

Amendment No. 186

Senate Amendment to Senate Bill No. 178	(BDR 34-235)
<b>Proposed by:</b> Senate Committee on Education	
<b>Amends:</b> Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	
Adoption of this amendment will REMOVE the unfunded mandate from S.B. 178.	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

KRO/RBL



Date: 4/14/2015

S.B. No. 178—Revises provisions relating to pupil health. (BDR 34-235)



## SENATE BILL NO. 178—SENATOR HARDY

FEBRUARY 19, 2015

Referred to Committee on Education

SUMMARY—Revises provisions relating to pupil health. (BDR 34-235)

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

~~{CONTAINS UNFUNDED MANDATE ( §§ 3, 6 )  
(Not Requested by Affected Local Government)}~~

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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; requiring ~~all public and private schools to provide instruction in physical education for certain grades; requiring certain pupils enrolled in a public or private school to take physical education in certain grade levels; prescribing the minimum number of credits required of pupils enrolled;~~ each school district, charter school and private school to submit an annual report to the Department of Education describing the course of study in ~~high school in~~ physical education ~~that has been provided to pupils during the immediately preceding school year;~~ requiring the ~~{Council to Establish Academic Standards for Public Schools}~~ board of trustees of a school district to ~~establish standards of content and performance for~~ adopt a policy which encourages elementary schools within the district to provide a certain amount of physical ~~education;~~ activity per school week for certain pupils; requiring a pupil to be excused from physical education under certain circumstances; requiring certain school districts to collect data concerning the height and weight of pupils; and providing other matters properly relating thereto.

## Legislative Counsel's Digest:

~~{Existing law designates English, mathematics, science and social studies as the core academic subjects and requires all public schools, including, without limitation, charter schools, to teach such subjects. (NRS 386.550, 389.018) In addition to the core academic subjects, existing law requires public schools to teach certain additional subjects, including, without limitation, physical education, to the extent practicable. (NRS 389.018)} Existing law requires the Council to Establish Academic Standards for Public Schools to establish standards of content and performance for ~~certain grade levels and certain courses of study.~~ physical education. (NRS 389.520) ~~{Section 8 of this bill requires the Council to establish standards of content and performance for each grade level in kindergarten through grade 11 for physical education. Sections 2 and 6 of this bill require public schools, including, without limitation, charter schools, to teach physical education in kindergarten through grade 11. Sections 3 and 6 also require all pupils enrolled in kindergarten through grade 11 in such~~~~

schools to take physical education. Sections 2 and 6 also exempt a pupil who will complete the requirements for graduation from high school at least 1 year early from the requirement to take physical education when the pupil has completed enough credits to qualify as entering grade 12. **Section 5** of this bill ~~establishes certain minimum requirements for a course of study in physical education. Sections 1 and 2 of this bill provide that statutory and regulatory requirements relating to~~ **requires the board of trustees of each school district, the governing body of each charter school and the governing body of each private school to** ~~a course of study in physical education may not be waived. Because existing law requires that private schools provide instruction in those subjects required by law for pupils in public schools, submit an annual report to the~~ **Department of Education describing the course of study in** ~~this bill regarding physical education~~ **also apply to private schools. (NRS 394.120) that has been provided to pupils at each grade level during the immediately preceding school year.**

**Section 8.5 of this bill requires the board of trustees of a school district to adopt a policy which encourages elementary schools within the school district to provide not less than 75 minutes of physical activity per school week to pupils enrolled in kindergarten and grades 1 to 5, inclusive.**

Existing law requires ~~a pupil enrolled in public high school to enroll in certain minimum units of credit in certain academic subjects. Existing law also authorizes a pupil, his or her parents or legal guardian and an administrator or counselor at the~~ **board of trustees of a school district to** ~~mutually agree to~~ **excuse a** ~~modified course of study for~~ **child from** ~~the pupil. (NRS 389.018) Section 6 requires a pupil enrolled in public high school to enroll in a minimum of three units of credit in physical education and provides that this requirement may not be modified by such an agreement.~~

~~Existing law establishes a Program of Empowerment Schools for public schools within this State and requires a school that wishes to participate in~~ **that the** ~~Program to develop an empowerment plan. (NRS 386.720, 386.720) Existing law authorizes an empowerment plan to include a request for a waiver of certain statutory or regulatory requirements. (NRS 386.740) Section 4 of this bill prohibits a request for a waiver from~~ **child attend school when written evidence is presented to the** ~~requirement~~ **board of trustees of the school district that** ~~physical education be taught in all public schools or from regulations relating to physical education in an empowerment plan,~~ **the child's physical or mental condition prevents or renders inadvisable the child's attendance at school. (NRS 392.050) Section 8.7 of this bill requires a pupil to be excused from physical education when written evidence is presented to the teacher who teaches physical education that the pupil's physical condition is such as to prevent or render inadvisable the pupil's participation in physical education.**

Existing law requires the board of trustees of each school district in a county whose population is 100,000 or more (currently Clark and Washoe Counties), until June 30, 2015, to: (1) conduct examinations of the height and weight of certain pupils in the schools within the school district; (2) provide notice of such examinations to the parent or guardian of a child before performing the examination; and (3) report the results of such examinations to the Chief Medical Officer. (NRS 392.420) **Section 9** of this bill: (1) requires the board of trustees of each such school district to use school nurses, health personnel and certain teachers to conduct such examinations beginning on July 1, 2016; and (2) provides that school authorities are not required to provide notice to the parent or guardian of a child before conducting such an examination. ~~Section 9 also requires the Division of Public and Behavioral Health of the Department of Health and Human Services to: (1) compile a report of the results of such examinations specific to each region of this State for which such information is collected; and (2) publish and disseminate the reports.~~

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

**Section 1.** ~~NRS 385.110 is hereby amended to read as follows:~~  
~~385.110 1. Except as otherwise provided in subsections 2 and 3, the State Board shall prescribe and cause to be enforced the courses of study for the public~~

schools of this State. The courses of study prescribed and enforced by the State Board must comply with the standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520.

2. For those courses of study prescribed by the State Board:

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

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

3. ~~[A] Except as otherwise provided in paragraph (j) of subsection 1 of NRS 386.550, a charter school is not required to offer the courses of study prescribed by the State Board except for those courses of study which are required for promotion to the next grade or graduation from high school.] (Deleted by amendment.)~~

Sec. 2. ~~[NRS 386.4158 is hereby amended to read as follows:  
386.4158 [The]~~

1. ~~Except as otherwise provided in subsection 2, the State Board may waive a course of study otherwise required by statute upon application of the board of trustees of a school district on behalf of a school council created pursuant to a program of school-based decision making.~~

2. ~~The State Board may not waive the requirement to teach physical education set forth in subsection 3 of NRS 389.018.] (Deleted by amendment.)~~

Sec. 3. ~~[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 examinations administered pursuant to NRS 389.550 and, if the charter school enrolls pupils at a high school grade level, the end of course examinations administered pursuant to NRS 389.805 and the college and career readiness assessment administered pursuant to NRS 389.807 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) Except as otherwise provided in this paragraph, provide instruction in physical education and require the pupils who are enrolled in kindergarten and grades 1 to 11, inclusive, in the charter school to take physical education. A pupil who will complete the requirements for graduation from high school at least 1 year early is not required to take physical education when the pupil has completed enough credits to qualify as entering grade 12.~~

~~(k) 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.~~

~~[(l)] (l) Refrain from using public money to purchase real property or buildings without the approval of the sponsor.~~

~~[(l)] (m) 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)] (n) 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.~~

~~(n) Accreditation Commission or its successor organization.~~

~~(o) 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)] (p) 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 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.] **(Deleted by amendment.)**~~

**Sec. 4. [NRS 386.740 is hereby amended to read as follows:**

~~386.740 1. Each empowerment plan for a school must:~~

~~(a) Set forth the manner by which the school will be governed;~~

~~(b) Set forth the proposed budget for the school, including, without limitation, the cost of carrying out the empowerment plan, and the manner by which the money apportioned to the school will be administered;~~

~~(c) Prescribe the academic plan for the school, including, without limitation, the manner by which courses of study will be provided to the pupils enrolled in the school and any special programs that will be offered for pupils;~~

~~(d) Prescribe the manner by which the achievement of pupils will be measured and reported for the school, including, without limitation, the results of the pupils on the examinations administered pursuant to NRS 389.550 and, if applicable for the grade levels of the empowerment school, the end of course examinations~~

1 ~~administered pursuant to NRS 389.805 and the college and career readiness~~  
2 ~~assessment administered pursuant to NRS 389.807;~~

3 ~~— (e) Prescribe the manner by which teachers and other licensed educational~~  
4 ~~personnel will be selected and hired for the school, which must be determined and~~  
5 ~~negotiated pursuant to chapter 288 of NRS;~~

6 ~~— (f) Prescribe the manner by which all other staff for the school will be selected~~  
7 ~~and hired, which must be determined and negotiated pursuant to chapter 288 of~~  
8 ~~NRS;~~

9 ~~— (g) Indicate whether the empowerment plan will offer an incentive pay~~  
10 ~~structure for staff and a description of that pay structure, if applicable;~~

11 ~~— (h) Indicate the intended ratio of pupils to teachers at the school, designated by~~  
12 ~~grade level, which must comply with NRS 388.700 or 388.720, as applicable;~~

13 ~~— (i) Provide a description of the professional development that will be offered to~~  
14 ~~the teachers and other licensed educational personnel employed at the school;~~

15 ~~— (j) Prescribe the manner by which the empowerment plan will increase the~~  
16 ~~involvement of parents and legal guardians of pupils enrolled in the school;~~

17 ~~— (k) Comply with the plan to improve the achievement of the pupils enrolled in~~  
18 ~~the school prepared pursuant to NRS 385.357;~~

19 ~~— (l) Address the specific educational needs and concerns of the pupils who are~~  
20 ~~enrolled in the school; and~~

21 ~~— (m) Set forth the calendar and schedule for the school;~~

22 ~~2. If the empowerment plan includes an incentive pay structure, that pay~~  
23 ~~structure must:~~

24 ~~— (a) Provide an incentive for all staff employed at the school;~~

25 ~~— (b) Set forth the standards that must be achieved by the pupils enrolled in the~~  
26 ~~school and any other measurable objectives that must be met to be eligible for~~  
27 ~~incentive pay; and~~

28 ~~— (c) Be in addition to the salary or hourly rate of pay negotiated pursuant to~~  
29 ~~chapter 288 of NRS that is otherwise payable to the employee.~~

30 ~~3. An empowerment plan may:~~

31 ~~— (a) Request a waiver from a statute contained in this title or a regulation of the~~  
32 ~~State Board or the Department [ ], except for a waiver from the provisions of~~  
33 ~~subsection 3 of NRS 389.018.~~

34 ~~— (b) Identify the services of the school district which the school wishes to~~  
35 ~~receive, including, without limitation, professional development, transportation,~~  
36 ~~food services and discretionary services. Upon approval of the empowerment plan,~~  
37 ~~the school district may deduct from the total apportionment to the empowerment~~  
38 ~~school the costs of such services.~~

39 ~~4. For purposes of determining the budget pursuant to paragraph (b) of~~  
40 ~~subsection 1, if a public school which converts to an empowerment school is a:~~

41 ~~— (a) Charter school, the amount of the budget is the amount equal to the~~  
42 ~~apportionments and allowances from the State Distributive School Account~~  
43 ~~pursuant to NRS 387.121 to 387.126, inclusive, and its proportionate share of any~~  
44 ~~other money available from federal, state or local sources that the school or the~~  
45 ~~pupils enrolled in the school are eligible to receive;~~

46 ~~— (b) Public school, other than a charter school, the empowerment team for the~~  
47 ~~school shall have discretion of 90 percent of the amount of money from the state~~  
48 ~~financial aid and local funds that the school district apportions for the school,~~  
49 ~~without regard to any line item specifications or specific uses determined advisable~~  
50 ~~by the school district, unless the empowerment team determines that a lesser~~  
51 ~~amount is necessary to carry out the empowerment plan.] (Deleted by~~  
52 amendment.)

1       **Sec. 5.** Chapter 389 of NRS is hereby amended by adding thereto a new  
2 section to read as follows:

3       ~~1. A course of study in physical education required to be taught for~~  
4 ~~kindergarten and grades 1 to 11, inclusive, pursuant to NRS 389.018 must~~  
5 ~~include, without limitation:~~

6       ~~(a) Not less than 30 minutes per school day of instruction in physical~~  
7 ~~education; and~~

8       ~~(b) Not less than 75 minutes per school week of instruction in physical~~  
9 ~~education which is devoted to moderate to vigorous physical activity.~~

10       ~~2. Except as otherwise provided in this subsection, any time spent engaging~~  
11 ~~in an activity which is not included in a course of study in physical education,~~  
12 ~~including, without limitation, recess and any extracurricular activity, may not~~  
13 ~~count towards meeting the requirements of subsection 1. Any time spent engaging~~  
14 ~~in extracurricular sports whether or not they are offered at the school may count~~  
15 ~~towards meeting the requirements of subsection 1.~~

16       ~~3. Instruction in physical education may not be withheld or used to punish~~  
17 ~~a pupil.~~

18       ~~4. A pupil may not receive a waiver to take a course of study in physical~~  
19 ~~education required pursuant to subsection 3 of NRS 389.018.~~

20       ~~5. The board of trustees of each school district, the governing body of each~~  
21 ~~charter school and the governing body of each private school shall submit an~~  
22 ~~annual report to the Department describing the course of study in physical~~  
23 ~~education that has been provided to pupils at each grade level during the~~  
24 ~~immediately preceding school year.~~

25       ~~6. The State Board shall adopt such regulations as it determines are~~  
26 ~~necessary to carry out the provisions of this section.~~

27       **Sec. 6.** ~~NRS 389.018 is hereby amended to read as follows:~~

28       ~~389.018 1. The following subjects are designated as the core academic~~  
29 ~~subjects that must be taught, as applicable for grade levels, in all public schools, the~~  
30 ~~Caliante Youth Center, the Nevada Youth Training Center and any other state~~  
31 ~~facility for the detention of children that is operated pursuant to title 5 of NRS:~~

32       ~~(a) English, including reading, composition and writing;~~

33       ~~(b) Mathematics;~~

34       ~~(c) Science; and~~

35       ~~(d) Social studies, which includes only the subjects of history, geography,~~  
36 ~~economics and government.~~

37       ~~2. Except as otherwise provided in this subsection, a pupil enrolled in a public~~  
38 ~~high school must enroll in a minimum of:~~

39       ~~(a) Four units of credit in English;~~

40       ~~(b) Four units of credit in mathematics, including, without limitation, Algebra I~~  
41 ~~and geometry, or an equivalent course of study that integrates Algebra I and~~  
42 ~~geometry;~~

43       ~~(c) Three units of credit in physical education;~~

44       ~~(d) Three units of credit in science, including two laboratory courses; and~~

45       ~~[(d)] (e) Three units of credit in social studies, including, without limitation:~~

46       ~~(1) American government;~~

47       ~~(2) American history; and~~

48       ~~(3) World history or geography.~~

49       ~~[A] Except for the credits in physical education, a pupil is not required to enroll~~  
50 ~~in the courses of study and credits required by this subsection if the pupil, the~~  
51 ~~parent or legal guardian of the pupil and an administrator or a counselor at the~~  
52 ~~school in which the pupil is enrolled mutually agree to a modified course of study~~

1 for the pupil and that modified course of study satisfies at least the requirements for  
2 a standard high school diploma or an adjusted diploma, as applicable.

3 ~~2. In addition to the other subjects that must be taught pursuant to this~~  
4 ~~section, physical education must be taught in all public schools for kindergarten~~  
5 ~~and grades 1 to 11, inclusive, the Caliente Youth Center, the Nevada Youth~~  
6 ~~Training Center and any other state facility for the detention of children that is~~  
7 ~~operated pursuant to title 5 of NRS. Except as otherwise provided in this~~  
8 ~~subsection, a pupil enrolled in a public school in kindergarten or grades 1 to 11,~~  
9 ~~inclusive, or a child committed to the Caliente Youth Center, the Nevada Youth~~  
10 ~~Training Center or any other state facility for the detention of children that is~~  
11 ~~operated pursuant to title 5 of NRS in kindergarten or grades 1 to 11, inclusive,~~  
12 ~~shall take a course of study in physical education. A pupil who will complete the~~  
13 ~~requirements for graduation from high school at least 1 year early is not required~~  
14 ~~to take physical education when the pupil has completed enough credits to qualify~~  
15 ~~as entering grade 12.~~

16 ~~4. Except as otherwise provided in this subsection, in addition to the core~~  
17 ~~academic subjects, the following subjects must be taught as applicable for grade~~  
18 ~~levels and to the extent practicable in all public schools, the Caliente Youth Center,~~  
19 ~~the Nevada Youth Training Center and any other state facility for the detention of~~  
20 ~~children that is operated pursuant to title 5 of NRS:~~

- 21 ~~— (a) The arts;~~
- 22 ~~— (b) Computer education and technology; and~~
- 23 ~~— (c) Health, I; and~~
- 24 ~~— (d) Physical education.]~~

25 ~~→ If the State Board requires the completion of course work in a subject area set~~  
26 ~~forth in this subsection for graduation from high school or promotion to the next~~  
27 ~~grade, a public school shall offer the required course work. Except as otherwise~~  
28 ~~provided for a course of study in health prescribed by subsection 1 of NRS~~  
29 ~~389.0185, unless a subject is required for graduation from high school or promotion~~  
30 ~~to the next grade, a charter school is not required to comply with this subsection.]~~

31 **(Deleted by amendment.)**

32 **Sec. 7. [NRS 389.0185 is hereby amended to read as follows:**

33 ~~389.0185 1. The State Board shall adopt regulations establishing courses of~~  
34 ~~study and the grade levels for which the courses of study apply for:~~

35 ~~— (a) The academic subjects set forth in NRS 389.018. A course of study in~~  
36 ~~health prescribed pursuant to paragraph (c) of subsection [3] 4 of NRS 389.018~~  
37 ~~must, to the extent money is available for this purpose, for pupils enrolled in middle~~  
38 ~~school, junior high school or high school, including, without limitation, pupils~~  
39 ~~enrolled in those grade levels at a charter school, include instruction in:~~

40 ~~— (1) The administration of hands only or compression only~~  
41 ~~cardiopulmonary resuscitation, including a psychomotor skill based component,~~  
42 ~~according to the guidelines of the American Red Cross or American Heart~~  
43 ~~Association; and~~

44 ~~— (2) The use of an automated external defibrillator.~~

45 ~~— (b) Citizenship and physical training for pupils enrolled in high school.~~

46 ~~— (c) Physiology, hygiene and, except as otherwise prescribed by paragraph (a),~~  
47 ~~cardiopulmonary resuscitation.~~

48 ~~— (d) The prevention of suicide.~~

49 ~~— (e) Instruction relating to child abuse.~~

50 ~~— (f) The economics of the American system of free enterprise.~~

51 ~~— (g) American Sign Language.~~

52 ~~— (h) Environmental education.~~

53 ~~— (i) Adult roles and responsibilities.~~

~~1. A course of study established for paragraph (a) may include one or more of the subjects listed in paragraphs (b) to (i), inclusive.~~

~~2. If a course of study in health in middle school, junior high school or high school includes instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator:~~

~~(a) A teacher who provides the instruction is not required to hold certification in the administration of cardiopulmonary resuscitation unless required by the board of trustees of the school district pursuant to NRS 391.092 or by the governing body of the charter school.~~

~~(b) The board of trustees of the school district or the governing body of the charter school may collaborate with entities to assist in the provision of the instruction and the provision of equipment necessary for the instruction, including, without limitation, fire departments, hospitals, colleges and universities and public health agencies.~~

~~(c) A pupil who is enrolled in a course of study in health through a program of distance education or a pupil with a disability who cannot perform the tasks included in the instruction is not required to complete the instruction to pass the course of study in health.~~ **(Deleted by amendment.)**

**Sec. 8. NRS 389.520 is hereby amended to read as follows:**

~~389.520 1. The Council 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 2, 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~~

~~(8) Physical education.~~

~~(b) Establish a schedule for the periodic review and, if necessary, revision of the standards of content and performance. The review must include, without limitation, the review required pursuant to NRS 389.570 of the results of pupils on the examinations administered pursuant to NRS 389.550.~~

~~(c) Assign priorities to the standards of content and performance relative to importance and degree of emphasis and revise the standards, if necessary, based upon the priorities.~~

~~2. The standards for computer education and technology must include a policy for the ethical, safe and secure use of computers and other electronic devices. The policy must include, without limitation:~~

~~(a) The ethical use of computers and other electronic devices, including, without limitation:~~

~~(1) Rules of conduct for the acceptable use of the Internet and other electronic devices; and~~

~~(2) Methods to ensure the prevention of:~~

~~(I) Cyber bullying;~~

~~(II) Plagiarism; and~~

~~(III) The theft of information or data in an electronic form;~~

~~(b) The safe use of computers and other electronic devices, including, without limitation, methods to:~~

~~(1) Avoid cyber bullying and other unwanted electronic communication, including, without limitation, communication with on line predators;~~

~~(2) Recognize when an on line electronic communication is dangerous or potentially dangerous; and~~

~~(3) Report a dangerous or potentially dangerous on line electronic communication to the appropriate school personnel;~~

~~(c) The secure use of computers and other electronic devices, including, without limitation:~~

~~(1) Methods to maintain the security of personal identifying information and financial information, including, without limitation, identifying unsolicited electronic communication which is sent for the purpose of obtaining such personal and financial information for an unlawful purpose;~~

~~(2) The necessity for secure passwords or other unique identifiers;~~

~~(3) The effects of a computer contaminant;~~

~~(4) Methods to identify unsolicited commercial material; and~~

~~(5) The dangers associated with social networking Internet 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 shall establish standards of content and performance for [each]~~

~~\*(a) Each grade level in kindergarten and grades 1 to 8, inclusive, for English and mathematics [.~~ The Council shall establish standards of content and performance for the].\*

~~(b) Each grade level in kindergarten and grades 1 to 11, inclusive, for physical education which are consistent with the provisions of section 5 of this act; and~~

~~(c) The grade levels selected by the Council 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 prescribe the examinations required by NRS 389.550.~~

~~7. 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. (Deleted by amendment.)~~

**Sec. 8.3. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 8.5 and 8.7 of this act.**

Sec. 8.5. The board of trustees of a school district shall adopt a policy which encourages the elementary schools within the school district to provide not less than 75 minutes of physical activity per school week to pupils enrolled in kindergarten and grades 1 to 5, inclusive.

Sec. 8.7. 1. A pupil must be excused from participating in a course of physical education when satisfactory written evidence is presented to the principal of the school or the teacher of the course that the pupil's physical condition is such as to prevent or render inadvisable the participation by the pupil in the course.

2. A certificate in writing from any qualified physician acting within his or her authorized scope of practice providing the information described in subsection 1 shall be deemed to be satisfactory written evidence for purposes of subsection 1.

**Sec. 9.** NRS 392.420 is hereby amended to read as follows:

392.420 1. In each school at which a school nurse is responsible for providing nursing services, the school nurse shall plan for and carry out, or supervise qualified health personnel in carrying out, a separate and careful observation and examination of every child who is regularly enrolled in a grade specified by the board of trustees or superintendent of schools of the school district in accordance with this subsection to determine whether the child has scoliosis, any visual or auditory problem, or any gross physical defect. The grades in which the observations and examinations must be carried out are as follows:

(a) For visual and auditory problems:

(1) Before the completion of the first year of initial enrollment in elementary school;

(2) In at least one additional grade of the elementary schools; and

(3) In one grade of the middle or junior high schools and one grade of the high schools; and

(b) For scoliosis, in at least one grade of schools below the high schools.

➤ Any person other than a school nurse, including, without limitation, a person employed at a school to provide basic first aid and health services to pupils, who performs an observation or examination pursuant to this subsection must be trained by a school nurse to conduct the observation or examination.

**2. In addition to the requirements of subsection 1, the board of trustees of each school district in a county whose population is 100,000 or more shall direct school nurses, qualified health personnel employed pursuant to subsection 6, teachers who teach physical education or health or other licensed educational personnel who have completed training in measuring the height and weight of a pupil provided by the school district, to measure the height and weight of a representative sample of pupils who are enrolled in grades 4, 7 and 10 in the schools within the school district. The Division of Public and Behavioral Health of the Department of Health and Human Services shall determine the number of pupils necessary to include in the representative sample.**

**3.** If any child is attending school in a grade above one of the specified grades and has not previously received such an observation and examination, the child must be included in the current schedule for observation and examination. Any child who is newly enrolled in the district must be examined for any medical condition for which children in a lower grade are examined.

~~3-4~~ **4.** A special examination for a possible visual or auditory problem must be provided for any child who:

(a) Is enrolled in a special program;

(b) Is repeating a grade;

(c) Has failed an examination for a visual or auditory problem during the previous school year; or

(d) Shows in any other way that the child may have such a problem.

~~4.4~~ **5.** The school authorities shall notify the parent or guardian of any child who is found or believed to have scoliosis, any visual or auditory problem, or any gross physical defect, and shall recommend that appropriate medical attention be secured to correct it.

~~5.5~~ **6.** In any school district in which state, county or district public health services are available or conveniently obtainable, those services may be used to meet the responsibilities assigned under the provisions of this section. The board of trustees of the school district may employ qualified personnel to perform them. Any nursing services provided by such qualified personnel must be performed in compliance with chapter 632 of NRS.

~~6.6~~ **7.** The board of trustees of a school district may adopt a policy which encourages the school district and schools within the school district to collaborate with:

(a) Qualified health care providers within the community to perform, or assist in the performance of, the services required by this section; and

(b) Postsecondary educational institutions for qualified students enrolled in such an institution in a health-related program to perform, or assist in the performance of, the services required by this section.

~~7. The~~

**8. Except as otherwise provided in this subsection, the** school authorities shall provide notice to the parent or guardian of a child before performing on the child the examinations required by this section. The notice must inform the parent or guardian of the right to exempt the child from all or part of the examinations. Any child must be exempted from an examination if the child's parent or guardian files with the teacher a written statement objecting to the examination.

~~8.8~~ **School authorities are not required to provide notice to the parent or guardian of a child before measuring the child's height or weight pursuant to subsection 2 if it is not practicable to do so.**

**9.** Each school nurse or a designee of a school nurse, including, without limitation, a person employed at a school to provide basic first aid and health services to pupils, shall report the results of the examinations conducted pursuant to this section in each school at which he or she is responsible for providing services to the Chief Medical Officer in the format prescribed by the Chief Medical Officer. Each such report must exclude any identifying information relating to a particular child. The Chief Medical Officer shall compile all such information the Officer receives to monitor the health status of children and shall retain the information.

~~10. The Division of Public and Behavioral Health of the Department of Health and Human Services shall:~~

~~(a) Compile a report relating to each region of this State for which data is collected regarding the height and weight of pupils measured pursuant to subsection 2 and reported to the Chief Medical Officer pursuant to subsection 9; and~~

~~(b) Publish and disseminate the reports not later than 12 months after receiving the results of the examinations pursuant to subsection 9.~~

**Sec. 10.** ~~[The provisions of NRS 254.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~  
**(Deleted by amendment.)**

**Sec. 11.** This act becomes effective:

- 1           1. Upon passage and approval for the purpose of adopting any regulations and  
2 performing any other preparatory administrative tasks that are necessary to carry  
3 out the provisions of this act; and
- 4           2. On January 1, 2016, for all other purposes.