

SENATE BILL NO. 442—COMMITTEE ON EDUCATION

MARCH 25, 2013

Referred to Committee on Education

SUMMARY—Eliminates certain mandates relating to schools. (BDR 34-1078)

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

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

AN ACT relating to education; eliminating various mandates relating to schools; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 This bill deletes and repeals certain provisions relating to education and thereby
2 eliminates: (1) a requirement that the Superintendent of Public Instruction prescribe
3 a certain form of school register, prepare pamphlet copies of laws relating to
4 schools for various school officials and provide a certain memorandum to the board
5 of trustees of each school district and to the governing body of each charter school
6 (NRS 385.210); (2) a description of the duties of the board of trustees of a school
7 district and the governing body of a charter school in response to a memorandum
8 transmitted to it pursuant to NRS 385.210 (NRS 386.360, 386.552); (3)
9 requirements relating to the duties of the board of trustees of a school district in
10 response to the policies prescribed by the Department of Education for school
11 districts and public schools regarding bullying, cyber-bullying, harassment and
12 intimidation (NRS 388.134, 388.139); (4) a requirement, effective on July 1, 2013,
13 that the boards of trustees of certain school districts adopt a pilot program to
14 provide a program of small learning communities for middle school and junior high
15 school students (NRS 388.171); (5) a requirement that the board of trustees of each
16 school district adopt a policy for each middle school and junior high school in the
17 district to provide a program of peer mentoring (NRS 388.176); (6) a requirement
18 that the board of trustees of each school district adopt a policy for certain pupil-led
19 conferences (NRS 388.181); (7) requirements relating to small learning
20 communities for ninth grade pupils in certain larger schools (NRS 388.215); (8)
21 certain requirements for a policy for peer mentoring (NRS 388.221); (9) a
22 requirement that the board of trustees of each school district and the governing
23 body of each charter school submit the results of a certain examination of
24 achievement and proficiency of pupils to certain persons and entities (NRS
25 389.560); (10) a requirement that school districts conduct examinations of the
26 height and weight of a representative sample of certain pupils (Chapter 285,
27 Statutes of Nevada 2009, p. 1203); (11) provisions relating to the establishment of



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28 school attendance councils (NRS 392.129); (12) a reporting requirement relating to
29 alternative schedules (Chapter 489, Statutes of Nevada 2003, p. 3219); and (13)
30 reporting requirements relating to the use of environmentally sensitive cleaning and
31 maintenance products within school districts. (Chapter 244, Statutes of Nevada
32 2009, p. 985)

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

1 **Section 1.** NRS 388.1325 is hereby amended to read as
2 follows:

3 388.1325 1. The Bullying Prevention Fund is hereby created
4 in the State General Fund, to be administered by the Superintendent
5 of Public Instruction. The Superintendent of Public Instruction may
6 accept gifts and grants from any source for deposit into the Fund.
7 The interest and income earned on the money in the Fund must be
8 credited to the Fund.

9 2. In accordance with the regulations adopted by the State
10 Board pursuant to NRS 388.1327, a school district that applies for
11 and receives a grant of money from the Bullying Prevention Fund
12 shall use the money for one or more of the following purposes:

13 (a) The establishment of programs to create a school
14 environment that is free from bullying, cyber-bullying, harassment
15 and intimidation;

16 (b) The provision of training on the policies adopted by the
17 school district pursuant to ~~NRS 388.134 and~~ the provisions of
18 NRS 388.121 to 388.139, inclusive; or

19 (c) The development and implementation of procedures by
20 which the public schools of the school district and the pupils
21 enrolled in those schools can discuss the policies adopted pursuant
22 to ~~NRS 388.134 and~~ the provisions of NRS 388.121 to 388.139,
23 inclusive.

24 **Sec. 2.** NRS 388.139 is hereby amended to read as follows:

25 388.139 Each school district shall include the text of the
26 provisions of NRS 388.121 to 388.139, inclusive, ~~and the policies~~
27 ~~adopted by the board of trustees of the school district pursuant to~~
28 ~~NRS 388.134 under the heading "Bullying, Cyber Bullying,~~
29 ~~Harassment and Intimidation Is Prohibited in Public Schools,"~~
30 within each copy of the rules of behavior for pupils that the school
31 district provides to pupils pursuant to NRS 392.463.

32 **Sec. 3.** NRS 388.221 is hereby amended to read as follows:

33 388.221 1. The board of trustees of each school district may
34 adopt a policy for the public high schools in the district to provide a
35 program of teen mentoring, which may include a component of
36 adult mentoring, designed to:



1 (a) Increase pupil participation in school activities, community
2 activities and all levels of government; or

3 (b) Increase the ability of ninth grade pupils enrolled in high
4 school to successfully make the transition from middle school or
5 junior high school to high school,
6 ↪ or both.

7 2. ~~Any such policy must include, without limitation:~~

8 ~~(a) Guidelines for establishing:~~

9 ~~—— (1) Eligibility requirements for pupils who participate in the~~
10 ~~program as mentors or mentees, including, without limitation, any~~
11 ~~minimum grade level for pupils who serve as mentors and any~~
12 ~~minimum grade point average that must be maintained by pupils~~
13 ~~who serve as mentors. The guidelines may not require a pupil who~~
14 ~~participates in the program to maintain a grade point average that is~~
15 ~~higher than the grade point average required for a pupil to~~
16 ~~participate in sports at the high school the pupil attends.~~

17 ~~—— (2) Training requirements for pupils who serve as mentors.~~

18 ~~—— (3) Incentives for pupils who serve as mentors.~~

19 ~~(b) A requirement that each public high school which~~
20 ~~establishes a program for teen mentoring must also establish a~~
21 ~~committee to select each pupil mentor who participates in the~~
22 ~~program. The policy must provide that the committee may select a~~
23 ~~pupil who does not meet the general eligibility requirements for~~
24 ~~mentors if the members of the committee determine that the pupil is~~
25 ~~otherwise qualified to serve as a mentor.~~

26 ~~(c) Any other provisions that the board of trustees deems~~
27 ~~appropriate.~~

28 ~~3.1~~ If the board of trustees of a school district has adopted a
29 policy pursuant to subsection 1, the principal of each public high
30 school in the district may:

31 (a) Carry out a program of teen mentoring in accordance
32 with the policy prescribed by the board of trustees pursuant to
33 subsection 1;

34 (b) Adopt other policies for the program of teen mentoring that
35 are consistent with this section and the policy prescribed by the
36 board of trustees pursuant to subsection 1; and

37 (c) On a date prescribed by the board of trustees, submit an
38 annual report to the board of trustees and the Legislature that sets
39 forth a summary of:

40 (1) The specific activities of the program of teen mentoring;
41 and

42 (2) The effectiveness of the program in increasing pupil
43 participation in school activities, community activities and all levels
44 of government or in increasing the ability of ninth grade pupils to
45 successfully make the transition from middle school or junior high



1 school to high school, as applicable to the type of program in effect
2 at the school.

3 ~~4.1~~ 3. If the board of trustees of a school district has not
4 adopted a policy pursuant to subsection 1, the principal of a public
5 high school in the district may carry out a program of teen
6 mentoring and take any action described in paragraph (b) or (c) of
7 subsection ~~3.1~~ 2 if:

8 (a) The principal submits to the board of trustees for its approval
9 a plan for such a program of teen mentoring that is consistent with
10 the provisions of this section; and

11 (b) The board of trustees approves the plan.

12 ~~4.5~~ 4. A plan submitted to a board of trustees of a school
13 district pursuant to subsection ~~4.1~~ 3 shall be deemed approved if the
14 board of trustees does not act upon the plan within 60 days after the
15 date on which the board of trustees receives the plan.

16 ~~4.6~~ 5. The board of trustees of each school district and each
17 public high school may apply for and accept gifts, grants and
18 donations from any source for the support of the board of trustees or
19 a public high school in carrying out a program of teen mentoring
20 pursuant to the provisions of this section. Any money received
21 pursuant to this subsection may be used only for purposes of
22 carrying out a program of teen mentoring pursuant to the provisions
23 of this section.

24 ~~4.7~~ 6. This section does not preclude a board of trustees of a
25 school district or a public high school from continuing any other
26 similar program of teen mentoring that exists on May 22, 2009.

27 **Sec. 4.** NRS 392.127 is hereby amended to read as follows:

28 392.127 The board of trustees of each school district shall
29 provide administrative support to ~~1:~~

30 ~~1. Each~~ *each* advisory board to review school attendance
31 created in its county pursuant to NRS 392.126.

32 ~~2. If applicable, each school attendance council established~~
33 ~~pursuant to NRS 392.129.~~

34 **Sec. 5.** Section 5 of chapter 285, Statutes of Nevada 2009, at
35 page 1204, is hereby amended to read as follows:

36 Sec. 5. 1. This act becomes effective on July 1, 2009.

37 2. Section 1 of this act expires by limitation on June 30,

38 ~~2015.~~ 2013.

39 **Sec. 6.** Section 38 of chapter 509, Statutes of Nevada 2011, at
40 page 3504, is hereby amended to read as follows:

41 Sec. 38. 1. This section and section 36.7 of this act
42 become effective upon passage and approval.

43 2. Sections 1 to 21, inclusive, 21.5 to 36.5, inclusive,
44 and 37 of this act become effective on July 1, 2011.



~~3. Section 21.3 of this act becomes effective on July 1, 2011, for the purpose of adopting the pilot program required by that section and on July 1, 2013, for all other purposes.~~

Sec. 7. 1. NRS 385.210, 386.360, 386.552, 388.134, 388.171, 388.176, 388.181, 388.215, 389.560 and 392.129 are hereby repealed.

2. Section 7 of chapter 489, Statutes of Nevada 2003, at page 3219 is hereby repealed.

3. Section 6 of chapter 244, Statutes of Nevada 2009, at page 985 is hereby repealed.

4. Section 21.3 of chapter 509, Statutes of Nevada 2011, at page 3499 is hereby repealed.

Sec. 8. This act becomes effective on July 1, 2013.

**LEADLINES OF REPEALED SECTIONS OF NRS AND
TEXT OF REPEALED SECTIONS OF STATUTES OF NEVADA**

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

386.360 Preparation of plan for implementation of statutes; transmittal of information concerning statutes to parents and teachers; rules.

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

388.134 Policy by school districts for provision of safe and respectful learning environment and policy for ethical, safe and secure use of computers; provision of training to school personnel; posting of policies on Internet website; annual review and update of policies.

388.171 Pilot program for small learning communities required in certain schools.

388.176 Adoption of policy for peer mentoring.

388.181 Adoption of policy for pupil-led conferences.

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

389.560 Reporting of results of examinations; reconciliation of number of pupils taking examinations.

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



Section 7 of chapter 489, Statutes of Nevada 2003:

Sec. 7. 1. If the board of trustees of a school district provides a program of instruction based upon an alternative schedule pursuant to subsection 2 of section 2 of this act, the board of trustees shall, on or before December 31, 2004, submit a written report to the Superintendent of Public Instruction. The report must include:

- (a) A description of the alternative schedule; and
- (b) An evaluation of the effect of the alternative schedule on the pupils, parents and legal guardians and community.

2. The Superintendent of Public Instruction shall:

- (a) Compile the reports, if any, submitted pursuant to subsection 1; and
- (b) On or before February 1, 2005, submit a written report of the compilation to the Director of the Legislative Counsel Bureau for transmission to the 73rd Session of the Nevada Legislature.

Section 6 of chapter 244, Statutes of Nevada 2009:

Sec. 6. 1. On or before January 1, 2011, the board of trustees of each school district shall prepare and submit to the Department of Education a written report regarding the implementation of the use of environmentally sensitive cleaning and maintenance products for use in the cleaning of all floor surfaces in the public schools within the school district. The report must include, without limitation:

(a) A description of the cleaning and maintenance products that were replaced, if any;

(b) A description of the environmentally sensitive cleaning and maintenance products that are used in the public schools within the school district;

(c) A description of any requests for a waiver that the school district submitted to the Department and the status of the request; and

(d) An evaluation of the effectiveness of the use of environmentally sensitive cleaning and maintenance products on the health and safety of the pupils and school personnel in the school district.

2. On or before February 1, 2011, the Department of Education shall submit a written report to the Director of the Legislative Counsel Bureau for transmission to the 76th Session of the Nevada Legislature regarding the implementation of the use of environmentally sensitive cleaning and maintenance products in the cleaning of all floor



surfaces in the public schools within the school districts in this State. The report must include, without limitation:

(a) A compilation of the reports submitted by each school district pursuant to subsection 1; and

(b) A description of the requests for a waiver submitted by school districts to the Department pursuant to section 3 of this act, including, without limitation:

(1) The number of waivers that were granted by the Department and the justification for each waiver; and

(2) The number of waivers that were denied by the Department and the reasons for each denial.

Section 21.3 of chapter 509, Statutes of Nevada 2011:

Sec. 21.3. NRS 388.215 is hereby amended to read as follows:

388.215 1. The board of trustees of each school district which includes at least one high school with an enrollment of 1,200 pupils or more, including pupils enrolled in ninth grade, shall adopt a ~~policy for each of those high schools~~ *pilot program* to provide a program of small learning communities. The ~~policy~~ *pilot program must be implemented in at least 50 percent of the high schools in the school district with an enrollment of 1,200 pupils or more* and must require:

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

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

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

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

(e) The assignment of:

(1) Guidance counselors;

(2) At least one licensed school administrator; and

(3) Appropriate adult mentors,

↳ specifically for the pupils enrolled in ninth grade.



2. The principal of ~~each~~ a high school in which 1,200 pupils or more are enrolled, including pupils enrolled in ninth grade, *and which the board of trustees of the school district has designated to participate in the pilot program adopted pursuant to subsection 1* shall:

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

(b) Submit an annual report, on a date prescribed by the board of trustees, that sets forth the specific strategies, programs and methods that are used to focus on the pupils enrolled in ninth grade at the school.

