involvement accord. The policy adopted by a board of trustees must require each classroom teacher to:

(a) Distribute the educational involvement accord to the parent or legal guardian of each pupil in the teacher's class at the beginning of each school year or upon a pupil's enrollment in the class, as applicable; and

(b) Provide the parent or legal guardian with a reasonable opportunity to sign the educational involvement accord.

5. Except as otherwise provided in this subsection, the board of trustees of each school district shall ensure that the form prescribed by the Department is used for the educational involvement accord of each public school in the school district. The board of trustees of a school district may authorize the use of an expanded form that contains additions to the form prescribed by the Department if the basic information contained in the expanded form complies with the form prescribed by the Department.

6. The Department and the board of trustees of each school district shall, at least once each year, review and amend their respective educational involvement accords.

7. If a school support team is established in accordance with the regulations of the ~~[State Board]~~ *Department* adopted pursuant to NRS 385.361 for an elementary school, the principal of the school shall provide to the support team information concerning the distribution of the educational involvement accord and the number



1 of accords which were signed and returned by parents and legal
2 guardians. The information must be provided in an aggregated
3 format and must not disclose the identity of an individual parent,
4 legal guardian or pupil.

5 **Sec. 208.** NRS 392.624 is hereby amended to read as follows:

6 392.624 1. Each development committee shall, at least once
7 each year, review and update as appropriate the plan that it
8 developed pursuant to NRS 392.620, and provide an updated copy
9 of the plan to the board of trustees of the school district that
10 established the committee or the governing body of the charter
11 school that established the committee.

12 2. The board of trustees of each school district and the
13 governing body of each charter school shall:

14 (a) Post a notice of the completion of each review and update
15 that its development committee performs pursuant to subsection 1 at
16 each school in its school district or at its charter school;

17 (b) Post a copy of NRS 392.600 to 392.656, inclusive, at each
18 school in its school district or at its charter school;

19 (c) Retain a copy of each plan developed pursuant to NRS
20 392.620, each plan updated pursuant to subsection 1 and each
21 deviation approved pursuant to NRS 392.636;

22 (d) Provide a copy of each plan developed pursuant to NRS
23 392.620 and each plan updated pursuant to subsection 1 to:

24 (1) The ~~[State Board;]~~ *Department;*

25 (2) Each local law enforcement agency in the county in
26 which the school district or charter school is located; and

27 (3) The Division of Emergency Management of the
28 Department of Public Safety;

29 (e) Upon request, provide a copy of each plan developed
30 pursuant to NRS 392.620 and each plan updated pursuant to
31 subsection 1 to a local agency that is included in the plan and to an
32 employee of a school who is included in the plan;

33 (f) Upon request, provide a copy of each deviation approved
34 pursuant to NRS 392.636 to:

35 (1) The ~~[State Board;]~~ *Department;*

36 (2) A local law enforcement agency in the county in which
37 the school district or charter school is located;

38 (3) The Division of Emergency Management of the
39 Department of Public Safety;

40 (4) A local agency that is included in the plan; and

41 (5) An employee of a school who is included in the plan; and

42 (g) At least once each year, provide training in responding to a
43 crisis to each employee of the school district or of the charter
44 school, including, without limitation, training concerning drills for
45 evacuating and securing schools.



3. The board of trustees of each school district and the governing body of each charter school may apply for and accept gifts, grants and contributions from any public or private source to carry out the provisions of NRS 392.600 to 392.656, inclusive.

Sec. 209. NRS 392.640 is hereby amended to read as follows:

392.640 1. The ~~{State-Board}~~ *Department* shall, with assistance from other state agencies, including, without limitation, the Division of Emergency Management, the Investigation Division, and the Nevada Highway Patrol of the Department of Public Safety, develop a plan for the management of a crisis that involves a public school, including, without limitation, a charter school, or a private school and that requires immediate action. The plan must include, without limitation, a procedure for coordinating the resources of local, state and federal agencies, officers and employees, as appropriate. In developing the plan, the ~~{State-Board}~~ *Department* shall consider the plans to respond to crises developed pursuant to NRS 392.620 and 394.1687 and updated pursuant to NRS 392.624 and 394.1688.

2. The ~~{State-Board}~~ *Department* may disseminate to any appropriate local, state or federal agency, officer or employee, as the ~~{State-Board}~~ *Department* determines is necessary:

(a) The plan developed by the ~~{State-Board}~~ *Department* pursuant to subsection 1;

(b) A plan developed pursuant to NRS 392.620 or updated pursuant to NRS 392.624;

(c) A plan developed pursuant to NRS 394.1687 or updated pursuant to NRS 394.1688; and

(d) A deviation approved pursuant to NRS 392.636 or 394.1692.

Sec. 210. NRS 392.644 is hereby amended to read as follows:

392.644 1. The ~~{State-Board}~~ *Department* shall adopt regulations setting forth requirements for:

(a) The plan required to be developed pursuant to NRS 392.620; and

(b) Reviewing and approving a deviation pursuant to NRS 392.636.

2. The regulations adopted pursuant to this section must include, without limitation, requirements concerning training and practice in procedures for responding to a crisis.

Sec. 211. NRS 392.656 is hereby amended to read as follows:

392.656 The provisions of chapter 241 of NRS do not apply to a meeting of:

1. A development committee;

2. A school committee; or



1 3. The ~~[State Board]~~ *Department* if the meeting concerns a
2 regulation adopted pursuant to NRS 392.644 or the plan developed
3 pursuant to NRS 392.640.

4 **Sec. 212.** NRS 392.700 is hereby amended to read as follows:

5 392.700 1. If the parent of a child who is subject to
6 compulsory attendance wishes to homeschool the child, the parent
7 must file with the superintendent of schools of the school district in
8 which the child resides a written notice of intent to homeschool the
9 child. The Department shall develop a standard form for the notice
10 of intent to homeschool. The form must not require any information
11 or assurances that are not otherwise required by this section or other
12 specific statute. The board of trustees of each school district shall, in
13 a timely manner, make only the form developed by the Department
14 available to parents who wish to homeschool their child.

15 2. The notice of intent to homeschool must be filed before
16 beginning to homeschool the child or:

17 (a) Not later than 10 days after the child has been formally
18 withdrawn from enrollment in public school; or

19 (b) Not later than 30 days after establishing residency in this
20 State.

21 3. The purpose of the notice of intent to homeschool is to
22 inform the school district in which the child resides that the child is
23 exempt from the requirement of compulsory attendance.

24 4. If the name or address of the parent or child as indicated on a
25 notice of intent to homeschool changes, the parent must, not later
26 than 30 days after the change, file a new notice of intent to
27 homeschool with the superintendent of schools of the school district
28 in which the child resides.

29 5. A notice of intent to homeschool must include only the
30 following:

31 (a) The full name, age and gender of the child;

32 (b) The name and address of each parent filing the notice of
33 intent to homeschool;

34 (c) A statement signed and dated by each such parent declaring
35 that the parent has control or charge of the child and the legal right
36 to direct the education of the child, and assumes full responsibility
37 for the education of the child while the child is being homeschooled;

38 (d) An educational plan for the child that is prepared pursuant to
39 subsection 12;

40 (e) If applicable, the name of the public school in this State
41 which the child most recently attended; and

42 (f) An optional statement that the parent may sign which
43 provides:



1 I expressly prohibit the release of any information contained
2 in this document, including, without limitation, directory
3 information as defined in 20 U.S.C. § 1232g(a)(5)(A),
4 without my prior written consent.
5

6 6. Each superintendent of schools of a school district shall
7 accept notice of intent to homeschool that is filed with the
8 superintendent pursuant to this section and meets the requirements
9 of subsection 5, and shall not require or request any additional
10 information or assurances from the parent who filed the notice.

11 7. The school district shall provide to a parent who files a
12 notice a written acknowledgment which clearly indicates that the
13 parent has provided notification required by law and that the child is
14 being homeschooled. The written acknowledgment shall be deemed
15 proof of compliance with Nevada's compulsory school attendance
16 law. The school district shall retain a copy of the written
17 acknowledgment for not less than 15 years. The written
18 acknowledgment may be retained in electronic format.

19 8. The superintendent of schools of a school district shall
20 process a written request for a copy of the records of the school
21 district, or any information contained therein, relating to a child who
22 is being or has been homeschooled not later than 5 days after
23 receiving the request. The superintendent of schools may only
24 release such records or information:

25 (a) To a person or entity specified by the parent of the child, or
26 by the child if the child is at least 18 years of age, upon suitable
27 proof of identity of the parent or child; or

28 (b) If required by specific statute.

29 9. If a child who is or was homeschooled seeks admittance or
30 entrance to any school in this State, the school may use only
31 commonly used practices in determining the academic ability,
32 placement or eligibility of the child. A homeschooled child seeking
33 admittance to public high school must comply with NRS 392.033.

34 10. A school or organization shall not discriminate in any
35 manner against a child who is or was homeschooled.

36 11. Each school district shall allow homeschooled children to
37 participate in the high school proficiency examination administered
38 pursuant to NRS 389.015 and all college entrance examinations
39 offered in this State, including, without limitation, the ~~{Scholastic~~
40 ~~Aptitude Test,}~~ SAT, the ~~{American College Test,}~~ ACT, the
41 Preliminary ~~{Scholastic Aptitude Test}~~ SAT and the National Merit
42 Scholarship Qualifying Test. Each school district shall ensure that
43 the homeschooled children who reside in the school district have
44 adequate notice of the availability of information concerning such



1 examinations on the Internet website of the school district
2 maintained pursuant to NRS 389.004.

3 12. The parent of a child who is being homeschooled shall
4 prepare an educational plan of instruction for the child in the subject
5 areas of English, including reading, composition and writing,
6 mathematics, science and social studies, including history,
7 geography, economics and government, as appropriate for the age
8 and level of skill of the child as determined by the parent. The
9 educational plan must be included in the notice of intent to
10 homeschool filed pursuant to this section. If the educational plan
11 contains the requirements of this section, the educational plan must
12 not be used in any manner as a basis for denial of a notice of intent
13 to homeschool that is otherwise complete. The parent must be
14 prepared to present the educational plan of instruction and proof of
15 the identity of the child to a court of law if required by the court.
16 This subsection does not require a parent to ensure that each subject
17 area is taught each year that the child is homeschooled.

18 13. No regulation or policy of the ~~{State Board,}~~ **Department,**
19 any school district or any other governmental entity may infringe
20 upon the right of a parent to educate his or her child based on
21 religious preference unless it is:

22 (a) Essential to further a compelling governmental interest; and

23 (b) The least restrictive means of furthering that compelling
24 governmental interest.

25 14. As used in this section, "parent" means the parent,
26 custodial parent, legal guardian or other person in this State who has
27 control or charge of a child and the legal right to direct the education
28 of the child.

29 **Sec. 213.** NRS 392A.060 is hereby amended to read as
30 follows:

31 392A.060 1. Except as otherwise provided by specific statute
32 and by regulation of the ~~{State Board}~~ **Department** as determined
33 necessary by the Superintendent of Public Instruction, the provisions
34 of this title do not apply to a university school for profoundly gifted
35 pupils.

36 2. The employees of a university school for profoundly gifted
37 pupils shall be deemed public employees.

38 **Sec. 214.** NRS 392A.083 is hereby amended to read as
39 follows:

40 392A.083 1. Each pupil who is enrolled in a university
41 school for profoundly gifted pupils, including, without limitation, a
42 pupil who is enrolled in a program of special education in a
43 university school for profoundly gifted pupils, must be included in
44 the count of pupils in the school district in which the school is
45 located for the purposes of apportionments and allowances from the



1 State Distributive School Account pursuant to NRS 387.121 to
2 387.126, inclusive, *and section 81 of this act*, unless the pupil is
3 exempt from compulsory school attendance pursuant to
4 NRS 392.070.

5 2. A university school for profoundly gifted pupils is entitled to
6 receive its proportionate share of any other money available from
7 federal, state or local sources that the school or the pupils who are
8 enrolled in the school are eligible to receive.

9 3. If a university school for profoundly gifted pupils receives
10 money for special education program units directly from this State,
11 the amount of money for special education that the school district
12 pays to the university school for profoundly gifted pupils may be
13 reduced proportionately by the amount of money the university
14 school received from this State for that purpose.

15 4. All money received by a university school for profoundly
16 gifted pupils from this State or from the board of trustees of a school
17 district must be deposited in an account with a bank, credit union or
18 other financial institution in this State.

19 5. The governing body of a university school for profoundly
20 gifted pupils may negotiate with the board of trustees of the school
21 district in which the school is located or the ~~{State Board}~~
22 *Department* for additional money to pay for services that the
23 governing body wishes to offer.

24 6. To determine the amount of money for distribution to a
25 university school for profoundly gifted pupils in its first year of
26 operation in which state funding is provided, the count of pupils
27 who are enrolled in the university school must initially be
28 determined 30 days before the beginning of the school year of the
29 school district in which the university school is located, based upon
30 the number of pupils whose applications for enrollment have been
31 approved by the university school. The count of pupils who are
32 enrolled in a university school for profoundly gifted pupils must be
33 revised on the last day of the first school month of the school district
34 in which the university school is located for the school year, based
35 upon the actual number of pupils who are enrolled in the university
36 school.

37 7. Pursuant to subsection 6 of NRS 387.124, the governing
38 body of a university school for profoundly gifted pupils may request
39 that the apportionments made to the university school in its first year
40 of operation be paid to the university school 30 days before the
41 apportionments are otherwise required to be made.

42 8. If a university school for profoundly gifted pupils ceases to
43 operate pursuant to this chapter during a school year, the remaining
44 apportionments that would have been made to the university school
45 pursuant to NRS 387.124 for that school year must be paid on a



1 proportionate basis to the school districts where the pupils who were
2 enrolled in the university school reside.

3 9. If the governing body of a university school for profoundly
4 gifted pupils uses money received from this State to purchase real
5 property, buildings, equipment or facilities, the governing body of
6 the university school shall assign a security interest in the property,
7 buildings, equipment and facilities to the State of Nevada.

8 **Sec. 215.** NRS 392A.100 is hereby amended to read as
9 follows:

10 392A.100 1. A university school for profoundly gifted pupils
11 shall determine the eligibility of a pupil for admission to the school
12 based upon a comprehensive assessment of the pupil's potential for
13 academic and intellectual achievement at the school, including,
14 without limitation, intellectual and academic ability, motivation,
15 emotional maturity and readiness for the environment of an
16 accelerated educational program. The assessment must be conducted
17 by a broad-based committee of professionals in the field of
18 education.

19 2. A person who wishes to apply for admission to a university
20 school for profoundly gifted pupils must:

21 (a) Submit to the governing body of the school:

22 (1) A completed application;

23 (2) Evidence that the applicant possesses advanced
24 intellectual and academic ability, including, without limitation,
25 proof that he or she satisfies the requirements of NRS 392A.030;

26 (3) At least three letters of recommendation from teachers or
27 mentors familiar with the academic and intellectual ability of the
28 applicant;

29 (4) A transcript from each school previously attended by the
30 applicant; and

31 (5) Such other information as may be requested by the
32 university school or governing body of the school.

33 (b) If requested by the governing body of the school, participate
34 in an on-campus interview.

35 3. The curriculum developed for pupils in a university school
36 for profoundly gifted pupils must provide exposure to the subject
37 areas required of pupils enrolled in other public schools.

38 4. The Superintendent of Public Instruction shall, upon
39 recommendation of the governing body, issue a high school diploma
40 to a pupil who is enrolled in a university school for profoundly
41 gifted pupils if that pupil successfully passes the high school
42 proficiency examination and the courses in American government
43 and American history as required by NRS 389.020 and 389.030, and
44 successfully completes any requirements established by the ~~State~~
45 ~~Board of Education~~ **Department** for graduation from high school.



5. On or before March 1 of each odd-numbered year, the governing body of a university school for profoundly gifted pupils shall prepare and submit to the Superintendent of Public Instruction, the president of the university where the university school for profoundly gifted pupils is located, the State Board and the Director of the Legislative Counsel Bureau a report that contains information regarding the school, including, without limitation, the process used by the school to identify and recruit profoundly gifted pupils from diverse backgrounds and with diverse talents, and data assessing the success of the school in meeting the educational needs of its pupils.

Sec. 216. NRS 392B.100 is hereby amended to read as follows:

392B.100 1. There is hereby established the Program of School Choice for Children in Foster Care, to be administered by the Department.

2. The ~~[State Board]~~ **Department** shall adopt regulations:

(a) Prescribing the process for the submission of an application by a legal guardian or custodian of a child, as applicable, to participate in the Program; and

(b) As are necessary to carry out the provisions of this chapter.

3. The Department shall provide information to the general public concerning the Program.

Sec. 217. NRS 393.170 is hereby amended to read as follows:

393.170 1. The board of trustees of a school district shall purchase all new library books and supplies, all new textbooks and supplementary schoolbooks which are necessary and have been approved by the ~~[State Board of Education,]~~ **Department**, and school supplies necessary to carry out the mandates of the school curriculum to be used by the pupils of the school district. The cost of the books and supplies is a legal charge against the school district fund.

2. All books purchased by the board of trustees must be held as property of the school district, and must be loaned to the pupils of the school in the school district while pursuing a course of study therein.

3. The parents and guardians of pupils are responsible for all books and any and all other material or equipment loaned to the children in their charge, and shall pay to the clerk of the board of trustees, or to any other person authorized by the board to receive the same, the full purchase price of all such books, material or equipment destroyed, lost or so damaged as to make them unfit for use by other pupils succeeding to their classes. The board of trustees shall establish reasonable rules and regulations governing the care and custody of such school property, and for the payment of fines for damage thereto.



4. Equipment and materials for use in manual training, industrial training and teaching domestic science may be supplied to the pupils in the same manner, out of the same fund, and on the same terms and conditions as books. No private ownership may be acquired in such equipment or material, unless sold in the manner prescribed by law when such equipment or material are no longer used or required for the schools of the school district.

5. Authorized supplementary books and desk books for the use of teachers must be purchased under NRS 393.160 to 393.210, inclusive, and remain the property of the school district for which they were purchased, unless sold in accordance with the provisions of this chapter.

6. The clerk of the board of trustees shall turn over to the county treasurer, within 30 days after receiving it, all money, collected under the provisions of this section, and the money must be credited to the school district fund.

7. Any person violating any of the provisions of this section is guilty of a misdemeanor.

Sec. 218. NRS 394.011 is hereby amended to read as follows:

394.011 "Agent's permit" means a nontransferable written authorization issued to a natural person by the ~~Board~~ *Department* or Commission which allows that person to solicit or enroll any resident of this State for education in a private elementary, secondary or postsecondary educational institution.

Sec. 219. NRS 394.075 is hereby amended to read as follows:

394.075 "License" means the written authorization of the ~~Board~~ *Department* or Commission to operate or to contract to operate a private elementary, secondary or postsecondary educational institution.

Sec. 220. NRS 394.125 is hereby amended to read as follows:

394.125 It is the policy of this State to encourage and enable its residents to receive an education commensurate with their respective talents and desires. The Legislature recognizes that privately owned institutions offering elementary, secondary and postsecondary education and vocational and professional instruction perform a necessary service to the residents of this State. It is the purpose of this chapter to provide for the protection, education and welfare of the residents of the State of Nevada, its educational, vocational and professional institutions, and its students, by:

1. Establishing minimum standards concerning quality of education, ethical and business practices, health and safety, and fiscal responsibility, to protect against substandard, transient, unethical, deceptive or fraudulent institutions and practices;

2. Prohibiting the granting of false or misleading educational credentials;



3. Prohibiting the use or attempted use of false or misleading degrees and honorary degrees and the use or attempted use of degrees and honorary degrees in a false or misleading manner;

4. Regulating the use of academic terminology in naming or otherwise designating educational institutions;

5. Prohibiting misleading literature, advertising, solicitation or representation by educational institutions or their agents;

6. Providing for the preservation of essential academic records; and

7. Providing certain rights and remedies to the consuming public, ~~and~~ the Commission and the ~~Board~~ *Department* necessary to effectuate the purposes of this chapter.

Sec. 221. NRS 394.130 is hereby amended to read as follows:

394.130 1. In order to secure uniform and standard work for pupils in private schools in this State, instruction in the subjects required by law for pupils in the public schools shall be required of pupils receiving instruction in such private schools, either under the regular state courses of study prescribed by the ~~State Board of Education~~ *Department* or under courses of study prepared by such private schools and approved by the ~~State Board of Education.~~ *Department.*

2. Such private schools shall be required to furnish from time to time such reports as the Superintendent of Public Instruction may find necessary as to enrollment, attendance and general progress within such schools.

3. Nothing in this section shall be so construed as:

(a) To interfere with the right of the proper authorities having charge of private schools to give religious instruction to the pupils enrolled therein.

(b) To give such private schools any right to share in the public school funds apportioned for the support of the public schools of this State.

Sec. 222. NRS 394.1688 is hereby amended to read as follows:

394.1688 1. Each development committee shall, at least once each year, review and update as appropriate the plan that it developed pursuant to NRS 394.1687, and provide an updated copy of the plan to the governing body of the school.

2. The governing body of each private school shall:

(a) Post a notice of the completion of each review and update that its development committee performs pursuant to subsection 1 at the school;

(b) Post a copy of NRS 392.640 and 394.168 to 394.1699, inclusive, at the school;



(c) Retain a copy of each plan developed pursuant to NRS 394.1687, each plan updated pursuant to subsection 1 and each deviation approved pursuant to NRS 394.1692;

(d) Provide a copy of each plan developed pursuant to NRS 394.1687 and each plan updated pursuant to subsection 1 to:

(1) The ~~Board;~~ *Department;*

(2) Each local law enforcement agency in the county in which the school is located; and

(3) The Division of Emergency Management of the Department of Public Safety;

(e) Upon request, provide a copy of each plan developed pursuant to NRS 394.1687 and each plan updated pursuant to subsection 1 to a local agency that is included in the plan and to an employee of the school who is included in the plan;

(f) Upon request, provide a copy of each deviation approved pursuant to NRS 394.1692 to:

(1) The ~~Board;~~ *Department;*

(2) A local law enforcement agency in the county in which the school is located;

(3) The Division of Emergency Management of the Department of Public Safety;

(4) A local agency that is included in the plan; and

(5) An employee of the school who is included in the plan; and

(g) At least once each year, provide training in responding to a crisis to each employee of the school, including, without limitation, training concerning drills for evacuating and securing the school.

Sec. 223. NRS 394.1694 is hereby amended to read as follows:

394.1694 1. The ~~Board;~~ *Department* shall adopt regulations setting forth requirements for:

(a) The plan required to be developed pursuant to NRS 394.1687; and

(b) Reviewing and approving a deviation pursuant to NRS 394.1692.

2. The regulations adopted pursuant to this section must include, without limitation, requirements concerning training and practice in procedures for responding to a crisis.

Sec. 224. NRS 394.1699 is hereby amended to read as follows:

394.1699 The provisions of chapter 241 of NRS do not apply to a meeting of:

1. A development committee;

2. A school committee; or



3. The ~~{Board}~~ *Department* if the meeting concerns a regulation adopted pursuant to NRS 394.1694.

Sec. 225. NRS 394.175 is hereby amended to read as follows:

394.175 1. Any private elementary or secondary school in this State may establish a program of information about missing children for pupils, parents and other members of the community.

2. The Attorney General and the ~~{State Board of Education}~~ *Department* shall distribute at no charge to the private school any materials they have that will assist in the establishment of such a program.

Sec. 226. NRS 394.211 is hereby amended to read as follows:

394.211 1. The following persons and educational institutions are exempt from the provisions of the Private Elementary and Secondary Education Authorization Act:

(a) Institutions exclusively offering instruction at any level of postsecondary education.

(b) Institutions maintained by this State, another state or the District of Columbia or any political subdivisions thereof and supported by public funds.

(c) Institutions exclusively offering religious or sectarian studies.

(d) Elementary and secondary educational institutions operated by churches, religious organizations and faith-based ministries.

(e) Institutions licensed by the Commission.

(f) Institutions operated by or under the direct administrative supervision of the Federal Government.

(g) Natural persons who instruct pupils in their homes or in the pupils' own homes, if this is not the only instruction those pupils receive.

(h) Fraternal or benevolent institutions offering instruction to their members or their immediate relatives, if the instruction is not operated for profit.

(i) Institutions offering instruction solely in avocational and recreational areas.

(j) Institutions or school systems in operation before July 1, 1975, as to courses of study approved by the ~~{Board}~~ *Department* pursuant to NRS 394.130, but those institutions or school systems are not exempt as to substantial changes in their nature or purpose on or after that date. The official literature of an institution or school system describing the nature and purpose of the institution or school system as of June 30, 1975, is prima facie evidence of the nature and purpose on that date for the purposes of this chapter.

2. Each person or educational institution claiming an exemption pursuant to the provisions of subsection 1 must file with the ~~{Board}~~ *Department* the exemption upon forms provided by the



1 Department or in a letter containing the required information and
2 signed by the person claiming the exemption or the person in charge
3 of the educational institution claiming the exemption. The
4 exemption expires 2 years after the last day of the calendar month in
5 which the filing is made. The filing of a renewal of the exemption
6 must be made not less than 60 days before the exemption expires.

7 3. Upon receipt of an exemption or a renewal of an exemption,
8 the Superintendent shall cause an inspection of the educational
9 institution to ensure that the institution operates in accordance with
10 the provisions of all laws, regulations and ordinances that are
11 applicable to the educational institution, including, without
12 limitation, those provisions relating to the health and safety of
13 persons on the premises of the educational institution. In carrying
14 out the requirements of this subsection, the Superintendent may
15 accept a certificate of inspection conducted on an educational
16 institution, or other proof of inspection satisfactory to the
17 Superintendent, issued by an appropriate agency or political
18 subdivision of this State responsible for the inspection of buildings
19 to ensure compliance with the applicable provisions of laws,
20 regulations and ordinances.

21 4. Before a child enrolls in an institution that is exempt
22 pursuant to this section, the institution shall provide written notice
23 to the parents or legal guardian of the child that the institution is
24 exempt from the Private Elementary and Secondary Education
25 Authorization Act.

26 **Sec. 227.** NRS 394.221 is hereby amended to read as follows:

27 394.221 1. The ~~Board~~ **Department** shall:

28 (a) Adopt regulations governing the administration of the
29 Private Elementary and Secondary Education Authorization Act.

30 (b) Establish minimum criteria, in conformity with NRS
31 394.241, which applicants for a license or agent's permit must meet
32 before a license or permit is issued. The criteria must be sufficient to
33 effectuate the purposes of the Private Elementary and Secondary
34 Education Authorization Act but not unreasonably hinder legitimate
35 educational innovation.

36 2. The Superintendent shall administer the provisions of the
37 Private Elementary and Secondary Education Authorization Act in
38 accordance with the regulations of the ~~Board~~ **Department**. The
39 Superintendent shall:

40 (a) Receive, investigate as necessary and act upon applications
41 for licenses and agents' permits.

42 (b) Maintain a list of agents and private elementary and
43 secondary education institutions authorized to operate in this State.
44 The list shall be available for the information of the public.



Sec. 228. NRS 394.231 is hereby amended to read as follows:
394.231 The Superintendent may:

1. Request from any other department, division, board, bureau, commission or other agency of the State, and the latter agency shall provide, any information which it possesses that will enable the Superintendent to exercise properly his or her powers and perform his or her duties under the Private Elementary and Secondary Education Authorization Act.

2. ~~[With the approval of the Board, negotiate]~~ **Negotiate** and enter into interstate reciprocity agreements with similar agencies in other states, if in the judgment of the Superintendent such agreements are or will be helpful in effectuating the purposes of the Private Elementary and Secondary Education Authorization Act, but nothing contained in any such reciprocity agreement may limit the powers, duties and responsibilities of the Superintendent independently to investigate or act upon any application for a license to operate or any application for renewal of a license to operate an elementary or secondary educational institution, or an application for issuance or renewal of any agent's permit, or to enforce any provision of the Private Elementary and Secondary Education Authorization Act, or any regulations promulgated under it.

3. Investigate, on the Superintendent's own initiative or in response to any complaint lodged with the Superintendent, any person subject to, or reasonably believed by the Superintendent to be subject to, his or her jurisdiction, and in connection with an investigation:

(a) Subpoena any persons, books, records or documents pertaining to the investigation;

(b) Require answers in writing under oath to questions propounded by the Superintendent; and

(c) Administer an oath or affirmation to any person.

➡ A subpoena issued by the Superintendent may be enforced by any district court of this State.

4. Exercise other powers implied but not enumerated in this section but in conformity with the provisions of the Private Elementary and Secondary Education Authorization Act which are necessary in order to carry out its provisions.

Sec. 229. NRS 394.241 is hereby amended to read as follows:

394.241 1. An elementary or secondary educational institution must be maintained and operated, or a new institution must demonstrate that it can be maintained and operated, in compliance with the following minimum standards:



1 (a) The quality and content of each course of instruction,
2 training or study reasonably and adequately achieve the stated
3 objective for which the course or program is offered.

4 (b) The institution has adequate space, equipment, instructional
5 materials and personnel to provide education of good quality.

6 (c) The education and experience qualifications of directors,
7 administrators, supervisors and instructors reasonably ensure that
8 the students will receive education consistent with the objectives of
9 the course or program of study.

10 (d) The institution provides pupils and other interested persons
11 with a catalog or brochure containing information describing the
12 grades or programs offered, program objectives, length of school
13 year or program, schedule of tuition, fees and all other charges and
14 expenses necessary for completion of the course of study,
15 cancellation and refund policies, and such other material facts
16 concerning the institution as are reasonably likely to affect the
17 decision of the parents or pupil to enroll in the institution, together
18 with any other disclosures specified by the Superintendent or
19 defined in the regulations of the ~~{Board,}~~ *Department*, and the
20 information is provided to parents or prospective pupils before
21 enrollment.

22 (e) Upon satisfactory completion of training or instruction, the
23 pupil is given appropriate educational credentials by the institution
24 indicating that the course of instruction or study has been
25 satisfactorily completed.

26 (f) Adequate records are maintained by the institution to show
27 attendance, progress and performance.

28 (g) The institution is maintained and operated in compliance
29 with all pertinent ordinances and laws, including regulations
30 adopted relative to the safety and health of all persons upon the
31 premises.

32 (h) The institution is financially sound and capable of fulfilling
33 its commitments.

34 (i) Neither the institution nor its agents engage in advertising,
35 sales, collection, credit or other practices of any type which are
36 false, deceptive, misleading or unfair.

37 (j) The chief executive officer, trustees, directors, owners,
38 administrators, supervisors, staff, instructors and agents are of good
39 reputation and character.

40 (k) The pupil housing owned, maintained or approved by the
41 institution, if any, is appropriate, safe and adequate.

42 (l) The institution has a fair and equitable cancellation and
43 refund policy.

44 2. Accreditation by national or regional accrediting agencies
45 recognized by the United States Department of Education may be



1 accepted as evidence of compliance with the minimum standards
2 established pursuant to this section. Accreditation by a recognized,
3 specialized accrediting agency may be accepted as evidence of such
4 compliance only as to the portion or program of an institution
5 accredited by the agency if the institution as a whole is not
6 accredited.

7 **Sec. 230.** NRS 394.245 is hereby amended to read as follows:

8 394.245 The Superintendent shall cause an inspection of an
9 elementary or secondary educational institution to be conducted
10 upon receipt of an application for a license or for renewal of a
11 license from that institution to ensure that the institution:

12 1. Operates in accordance with the provisions of all laws,
13 regulations and ordinances relating to the health and safety of
14 persons on the premises. In carrying out the requirements of this
15 subsection, the Superintendent may accept a certificate of inspection
16 conducted on an educational institution, or other proof of inspection
17 satisfactory to the Superintendent, issued by an appropriate agency
18 or political subdivision of this State responsible for the inspection of
19 buildings to ensure compliance with the applicable provisions of
20 laws, regulations and ordinances.

21 2. Maintains the records required by the regulations of the
22 ~~{Board}~~ **Department** relating to administrators, supervisors,
23 instructors and other educational personnel.

24 3. Has in force the insurance coverage required by the
25 regulations of the ~~{Board}~~ **Department**. The institution shall
26 provide to the person conducting the inspection an affidavit signed
27 by the owner or administrator of the institution affirming that the
28 insurance coverage for the institution is current.

29 **Sec. 231.** NRS 394.251 is hereby amended to read as follows:

30 394.251 1. Each elementary or secondary educational
31 institution desiring to operate in this State must apply to the
32 Superintendent upon forms provided by the Department. The
33 application must be accompanied by the catalog or brochure
34 published or proposed to be published by the institution. The
35 application must also be accompanied by evidence of the required
36 surety bond or certificate of deposit and payment of the fees
37 required by law.

38 2. After review of the application and any further information
39 required by the Superintendent, and an investigation of the applicant
40 if necessary, the ~~{Board}~~ **Department** shall either grant or deny a
41 license to operate to the applicant.

42 3. The license must state in a clear and conspicuous manner at
43 least the following information:

44 (a) The date of issuance, effective date and term of the license.



(b) The correct name and address of the institution licensed to operate.

(c) The authority for approval and conditions of operation.

(d) Any limitation of the authorization, as considered necessary by the ~~{Board.}~~ **Department.**

4. Except as otherwise provided in this subsection, the term for which authorization is given must not exceed 2 years. A provisional license may be issued for a shorter period of time if the ~~{Board.}~~ **Department** finds that the applicant has not fully complied with the standards established by NRS 394.241. Authorization may be given for a term of not more than 4 years if:

(a) The institution has been licensed to operate for not less than 4 years preceding the authorization; and

(b) The institution has operated during that period without the filing of a verified complaint against it and without violating any provision of NRS 394.201 to 394.351, inclusive, or any regulation adopted pursuant to those sections.

5. The license must be issued to the owner or governing body of the applicant institution and is nontransferable. If a change in ownership of the institution occurs, the new owner or governing body must, within 10 days after the change in ownership, apply for a new license, and if it fails to do so, the institution's license terminates. Application for a new license because of a change in ownership of the institution is, for purposes of NRS 394.281, an application for renewal of the institution's license.

6. At least 60 days before the expiration of a license, the institution must complete and file with the Superintendent an application form for renewal of its license. The renewal application must be reviewed and acted upon as provided in this section.

7. An institution not yet in operation when its application for a license is filed may not begin operation until the license is issued. An institution in operation when its application for a license is filed may continue operation until its application is acted upon by the ~~{Board.}~~ **Department**, and thereafter its authority to operate is governed by the action of the ~~{Board.}~~ **Department.**

Sec. 232. NRS 394.261 is hereby amended to read as follows:

394.261 1. Each person desiring to solicit or perform the services of an agent in this State must apply to the Superintendent upon forms provided by the Department. The application must include the social security number of the applicant, be accompanied by evidence of the good reputation and character of the applicant, in a form prescribed by the Superintendent, and state the institution which the applicant intends to represent. An agent representing more than one institution must obtain a separate agent's permit for each institution represented, except that if an agent represents



1 institutions having a common ownership, only one agent's permit is
2 required with respect to the institutions. If any institution which the
3 applicant intends to represent does not have a license to operate in
4 this State, the application must be accompanied by the information
5 required from an institution that is applying for a license. The
6 application for an agent's permit must also be accompanied by
7 evidence of the required surety bond or certificate of deposit and
8 payment of the fees required by law.

9 2. After a review of the application and any further information
10 submitted by the applicant as required by regulations of the ~~[Board,]~~
11 ~~Department~~, and any investigation of the applicant which the
12 ~~[Board]~~ ~~Department~~ or Superintendent considers appropriate, the
13 ~~[Board]~~ ~~Department~~ shall grant or deny an agent's permit to
14 the applicant.

15 3. The agent's permit must state in a clear and conspicuous
16 manner at least the following information:

17 (a) The date of issuance, effective date and term of the permit.

18 (b) The correct name and address of the agent.

19 (c) The institutions which the agent is authorized to represent.

20 4. An agent's permit must not be issued for a term of more than
21 1 year.

22 5. At least 30 days before the expiration of an agent's permit,
23 the agent must complete and file with the Superintendent an
24 application for renewal of the permit. The renewal application must
25 be reviewed and acted upon as provided in this section.

26 **Sec. 233.** NRS 394.281 is hereby amended to read as follows:

27 394.281 1. If the ~~[Board,]~~ ~~Department~~, upon review and
28 consideration of an application for a license or for an agent's permit,
29 or a renewal of a license or agent's permit, determines that the
30 applicant fails to meet the criteria for granting the application, the
31 Superintendent shall notify the applicant by certified mail setting
32 forth the reasons for the denial of the application.

33 2. The Superintendent may grant to an applicant for renewal an
34 extension of time to eliminate the reasons recited in the denial letter
35 if:

36 (a) The applicant has demonstrated his or her desire to meet the
37 criteria; and

38 (b) The Superintendent reasonably believes that the applicant
39 can correct the deficiencies within the extension period.

40 3. If the ~~[Board]~~ ~~Department~~ denies an application for an
41 agent's permit, or an application for renewal, the Superintendent
42 shall notify the institution which the agent represented or sought to
43 represent, setting forth the reasons for the denial.



Sec. 234. NRS 394.291 is hereby amended to read as follows:

394.291 Any person aggrieved by the denial or revocation of a license to operate or an agent's permit, or the placement of conditions on the license to operate or agent's permit, is entitled to a hearing before the ~~{Board}~~ Department if the aggrieved person submits a written request for a hearing within 10 days from receipt of the letter of denial, revocation or placement of conditions. If no request is submitted within the prescribed period the decision of the ~~{Board}~~ Department is final.

Sec. 235. NRS 394.295 is hereby amended to read as follows:

394.295 1. If the ~~{Board}~~ Department receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of an agent's permit, the ~~{Board}~~ Department shall deem the permit issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the ~~{Board}~~ Department receives a letter issued to the holder of the permit by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the permit has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The ~~{Board}~~ Department shall reinstate an agent's permit that has been suspended by a district court pursuant to NRS 425.540 if the ~~{Board}~~ Department receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose permit was suspended stating that the person whose permit was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 236. NRS 394.301 is hereby amended to read as follows:

394.301 1. The ~~{Board}~~ Department may revoke or make conditional a license to operate or an agent's permit after its issuance if it reasonably believes that the holder of the license or permit has violated the Private Elementary and Secondary Education Authorization Act or any regulations adopted under it. Prior to the revocation or imposition of conditions, the Superintendent shall notify the holder by certified mail of facts or conduct which warrant the impending action and advise the holder that if a hearing is desired it must be requested within 10 days of receipt of the notice letter.

2. If an agent's permit is revoked or conditions imposed, the Superintendent shall, by certified mail, notify the institutions which the agent represented in addition to the agent and any other parties to any hearing.



Sec. 237. NRS 394.311 is hereby amended to read as follows:

394.311 1. Any person claiming damage either individually or as a representative of a class of complainants as a result of any act by an elementary or secondary educational institution or its agent, or both, which is a violation of the Private Elementary and Secondary Education Authorization Act or regulations promulgated under it, may file with the Superintendent a verified complaint against the institution, its agent or both. The complaint must set forth the alleged violation and contain other information as required by regulations of the ~~{Board}~~ **Department**. A complaint may also be filed by the Superintendent on his or her own motion or by the Attorney General.

2. The Superintendent shall investigate any verified complaint and may, as part of the investigation, cause an inspection of the elementary or secondary educational institution to be conducted. The Superintendent may attempt to effectuate a settlement by persuasion and conciliation. The ~~{Board}~~ **Department** may consider a complaint after 10 days' written notice by certified mail to the institution or to the agent, or both, as appropriate, giving notice of a time and place for a hearing.

3. If, after consideration of all evidence presented at a hearing, the ~~{Board}~~ **Department** finds that an elementary or secondary educational institution or its agent, or both, has engaged in any act which violates the Private Elementary and Secondary Education Authorization Act or regulations promulgated under it, the ~~{Board}~~ **Department** shall issue and the Superintendent shall serve upon the institution or agent, or both, an order to cease and desist from such act. The ~~{Board}~~ **Department** may also, as appropriate, based on the Superintendent's investigation or the evidence adduced at the hearing, or both, institute an action to revoke an institution's license or an agent's permit.

Sec. 238. NRS 394.321 is hereby amended to read as follows:

394.321 If the ~~{Board}~~ **Department** determines that irreparable injury would result from putting into immediate effect any final action or penalty imposed under the Private Elementary and Secondary Education Authorization Act, it shall postpone the effective date of the action pending review.

Sec. 239. NRS 394.351 is hereby amended to read as follows:

394.351 It is unlawful for any person, alone or in concert with others, to:

1. Operate in this State an elementary or secondary educational institution not exempted from the provisions of the Private Elementary and Secondary Education Authorization Act, unless the institution has a currently valid license to operate.



2. Offer, as or through an agent, enrollment or instruction in, or educational credentials from, an elementary or secondary educational institution not exempted from the provisions of the Private Elementary and Secondary Education Authorization Act, whether the institution is within or outside this State, unless the agent is a natural person and has a currently valid agent's permit, except that the ~~{Board}~~ Department may adopt regulations to permit a person to disseminate legitimate public information without a permit.

3. Instruct or educate, or offer to instruct or educate, including advertising or soliciting for such purpose, enroll or offer to enroll, or contract with any person for such purpose, or award any educational credential, or contract with any institution or party to perform any such act in this State, whether the person is located within or outside this State, unless such person complies with the minimum standards set forth in NRS 394.241 and the regulations adopted by the ~~{Board}~~ Department.

4. Use the terms "kindergarten," "elementary," "middle school," "junior high school," "high school" or "secondary" without authorization to do so from the Superintendent in accordance with regulations of the ~~{Board}~~ Department.

5. Grant, or offer to grant, educational credentials, without a currently valid license to operate.

Sec. 240. NRS 394.385 is hereby amended to read as follows:

394.385 1. The Governor shall appoint:

(a) One member who is a representative of the ~~{State Board of Education}~~ Department.

(b) Two members who are knowledgeable in the field of education, but not persons representing postsecondary educational institutions, or colleges established or maintained under the laws of this State.

(c) Two members who are representatives of private postsecondary educational institutions.

(d) Two members who are representatives of the general public and are not associated with the field of education.

2. The Commission shall designate a Chair. The Administrator is the Executive Secretary. The Commission may meet regularly at least four times each year at such places and times as may be specified by a call of the Chair or majority of the Commission. The Commission shall prescribe regulations for its own management. Four members of the Commission constitute a quorum which may exercise all the authority conferred upon the Commission.

3. Any Commissioner may be removed by the Governor if, in the opinion of the Governor, the Commissioner is guilty of malfeasance in office or neglect of duty.



Sec. 241. NRS 394.600 is hereby amended to read as follows:

394.600 1. The Attorney General or any district attorney, at the request of the Commission or ~~{Board}~~ *Department* or on his or her own motion, may bring any appropriate action or proceeding in any court of competent jurisdiction for the enforcement of the provisions of this chapter.

2. If it appears to the Commission or ~~{Board}~~ *Department* that any person is violating or is about to violate any of the provisions of this chapter or any of its regulations or orders, the Commission or ~~{Board}~~ *Department* may, on its own motion or on the written complaint of any person, file an action for injunction in the name of the Commission or ~~{Board}~~ *Department* in any court of competent jurisdiction in this State against the person to enjoin the violation or for an order directing compliance with the provisions of this chapter, and all regulations and orders promulgated pursuant to this chapter.

3. The right of injunction provided in this section is in addition to any other legal remedy which the Commission or ~~{Board}~~ *Department* has, and is in addition to any right of criminal prosecution provided by law; but the Commission or ~~{Board}~~ *Department* shall not obtain a temporary restraining order without notice to the person affected.

4. The existence of a pending action by the Commission or ~~{Board}~~ *Department* with respect to alleged violations of this chapter does not operate as a bar to an action for injunctive relief pursuant to this section.

Sec. 242. NRS 395.0065 is hereby amended to read as follows:

395.0065 “Related services” means room, board, transportation and such developmental, corrective and other supportive services, as may be required pursuant to minimum standards prescribed by the ~~{State Board of Education,}~~ *Department*, to assist a person with a disability to benefit from a special education program.

Sec. 243. NRS 395.008 is hereby amended to read as follows:

395.008 “Special education program” means a program which provides instruction specially designed in accordance with minimum standards prescribed by the ~~{State Board of Education}~~ *Department* to meet the unique needs of persons with disabilities.

Sec. 244. NRS 396.5195 is hereby amended to read as follows:

396.5195 The Board of Regents shall, in cooperation with the ~~{State Board and the Council to Establish Academic Standards for Public Schools,}~~ *Department*, ensure that students enrolled in a program developed by the System for the education of teachers are provided instruction regarding the standards of content and performance required of pupils enrolled in high schools in this State.



Sec. 245. NRS 4.010 is hereby amended to read as follows:

4.010 1. A person may not be a candidate for or be eligible to the office of justice of the peace unless the person is a qualified elector and has never been removed or retired from any judicial office by the Commission on Judicial Discipline. For the purposes of this subsection, a person is eligible to be a candidate for the office of justice of the peace if a decision to remove or retire the person from a judicial office is pending appeal before the Supreme Court or has been overturned by the Supreme Court.

2. A justice of the peace must have a high school diploma or its equivalent as determined by the ~~{State-Board}~~ *Department* of Education and:

(a) In a county whose population is 400,000 or more, a justice of the peace in a township whose population is 100,000 or more must be an attorney who is licensed and admitted to practice law in the courts of this State at the time of his or her election or appointment and has been licensed and admitted to practice law in the courts of this State, another state or the District of Columbia for not less than 5 years at any time preceding his or her election or appointment.

(b) In a county whose population is less than 400,000, a justice of the peace in a township whose population is 250,000 or more must be an attorney who is licensed and admitted to practice law in the courts of this State at the time of his or her election or appointment and has been licensed and admitted to practice law in the courts of this State, another state or the District of Columbia for not less than 5 years at any time preceding his or her election or appointment.

3. Subsection 2 does not apply to any person who held the office of justice of the peace on June 30, 2001.

Sec. 246. NRS 62A.260 is hereby amended to read as follows:

62A.260 "Public school" includes all kindergartens and elementary schools, junior high schools and middle schools, high schools, charter schools and any other schools, classes and educational programs which receive their support through public taxation and, except for charter schools, whose textbooks and courses of study are under the control of the ~~{State-Board}~~ *Department* of Education. The term does not include a school or educational program that is conducted exclusively for children who have been adjudicated delinquent.

Sec. 247. NRS 209.393 is hereby amended to read as follows:

209.393 The Board may adopt regulations which:

1. Designate a level of literacy in reading and writing which is consistent with that required by the ~~{State-Board}~~ *Department* of Education for its pupils in the eighth grade.



2. Provide for the testing of each offender when he or she first becomes incarcerated, and as often as needed thereafter, to determine his or her ability to read and write.

3. Establish guidelines for evaluating the progress of an illiterate offender in an educational program.

4. Establish a course to teach English as a second language, if necessary.

5. Are necessary to carry out the provisions of this section and NRS 209.396.

Sec. 248. NRS 218E.600 is hereby amended to read as follows:

218E.600 As used in NRS 218E.600 to ~~218E.625;~~ **218E.620**, inclusive, unless the context otherwise requires, "Committee" means the Legislative Committee on Education.

Sec. 249. NRS 218E.615 is hereby amended to read as follows:

218E.615 1. The Committee may:

(a) Evaluate, review and comment upon issues related to education within this State, including, but not limited to:

(1) Programs to enhance accountability in education;

(2) Legislative measures regarding education;

(3) The progress made by this State, the school districts and the public schools in this State in satisfying the goals and objectives of the federal No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq., and the annual measurable objectives established by the ~~State Board~~ **Department** of Education pursuant to NRS 385.361;

(4) Methods of financing public education;

(5) The condition of public education in the elementary and secondary schools;

(6) ~~The program to reduce the ratio of pupils per class per licensed teacher prescribed in NRS 388.700, 388.710 and 388.720;~~

~~—(7)—~~ The development of any programs to automate the receipt, storage and retrieval of the educational records of pupils; and

~~(8)~~ (7) Any other matters that, in the determination of the Committee, affect the education of pupils within this State.

(b) Conduct investigations and hold hearings in connection with its duties pursuant to this section.

(c) Request that the Legislative Counsel Bureau assist in the research, investigations, hearings and reviews of the Committee.

(d) Make recommendations to the Legislature concerning the manner in which public education may be improved.

2. The Committee shall:

(a) ~~In addition to any standards prescribed by the Department of Education, prescribe standards for the review and evaluation of~~



~~the reports of the State Board of Education, school districts and public schools pursuant to paragraph (a) of subsection 1 of NRS 385.359.~~

~~—(b)}~~ For the purposes set forth in NRS 385.389, recommend to the Department of Education programs of remedial study for each subject tested on the examinations administered pursuant to NRS 389.015. In recommending these programs of remedial study, the Committee shall consider programs of remedial study that have proven to be successful in improving the academic achievement of pupils.

~~{(e)}~~ (b) Recommend to the Department of Education providers of supplemental educational services for inclusion on the list of approved providers prepared by the Department pursuant to NRS 385.384. In recommending providers, the Committee shall consider providers with a demonstrated record of effectiveness in improving the academic achievement of pupils.

~~{(d)}~~ (c) For the purposes set forth in *subsection 2 of NRS [385.3785,] 385.389*, recommend to the ~~{Commission on Educational Excellence created by NRS 385.3784}~~ *Department of Education* programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.

Sec. 250. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The Governor.

(b) Except as otherwise provided in NRS 209.221, the Department of Corrections.

(c) The Nevada System of Higher Education.

(d) The Office of the Military.

(e) The State Gaming Control Board.

(f) Except as otherwise provided in NRS 368A.140, the Nevada Gaming Commission.

(g) The Division of Welfare and Supportive Services of the Department of Health and Human Services.

(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.

(i) The State Board of Examiners acting pursuant to chapter 217 of NRS.

(j) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.



(k) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.

(l) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.

(m) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 590.830.

2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) Chapter 703 of NRS for the judicial review of decisions of the Public Utilities Commission of Nevada;

(d) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and

(e) NRS 90.800 for the use of summary orders in contested cases,

➤ prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;

(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184; or

(c) A regulation adopted by the ~~[State Board]~~ **Department** of Education pursuant to NRS 392.644 or 394.1694.



6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

Sec. 251. NRS 293.103 is hereby amended to read as follows:

293.103 "School officers" means the Board of Regents of the University of Nevada ~~[, members of the State Board of Education]~~ and school district trustees.

Sec. 252. 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. 253. 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. 254. NRS 355.160 is hereby amended to read as follows:

355.160 Except as otherwise provided in NRS 355.140 and 355.150, the State Board of Finance, ~~[State Board]~~ *Department* of Education or other state agency shall proceed in the same manner as the law relating to each of them requires in the making of such investments, the purpose of NRS 355.140 and 355.150, being merely to designate the classes of bonds and other securities and loans in which the funds mentioned in NRS 355.140 lawfully may be invested and the other matters relating thereto as specified in NRS 355.140 and 355.150.

Sec. 255. NRS 372.3261 is hereby amended to read as follows:

372.3261 1. For the purposes of NRS 372.326, an organization is created for religious, charitable or educational purposes if it complies with the provisions of this section.

2. An organization is created for religious purposes if:



(a) It complies with the requirements set forth in subsection 5;
and

(b) The sole or primary purpose of the organization is the operation of a church, synagogue or other place of religious worship at which nonprofit religious services and activities are regularly conducted. Such an organization includes, without limitation, an integrated auxiliary or affiliate of the organization, men's, women's or youth groups established by the organization, a school or mission society operated by the organization, an organization of local units of a church and a convention or association of churches.

3. An organization is created for charitable purposes if:

(a) It complies with the requirements set forth in subsection 5;

(b) The sole or primary purpose of the organization is to:

(1) Advance a public purpose, donate or render gratuitously or at a reduced rate a substantial portion of its services to the persons who are the subjects of its charitable services, and benefit a substantial and indefinite class of persons who are the legitimate subjects of charity;

(2) Provide services that are otherwise required to be provided by a local government, this State or the Federal Government; or

(3) Operate a hospital or medical facility licensed pursuant to chapter 449 or 450 of NRS; and

(c) The organization is operating in this State.

4. An organization is created for educational purposes if:

(a) It complies with the requirements set forth in subsection 5;
and

(b) The sole or primary purpose of the organization is to:

(1) Provide athletic, cultural or social activities for children;

(2) Provide displays or performances of the visual or performing arts to members of the general public;

(3) Provide instruction and disseminate information on subjects beneficial to the community;

(4) Operate a school, college or university located in this State that conducts regular classes and provides courses of study required for accreditation or licensing by the ~~{State Board}~~ **Department** of Education or the Commission on Postsecondary Education, or for membership in the Northwest ~~{Association of Schools and of Colleges and Universities;}~~ **Accreditation Commission;**

(5) Serve as a local or state apprenticeship committee to advance programs of apprenticeship in this State; or

(6) Sponsor programs of apprenticeship in this State through a trust created pursuant to 29 U.S.C. § 186.



5. In addition to the requirements set forth in subsection 2, 3 or 4, an organization is created for religious, charitable or educational purposes if:

(a) No part of the net earnings of any such organization inures to the benefit of a private shareholder, individual or entity;

(b) The business of the organization is not conducted for profit;

(c) No substantial part of the business of the organization is devoted to the advocacy of any political principle or the defeat or passage of any state or federal legislation;

(d) The organization does not participate or intervene in any political campaign on behalf of or in opposition to any candidate for public office; and

(e) Any property sold to the organization for which an exemption is claimed is used by the organization in this State in furtherance of the religious, charitable or educational purposes of the organization.

Sec. 256. NRS 374.3306 is hereby amended to read as follows:

374.3306 1. For the purposes of NRS 374.3305, an organization is created for religious, charitable or educational purposes if it complies with the provisions of this section.

2. An organization is created for religious purposes if:

(a) It complies with the requirements set forth in subsection 5; and

(b) The sole or primary purpose of the organization is the operation of a church, synagogue or other place of religious worship at which nonprofit religious services and activities are regularly conducted. Such an organization includes, without limitation, an integrated auxiliary or affiliate of the organization, men's, women's or youth groups established by the organization, a school or mission society operated by the organization, an organization of local units of a church and a convention or association of churches.

3. An organization is created for charitable purposes if:

(a) It complies with the requirements set forth in subsection 5;

(b) The sole or primary purpose of the organization is to:

(1) Advance a public purpose, donate or render gratuitously or at a reduced rate a substantial portion of its services to the persons who are the subjects of its charitable services, and benefit a substantial and indefinite class of persons who are the legitimate subjects of charity;

(2) Provide services that are otherwise required to be provided by a local government, this State or the Federal Government; or

(3) Operate a hospital or medical facility licensed pursuant to chapter 449 or 450 of NRS; and



- 1 (c) The organization is operating in this State.
2 4. An organization is created for educational purposes if:
3 (a) It complies with the requirements set forth in subsection 5;
4 and
5 (b) The sole or primary purpose of the organization is to:
6 (1) Provide athletic, cultural or social activities for children;
7 (2) Provide displays or performances of the visual or
8 performing arts to members of the general public;
9 (3) Provide instruction and disseminate information on
10 subjects beneficial to the community;
11 (4) Operate a school, college or university located in this
12 State that conducts regular classes and provides courses of study
13 required for accreditation or licensing by the ~~{State Board}~~
14 ~~Department~~ of Education or the Commission on Postsecondary
15 Education, or for membership in the Northwest ~~{Association of~~
16 ~~Schools and of Colleges and Universities;}~~ ~~Accreditation~~
17 ~~Commission;~~
18 (5) Serve as a local or state apprenticeship committee to
19 advance programs of apprenticeship in this State; or
20 (6) Sponsor programs of apprenticeship in this State through
21 a trust created pursuant to 29 U.S.C. § 186.
22 5. In addition to the requirements set forth in subsection 2, 3 or
23 4, an organization is created for religious, charitable or educational
24 purposes if:
25 (a) No part of the net earnings of any such organization inures to
26 the benefit of a private shareholder, individual or entity;
27 (b) The business of the organization is not conducted for profit;
28 (c) No substantial part of the business of the organization is
29 devoted to the advocacy of any political principle or the defeat or
30 passage of any state or federal legislation;
31 (d) The organization does not participate or intervene in any
32 political campaign on behalf of or in opposition to any candidate for
33 public office; and
34 (e) Any property sold to the organization for which an
35 exemption is claimed is used by the organization in this State in
36 furtherance of the religious, charitable or educational purposes of
37 the organization.
38 **Sec. 257.** NRS 427A.780 is hereby amended to read as
39 follows:
40 427A.780 1. On or before July 1 of each year, the Advisory
41 Board shall submit an annual report concerning the provision of
42 transition services to persons with disabilities in this State to:
43 (a) The Governor;
44 (b) The Director of the Legislative Counsel Bureau for
45 transmittal to the Legislature;



(c) The Committee;
(d) The State Rehabilitation Council; *and*
(e) ~~{The State Board of Education; and~~
~~—(f)}~~ The Department of Education for transmittal to persons within the Department who are working on issues concerning special education.

2. The annual report must include, without limitation:

(a) A list of the members of the Advisory Board;
(b) The dates, agendas and minutes of each of the meetings of the Advisory Board;

(c) Information concerning the activities, findings and recommendations of the Advisory Board;

(d) A status report concerning transition services from:

(1) The Committee; and

(2) The State Rehabilitation Council;

(e) A summary of the availability and status of transition services in this State and the need for transition services in this State;

(f) Recommendations for legislation relating to transition services;

(g) Recommendations to agencies and officers of the Executive Branch of the State Government relating to transition services; and

(h) Recommendations to providers of community-based services who provide services to persons with disabilities relating to transition services.

Sec. 258. NRS 442.118 is hereby amended to read as follows:

442.118 The State Board of Health shall establish an Advisory Committee Concerning Sickle Cell Anemia. The Advisory Committee shall, in cooperation with the ~~{State Board}~~ *Department* of Education, the University of Nevada School of Medicine, and any public or private agencies that perform work related to sickle cell anemia:

1. Gather information concerning the need for screening and awareness programs concerning sickle cell anemia, appropriate settings for such programs, and the manner of establishing and conducting such programs.

2. Make recommendations to the ~~{State Board}~~ *Department* of Education, the State Board of Health, and any other appropriate authorities concerning the establishment of targeted screening and awareness programs concerning sickle cell anemia.

3. Make recommendations to the ~~{State Board}~~ *Department* of Education, the State Board of Health, and any other appropriate state agency concerning the adoption of regulations necessary to implement the programs.



Sec. 259. NRS 483.2521 is hereby amended to read as follows:

483.2521 1. The Department may issue a driver's license to a person who is 16 or 17 years of age if the person:

(a) Except as otherwise provided in subsection 2, has completed:

(1) A course in automobile driver education pursuant to NRS 389.090; or

(2) A course provided by a school for training drivers which is licensed pursuant to NRS 483.700 to 483.780, inclusive, and which complies with the applicable regulations governing the establishment, conduct and scope of automobile driver education adopted by the ~~[State Board]~~ *Department* of Education pursuant to NRS 389.090;

(b) Has at least 50 hours of supervised experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to NRS 483.267, 483.270 or 483.280, including, without limitation, at least 10 hours of experience in driving a motor vehicle during darkness;

(c) Submits to the Department, on a form provided by the Department, a log which contains the dates and times of the hours of supervised experience required pursuant to this section and which is signed:

(1) By his or her parent or legal guardian; or

(2) If the person applying for the driver's license is an emancipated minor, by a licensed driver who is at least 21 years of age or by a licensed driving instructor,

↳ who attests that the person applying for the driver's license has completed the training and experience required pursuant to paragraphs (a) and (b);

(d) Has not been found to be responsible for a motor vehicle accident during the 6 months before applying for the driver's license;

(e) Has not been convicted of a moving traffic violation or a crime involving alcohol or a controlled substance during the 6 months before applying for the driver's license; and

(f) Has held an instruction permit for not less than 6 months before applying for the driver's license.

2. If a course described in paragraph (a) of subsection 1 is not offered within a 30-mile radius of a person's residence, the person may, in lieu of completing such a course as required by that paragraph, complete an additional 50 hours of supervised experience in driving a motor vehicle in accordance with paragraph (b) of subsection 1.



Sec. 260. NRS 483.785 is hereby amended to read as follows:

483.785 1. The Department may accept gifts and grants of money to provide grants of money to pupils who are less than 18 years of age and who need financial assistance to pay:

(a) If a pupil is enrolled in a public school that provides instruction in automobile education, a laboratory fee required pursuant to NRS 389.100.

(b) If a pupil is enrolled in a public school that does not provide instruction in automobile education, the costs and fees of a course provided by a school for training drivers that is licensed pursuant to NRS 483.700 to 483.780, inclusive, and that complies with the applicable regulations governing the establishment, conduct and scope of automobile drivers' education adopted by the ~~{State Board}~~ *Department* of Education pursuant to NRS 389.090.

2. The Department may, in consultation with the ~~{State Board}~~ *Department* of Education, adopt regulations to carry out the provisions of this section, including, without limitation, the:

(a) Procedure by which a person may apply for a grant of money from the Department;

(b) Criteria that the Department will consider in determining whether to award a grant of money; and

(c) Procedure by which the Department will distribute the money it receives pursuant to subsection 1.

Sec. 261. NRS 563.030 is hereby amended to read as follows:

563.030 1. One member of the Board must be a member of the teaching staff of the College of Agriculture of the University of Nevada, Reno.

2. One member of the Board must be a member of the staff of the Agricultural Extension Department of the Public Service Division of the Nevada System of Higher Education.

3. One member of the Board must be a member of the staff of the ~~{State Board for Career and Technical}~~ *Department* of Education.

4. Four members of the Board must be persons concerned with the raising and improving of livestock in the State of Nevada, not necessarily stock raisers, selected as follows:

(a) Two persons whose interest is in cattle and sheep;

(b) One person whose interest is in horses; and

(c) One person whose interest is in dairying.

5. All members must be residents of the State of Nevada.

Sec. 262. NRS 610.030 is hereby amended to read as follows:

610.030 1. A State Apprenticeship Council composed of seven members is hereby created.

2. The Labor Commissioner shall appoint:



(a) Three members who are representatives from employer associations and have knowledge concerning occupations in which a person may be apprenticed.

(b) Three members who are representatives from employee organizations and have knowledge concerning occupations in which a person may be apprenticed.

(c) One member who is a representative of the general public and who, before appointment, must first receive the unanimous approval of the members appointed under the provisions of paragraphs (a) and (b).

3. The state official who has been designated by the ~~{State Board for Career and Technical}~~ *Department of* Education as being in charge of trade and industrial education is an ex officio member of the State Apprenticeship Council but may not vote.

Sec. 263. NRS 616A.190 is hereby amended to read as follows:

616A.190 Members of state, county and local departments, boards, commissions, agencies or bureaus, whether elected or appointed, who serve without compensation or who receive less than \$250 per month compensation, ~~{the members of the State Board of Education.}~~ adjunct professors of the Nevada System of Higher Education and the members of the Board of Regents of the University of Nevada, while engaged in their designated duties as members and adjunct professors, shall be deemed, for the purpose of chapters 616A to 616D, inclusive, of NRS, employees receiving a wage of \$250 per month and, in the event of injury while performing their designated duties, are entitled to the benefits of those chapters.

Sec. 264. NRS 632.270 is hereby amended to read as follows:

632.270 Each applicant for a license to practice as a practical nurse must submit to the Board written evidence, under oath, that the applicant:

1. Is of good moral character.
2. Has a high school diploma or its equivalent as determined by the ~~{State Board}~~ *Department* of Education.
3. Is at least 18 years of age.
4. Has:

(a) Successfully completed the prescribed course of study in an accredited school of practical nursing or an accredited school of professional nursing, and been awarded a diploma by the school;

(b) Successfully completed the prescribed course of study in an approved school of practical nursing in the process of obtaining accreditation or an approved school of professional nursing in the process of obtaining accreditation, and been awarded a diploma by the school; or



(c) Been registered or licensed as a registered nurse under the laws of another jurisdiction.

5. Meets any other qualifications prescribed in regulations of the Board.

Sec. 265. NRS 632.2856 is hereby amended to read as follows:

632.2856 1. The training program required for certification as a nursing assistant must consist of 75 hours of instruction. The program must include no less than 60 hours of theory and learning skills in a laboratory setting.

2. Except as otherwise provided in this subsection, the instructor of the program must be a registered nurse with:

(a) Three years of nursing experience which includes direct care of patients and supervision and education of members of the staff; and

(b) Proof of successful completion of training for instructors which has been approved by the Board.

➔ The Board may approve a licensed practical nurse as an instructor if the Board determines that requiring instruction by a registered nurse would create a hardship.

3. Except as otherwise provided in NRS 622.090, upon completion of the program, a nursing assistant trainee must pass a test in theory with an overall score of 80 percent and a test of skills on a pass or fail basis. The test of skills must be given by a registered nurse. If the nursing assistant trainee fails either of the tests, the nursing assistant trainee must repeat the training in the areas in which he or she was deficient before taking the certification examination.

4. In a program which is based in a facility, a nursing assistant trainee may only perform those tasks he or she has successfully completed in the training program, and must perform those tasks under the direct supervision of a registered nurse or a licensed practical nurse.

5. The Board shall adopt regulations not inconsistent with law:

(a) Specifying the scope of the training program and the required components of the program;

(b) Establishing standards for the approval of programs and instructors; and

(c) Designating the basic nursing services which a nursing assistant may provide upon certification.

6. Any medical facility, educational institution or other organization may provide a training program if the program meets the requirements set forth in this chapter and in the regulations of the Board, and is approved by the Board. Such a program must be administered through:



- 1 (a) The Nevada System of Higher Education;
- 2 (b) A program for career and technical education approved by
- 3 the ~~[State Board for Career and Technical]~~ *Department of*
- 4 Education;
- 5 (c) A public school in this State; or
- 6 (d) Any other nationally recognized body or agency authorized
- 7 by law to accredit or approve such programs.
- 8 7. An educational institution or agency that administers a
- 9 training program shall:

- 10 (a) Develop or approve the curriculum for training provided in
- 11 its service district;
- 12 (b) Manage the training program; and
- 13 (c) Work with medical and other facilities to carry out the
- 14 requirements of paragraphs (a) and (b).

15 **Sec. 266.** NRS 641.390 is hereby amended to read as follows:

16 641.390 1. A person shall not represent himself or herself as

17 a psychologist within the meaning of this chapter or engage in the

18 practice of psychology unless he or she is licensed under the

19 provisions of this chapter, except that any psychological scientist

20 employed by an accredited educational institution or public agency

21 which has set explicit standards may represent himself or herself by

22 the title conferred upon him or her by such institution or agency.

23 2. This section does not grant approval for any person to offer

24 services as a psychologist to any other person as a consultant, and to

25 accept remuneration for such psychological services, other than that

26 of an institutional salary, unless the psychologist has been licensed

27 under the provisions of this chapter.

28 3. This chapter does not prevent the teaching of psychology or

29 psychological research, unless the teaching or research involves the

30 delivery or supervision of direct psychological services to a person.

31 Persons who have earned a doctoral degree in psychology from an

32 accredited educational institution may use the title “psychologist” in

33 conjunction with the activities permitted by this subsection.

34 4. A graduate student in psychology whose activities are part

35 of the course of study for a graduate degree in psychology at an

36 accredited educational institution or a person pursuing postdoctoral

37 training or experience in psychology to fulfill the requirements for

38 licensure under the provisions of this chapter may use the terms

39 “psychological trainee,” “psychological intern,” “psychological

40 resident” or “psychological assistant” if the activities are performed

41 under the supervision of a licensed psychologist in accordance with

42 the regulations adopted by the Board.

43 5. A person who is certified as a school psychologist by the

44 ~~[State Board]~~ *Department* of Education may use the title “school



psychologist” or “certified school psychologist” in connection with activities relating to school psychologists.

Sec. 267. NRS 218E.625, 385.017, 385.0175, 385.018, 385.019, 385.0225, 385.023, 385.0235, 385.024, 385.0245, 385.025, 385.0255, 385.0257, 385.0265, 385.080, 385.346, 385.3781, 385.3782, 385.3783, 385.3784, 385.3785, 385.3787, 385.3789, 385.379, 385.600, 385.610, 385.620, 386.507, 388.330, 388.350, 388.700, 388.710, 388.720, 388.780, 388.785, 388.787, 388.790, 389.500, 389.510, 389.530, 394.017, 400.010, 400.015, 400.020, 400.025, 400.030, 400.035, 400.040 and 400.045 are hereby repealed.

Sec. 268. The terms of all members of the elected State Board of Education who are incumbent on June 30, 2011, expire on that date.

Sec. 269. 1. The term of the Superintendent of Public Instruction who was appointed pursuant to NRS 385.150 to a term expiring in 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 17 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 17 of this act, commencing with the term that begins in 2013.

Sec. 270. The terms of all members appointed to the:

1. Commission on Educational Excellence created by NRS 385.3784 who are incumbent on June 30, 2011;

2. Advisory Council on Parental Involvement created pursuant to NRS 385.610 who are incumbent on June 30, 2011;

3. Commission on Educational Technology created by NRS 388.790 who are incumbent on June 30, 2011;

4. Council to Establish Academic Standards for Public Schools created by NRS 389.510 who are incumbent on June 30, 2011; and

5. P-16 Advisory Council created by NRS 400.030 who are incumbent on June 30, 2011,
➔ expire on that date.

Sec. 271. 1. The Legislative Counsel shall, in preparing the:

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



1 reference and replace it by reference to the superseding section, if
2 any.

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

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

13 3. The provisions of this section apply to:

14 (a) The change in the duties of the State Board of Education and
15 the transfer of those duties from the State Board of Education;

16 (b) The repeal of the State Board for Career and Technical
17 Education and the transfer of any duties from the State Board for
18 Career and Technical Education;

19 (c) The repeal of the Subcommittee on Charter Schools of the
20 State Board of Education and the transfer of any duties from the
21 Subcommittee on Charter Schools;

22 (d) The repeal of the Commission on Educational Excellence
23 and the transfer of any duties from the Commission on Educational
24 Excellence;

25 (e) The repeal of the Advisory Council on Parental Involvement
26 and the transfer of any duties from the Advisory Council on Parental
27 Involvement;

28 (f) The repeal of the Commission on Educational Technology
29 and the transfer of any duties from the Commission on Educational
30 Technology;

31 (g) The repeal of the Council to Establish Academic Standards
32 for Public Schools and the transfer of any duties from the Council to
33 Establish Academic Standards for Public Schools;

34 (h) The repeal of the P-16 Advisory Council and the transfer of
35 any duties from the P-16 Advisory Council;

36 (i) The repeal of the Legislative Bureau of Educational
37 Accountability and Program Evaluation and the transfer of any
38 duties from the Legislative Bureau of Educational Accountability
39 and Program Evaluation; and

40 (j) Any other entity whose name was changed or duties
41 transferred pursuant to the provisions of this act.

42 **Sec. 272.** 1. Any administrative regulations adopted by an
43 officer, agency or other entity whose name has been changed or
44 whose responsibilities have been transferred pursuant to the
45 provisions of this act to another officer, agency or other entity



1 remain in force until amended by the officer, agency or other entity
2 to which the responsibility for the adoption of the regulations is
3 transferred.

4 2. Any contracts or other agreements entered into by an officer,
5 agency or other entity whose name has been changed or whose
6 responsibilities have been transferred pursuant to the provisions of
7 this act to another officer, agency or other entity are binding upon
8 the officer, agency or other entity to which the responsibility for the
9 administration of the provisions of the contract or other agreement
10 has been transferred. Such contracts and other agreements may be
11 enforced by the officer, agency or other entity to which the
12 responsibility for the enforcement of the provisions of the contract
13 or other agreement has been transferred.

14 3. Actions taken by an officer, agency or other entity whose
15 name has been changed or whose responsibilities have been
16 transferred pursuant to the provisions of this act to another officer,
17 agency or other entity remain in effect as if taken by the officer,
18 agency or other entity to which the responsibility for the
19 enforcement of such actions was transferred.

20 **Sec. 273.** A charter school that is approved to operate as a
21 State Board of Education-sponsored charter school on or before
22 June 30, 2011, shall be deemed to be sponsored by the Department
23 of Education commencing on July 1, 2011, and the written charter
24 of the charter school shall remain in effect until the expiration of
25 the written charter, unless the written charter is revoked by the
26 Department pursuant to NRS 386.535. Before expiration of the
27 written charter, such a charter school may apply to the Department
28 for renewal of its written charter pursuant to NRS 386.530.

29 **Sec. 274.** 1. The Department of Personnel shall, upon the
30 request of an employee of the Department of Education or the State
31 Board of Education whose employment is terminated as a result of
32 this act, place the employee on an appropriate reemployment list
33 maintained by the Department of Personnel and allow any
34 preference for each of those employees on that list. The Department
35 of Personnel shall maintain each such employee on the
36 reemployment list until October 1, 2013, or until the employee is
37 reemployed by the Executive Branch of State Government,
38 whichever occurs earlier.

39 2. The provisions of this section apply regardless of whether
40 the employee was in the classified, unclassified or nonclassified
41 service of this State.

42 **Sec. 275.** 1. This section and section 81, 91, 268, 270 and
43 271 of this act become effective upon passage and approval.



2. Sections 1 to 80, inclusive, 82 to 90, inclusive, 92 to 267, inclusive, 269, 272, 273 and 274, of this act become effective on July 1, 2011.

3. Sections 175, 232 and 235 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

are repealed by the Congress of the United States.

LEADLINES OF REPEALED SECTIONS

218E.625 Creation; personnel; general powers and duties; confidentiality of certain information.

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.

385.0265 District 10.

385.080 Regulations.

385.346 "Bureau" defined.

385.3781 Definitions.

385.3782 "Account" defined.

385.3783 "Commission" defined.

385.3784 Commission: Creation; membership; terms; meetings; compensation of members; duty of Department to provide administrative support; involvement of the Legislative Counsel Bureau in activities of Commission.



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385.3785 Commission: Establishment of program of educational excellence; allocations of money to public schools and consortiums of public schools; Department required to provide list of priorities of schools; review of certain information by Commission.

385.3787 Use of money by public schools and consortiums of public schools that receive allocations from Account; submission of evaluation of effectiveness.

385.3789 Submission of annual reports by Commission; biennial audit of programs by Legislative Auditor.

385.379 Creation of Account for Programs for Innovation and the Prevention of Remediation; acceptance of gifts and grants; use of money in Account.

385.600 “Advisory Council” defined.

385.610 Establishment; appointment of members; election of officers; terms; administrative support by Department; compensation of members.

385.620 Duties; submission of reports.

386.507 Subcommittee on Charter Schools: Appointment of members; terms.

388.330 Composition of Board.

388.350 Meetings.

388.700 Reduction of ratio in certain grades; request for variance required under certain circumstances; reports by State Board and Department; exception to requirements for charter schools and distance education.

388.710 State Board of Education to determine data to be monitored by school district; school district to report data to State Board.

388.720 Development of plan by school district to reduce pupil-teacher ratios; alternative ratios for certain grades authorized in certain counties.

388.780 Definitions.

388.785 “Commission” defined.

388.787 “Committee” defined.

388.790 Commission on Educational Technology: Creation; membership; terms; removal and vacancy; quarterly meetings required; compensation.

389.500 “Council” defined.

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

389.530 Council to Establish Academic Standards: Duty of Department to provide support; assistance from other state agencies.

394.017 “Board” defined.



- 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.**

