

Amendment No. 654

Assembly Amendment to Senate Bill No. 25 First Reprint
(BDR 34-316)

Proposed by: Assembly Committee on Education

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

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

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) 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.



SENATE BILL NO. 25—COMMITTEE ON EDUCATION

(ON BEHALF OF THE DEPARTMENT OF EDUCATION)

PREFILED DECEMBER 20, 2014

Referred to Committee on Education

SUMMARY—Revises provisions relating to ~~public schools,~~ education.
(BDR 34-316)

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; revising provisions governing the membership of the State Board of Education; revising certain duties of the Superintendent of Public Instruction, the Department of Education and the State Board; revising the membership of the Advisory Council on Parental Involvement and Family Engagement; revising provisions governing certain products used to clean in public schools; authorizing unused allocations for special education program units to be reallocated to a hospital or facility which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services that operates a licensed private school in certain circumstances; revising provisions relating to certain programs of distance education; revising provisions governing standards of content and performance for foreign and world language and any other course of study requested by the Superintendent of Public Instruction; revising provisions relating to certain hearings concerning the suspension or revocation of a license to teach; revising provisions concerning minimum standards for the maintenance and operation of certain educational institutions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill prohibits a person who is elected to serve as an officer of this State or any political subdivision thereof from also serving on the State Board of Education. **Section 1** also prohibits a person who is appointed to serve for the unexpired term of such an office from continuing to serve on the State Board, with certain exceptions. **Section 3** of this bill removes certain requirements regarding the use of environmentally sensitive cleaning and maintenance products in public schools and authorizes the board of trustees of a school district to use a product that is not an environmentally sensitive cleaning and maintenance product after posting a notice of the product to be used on the Internet website maintained by the school district. **Sections 4, 10, 11-13, 15, 17 and 18** of this bill replace references to the terms

“English” and “foreign language” with references to “English language arts” and “foreign or world language” for consistency with currently accepted terminology.

Existing law authorizes certain hospitals or other facilities that are licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services and that operate a licensed private school to request reimbursement, under certain circumstances, from the Department of Education for the cost of providing educational services to a child who attends the licensed private school. (NRS 277.0655, 387.1225) Existing law also: (1) provides for the establishment of a basic support guarantee for special education program units for the purpose of allocating money from the State Distributive School Account; and (2) authorizes the Superintendent to reallocate any unused allocations for special education program units to a school district, charter school or university school for profoundly gifted pupils. (NRS 387.122, 387.1221) Section 4.5 of this bill authorizes the Superintendent to reallocate any unused allocations to a hospital or facility which is licensed by the Division of Public and Behavioral Health that operates a licensed private school.

Existing law requires the Superintendent of Public Instruction to apportion the State Distributive School Account in the State General Fund among the school districts, charter schools and university schools for profoundly gifted pupils in certain amounts based on a formula. This formula bases the State’s financial obligation to programs of instruction partially on the number of pupils involved in such programs. (NRS 387.121-387.126) **Sections 5, 6, 8 and 9** of this bill provide that the apportionment for a pupil enrolled part-time in a program of distance education is paid to the school district in which the pupil resides, or the charter school in which the pupil is enrolled. The school district or charter school, as applicable, is required to allocate a percentage of that amount to the school district or charter school that provides the program of distance education in an amount which must be set out in an agreement between them.

Section 2.5 of this bill adds a member to the Advisory Council on Parental Involvement and Family Engagement to represent the Nevada Parent Teacher Association.

Because existing law gives the Governor authority over the budgets of the Department of Education, **section 7** of this bill: (1) requires the Superintendent to submit certain recommendations of the Department to the Governor instead of to the State Board; and (2) removes the requirement that the State Board consider the biennial budgets of the Department. **Sections 8 and 9** remove the requirement that certain pupils obtain written permission from the board of trustees of a school district or the governing body of a charter school before enrolling in certain part-time programs of distance education.

Section 12 requires the Council to Establish Academic Standards for Public Schools to establish standards of content and performance for foreign and world languages in addition to other subjects for which it is already required to do so. **Section 13** requires the State Board to prescribe examinations that measure the achievement and proficiency of pupils for grades 9, 10, 11 and 12 in certain subjects to comply with federal law. (20 U.S.C. § 6311(b)(3)) **Section 14** of this bill revises the manner in which the Department provides an informational pamphlet concerning end-of-course examinations and college and career readiness assessments so that the pamphlet is available electronically. **Section 14.5** of this bill removes an incorrect reference to an organization.

Section 16 of this bill allows the parties in a hearing concerning the suspension or revocation of a license to teach to agree to extend the date by which the hearing must be held. **Section 20** of this bill authorizes money in the Educational Trust Account to be expended as authorized by the Interim Finance Committee when the Legislature is not in session. **Section 21** of this bill repeals the requirements that: (1) the State Board adopt and use an official seal in authentication of its acts; and (2) the Department approve or disapprove lists of books for use in public school libraries.

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

Section 1. NRS 385.021 is hereby amended to read as follows:

385.021 1. The State Board of Education is hereby created. The State Board consists of the following voting members:

(a) One member elected by the registered voters of each congressional district described in NRS 304.060 to 304.120, inclusive;

(b) One member appointed by the Governor;

(c) One member appointed by the Governor, nominated by the Majority Leader of the Senate; and

(d) One member appointed by the Governor, nominated by the Speaker of the Assembly.

2. In addition to the voting members described in subsection 1, the State Board consists of the following four nonvoting members:

(a) One member appointed by the Governor who is a member of a board of trustees of a school district, nominated by the Nevada Association of School Boards;

(b) One member appointed by the Governor who is the superintendent of schools of a school district, nominated by the Nevada Association of School Superintendents;

(c) One member appointed by the Governor who represents the Nevada System of Higher Education, nominated by the Board of Regents of the University of Nevada; and

(d) One member appointed by the Governor who is a pupil enrolled in a public school in this State, nominated by the Nevada Association of Student Councils or its successor organization and in consultation with the Nevada Youth Legislature. After the initial term, the term of the member appointed pursuant to this paragraph commences on June 1 and expires on May 31 of the following year.

3. Each member of the State Board elected pursuant to paragraph (a) of subsection 1 must be a qualified elector of the district from which that member is elected.

4. Each member appointed pursuant to paragraphs (b), (c) and (d) of subsection 1 and each member appointed pursuant to subsection 2 must be a resident of this State.

5. *Except as otherwise provided in paragraphs (a) and (c) of subsection 2, a person who is elected to serve as an officer of this State or any political subdivision thereof or a person appointed to serve for the unexpired term of such an office may not serve or continue to serve on the State Board.*

6. The Governor shall ensure that the members appointed pursuant to paragraphs (b), (c) and (d) of subsection 1 represent the geographic diversity of this State and that:

(a) One member is a teacher at a public school selected from a list of three candidates provided by the Nevada State Education Association.

(b) One member is the parent or legal guardian of a pupil enrolled in a public school.

(c) One member is a person active in a private business or industry of this State.

~~6.~~ 7. After the initial terms, each member:

(a) Elected pursuant to paragraph (a) of subsection 1 serves a term of 4 years. A member may be elected to serve not more than three terms but may be appointed to serve pursuant to paragraph (b), (c) or (d) of subsection 1 or subsection 2 after

1 service as an elected member, notwithstanding the number of terms the member
2 served as an elected member.

3 (b) Appointed pursuant to paragraphs (b), (c) and (d) of subsection 1 serves a
4 term of 2 years ~~H~~, *except that each member continues to serve until a successor*
5 *is appointed.* A member may be reappointed for additional terms of 2 years in the
6 same manner as the original appointment.

7 (c) Appointed pursuant to subsection 2 serves a term of 1 year. A member may
8 be reappointed for additional terms of 1 year in the same manner as the original
9 appointment.

10 ~~H~~ ~~7~~ 8. If a vacancy occurs during the term of:

11 (a) A member who was elected pursuant to paragraph (a) of subsection 1, the
12 Governor shall appoint a member to fill the vacancy until the next general election,
13 at which election a member must be chosen for the balance of the unexpired term.
14 The appointee must be a qualified elector of the district where the vacancy occurs.

15 (b) A voting member appointed pursuant to paragraph (b), (c) or (d) of
16 subsection 1 or a nonvoting member appointed pursuant to subsection 2, the
17 vacancy must be filled in the same manner as the original appointment for the
18 remainder of the unexpired term.

19 **Sec. 2.** (Deleted by amendment.)

20 **Sec. 2.5.** NRS 385.610 is hereby amended to read as follows:

21 385.610 1. The Superintendent of Public Instruction shall establish an
22 Advisory Council on Parental Involvement and Family Engagement. The Advisory
23 Council is composed of ~~H~~ ~~9~~ *11* members.

24 2. The Superintendent of Public Instruction shall appoint the following
25 members to the Advisory Council:

26 (a) Two parents or legal guardians of pupils enrolled in public schools;

27 (b) Two teachers in public schools;

28 (c) One administrator of a public school;

29 (d) One representative of a private business or industry;

30 (e) One member of the board of trustees of a school district in a county whose
31 population is 100,000 or more; ~~and~~

32 (f) One member of the board of trustees of a school district in a county whose
33 population is less than 100,000 ~~H~~; *and*

34 (g) *One member who is the President of the Board of Managers of the*
35 *Nevada Parent Teacher Association or its successor organization, or a designee*
36 *nominated by the President.*

37 ➤ The Superintendent of Public Instruction shall, to the extent practicable, ensure
38 that the members the Superintendent appoints to the Advisory Council reflect the
39 ethnic, economic and geographic diversity of this State.

40 3. The Speaker of the Assembly shall appoint one member of the Assembly to
41 the Advisory Council.

42 4. The Majority Leader of the Senate shall appoint one member of the Senate
43 to the Advisory Council.

44 5. The Advisory Council shall elect a Chair and Vice Chair from among its
45 members. The Chair and Vice Chair serve a term of 1 year.

46 6. After the initial terms:

47 (a) The term of each member of the Advisory Council who is appointed by the
48 Superintendent of Public Instruction is 3 years.

49 (b) The term of each member of the Advisory Council who is appointed by the
50 Speaker of the Assembly and the Majority Leader of the Senate is 2 years.

51 7. The Department shall provide:

52 (a) Administrative support to the Advisory Council; and

(b) All information that is necessary for the Advisory Council to carry out its duties.

8. For each day or portion of a day during which a member of the Advisory Council who is a Legislator attends a meeting of the Advisory Council or is otherwise engaged in the business of the Advisory Council, except during a regular or special session of the Legislature, the member is entitled to receive the:

(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;

(b) Per diem allowance provided for state officers generally; and

(c) Travel expenses provided pursuant to NRS 218A.655.

➤ The compensation, per diem allowances and travel expenses of the legislative members of the Advisory Council must be paid from the Legislative Fund.

9. A member of the Advisory Council who is not a Legislator is 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 the member attends a meeting of the Advisory Council or is otherwise engaged in the business of the Advisory Council. The per diem allowance and travel expenses for the members of the Advisory Council who are not Legislators must be paid by the Department.

Sec. 3. NRS 386.4195 is hereby amended to read as follows:

386.4195 1. ~~{The Department of Education shall, in consultation with each school district, the State Department of Conservation and Natural Resources, the Department of Health and Human Services and other interested parties, including, without limitation, representatives of the cleaning and maintenance product industry, nongovernmental agencies and organizations, and parents and legal guardians of pupils enrolled in the school district, adopt regulations setting forth the standards for environmentally sensitive cleaning and maintenance products for use in the cleaning of all floor surfaces in the public schools.~~

~~— 2. The Department shall provide a sample list of approved environmentally sensitive cleaning and maintenance products for use in the cleaning of all floor surfaces to each school district based upon the standards prescribed pursuant to subsection 1.~~

~~— 3. The Department shall, at least every 2 years, review and may amend the sample list developed pursuant to subsection 2 as necessary.~~

~~— 4.} Except as otherwise provided in {subsections 6 and 7,} **subsection 2**, each school district shall ensure that the public schools within the school district use only environmentally sensitive cleaning and maintenance products in the cleaning of all floor surfaces in the public schools within the school district . ~~{in accordance with the regulations adopted pursuant to subsection 1.~~~~

~~— 5. The board of trustees of a school district may consult with persons who are knowledgeable and have experience in environmentally sensitive cleaning and maintenance products to determine if the board of trustees should:~~

~~— (a) Submit a written request to the Department pursuant to subsection 6 or 7.~~

~~— (b) Use any other environmentally sensitive cleaning and maintenance products in the public schools within the school district pursuant to subsection 9.~~

~~— 6.} **2.** If the board of trustees of a school district determines that the costs associated with the purchase or use of environmentally sensitive cleaning and maintenance products for use in the cleaning of floor surfaces are unreasonable and would place an undue burden on the efficient operation of the school district or a particular school within the school district, the board of trustees may ~~{submit a written request to the Department for a waiver from purchasing and using environmentally sensitive} , after posting notice of the product to be used on the Internet website maintained by the school district, purchase and use a~~ cleaning~~

1 and maintenance ~~{products for use}~~ *product that is not an environmentally*
2 *sensitive cleaning and maintenance product* in the cleaning of floor surfaces for
3 the school district as a whole or for a particular school or schools within the school
4 district.

5 ~~{7. If the board of trustees of a school district determines that an~~
6 ~~environmentally sensitive cleaning and maintenance product for use in the cleaning~~
7 ~~of floor surfaces which is not included in the sample list developed pursuant to~~
8 ~~subsection 2 is more economically feasible or is a more effective environmentally~~
9 ~~sensitive cleaning and maintenance product, the board of trustees may submit a~~
10 ~~written request to the Department for a waiver to purchase and use such an~~
11 ~~environmentally sensitive cleaning and maintenance product that complies with the~~
12 ~~standards prescribed pursuant to subsection 1.~~

13 ~~— 8. If a waiver is granted by the Department pursuant to subsection 6 or 7, the~~
14 ~~waiver is effective for 1 year after the date of its approval and a renewal may be~~
15 ~~requested on an annual basis in the manner set forth in subsection 6 or 7, as~~
16 ~~applicable.~~

17 ~~— 9.} 3. In addition to the environmentally sensitive cleaning and maintenance~~
18 ~~products for use in the cleaning of floor surfaces in the public schools within the~~
19 ~~school district required pursuant to subsection 1, the board of trustees of a school~~
20 ~~district may use environmentally sensitive cleaning products for use in the cleaning~~
21 ~~of any other surfaces.~~

22 ~~{10. The regulations adopted by the Department must not prohibit the use of~~
23 ~~any disinfectant, sanitizer, antimicrobial product or other cleaning product when~~
24 ~~necessary to protect the health and welfare of the pupils enrolled in a school within~~
25 ~~the school district and the educational personnel of the school district.~~

26 ~~— 11.} 4. As used in this section, “environmentally sensitive cleaning and~~
27 ~~maintenance products” means cleaning and maintenance products that reduce the~~
28 ~~chemicals, hazardous wastes and other environmental hazards to which pupils and~~
29 ~~school personnel may be exposed.~~

30 **Sec. 4.** NRS 386.590 is hereby amended to read as follows:

31 386.590 1. Except as otherwise provided in this subsection, at least 70
32 percent of the teachers who provide instruction at a charter school must be licensed
33 teachers. If a charter school is a vocational school, the charter school shall, to the
34 extent practicable, ensure that at least 70 percent of the teachers who provide
35 instruction at the school are licensed teachers, but in no event may more than 50
36 percent of the teachers who provide instruction at the school be unlicensed teachers.

37 2. A governing body of a charter school shall employ:

38 (a) If the charter school offers instruction in kindergarten or grade 1, 2, 3, 4, 5,
39 6, 7 or 8, a licensed teacher to teach pupils who are enrolled in those grades. If
40 required by subsection 3 or 4, such a teacher must possess the qualifications
41 required by 20 U.S.C. § 6319(a).

42 (b) If the charter school offers instruction in grade 9, 10, 11 or 12, a licensed
43 teacher to teach pupils who are enrolled in those grades for the subjects set forth in
44 subsection 4. If required by subsection 3 or 4, such a teacher must possess the
45 qualifications required by 20 U.S.C. § 6319(a).

46 (c) In addition to the requirements of paragraphs (a) and (b):

47 (1) If a charter school specializes in arts and humanities, physical
48 education or health education, a licensed teacher to teach those courses of study.

49 (2) If a charter school specializes in the construction industry or other
50 building industry, licensed teachers to teach courses of study relating to the industry
51 if those teachers are employed full-time.

52 (3) If a charter school specializes in the construction industry or other
53 building industry and the school offers courses of study in computer education,

1 technology or business, licensed teachers to teach those courses of study if those
2 teachers are employed full-time.

3 3. A person who is initially hired by the governing body of a charter school
4 on or after January 8, 2002, to teach in a program supported with money from Title
5 I must possess the qualifications required by 20 U.S.C. § 6319(a). For the purposes
6 of this subsection, a person is not "initially hired" if the person has been employed
7 as a teacher by another school district or charter school in this State without an
8 interruption in employment before the date of hire by his or her current employer.

9 4. A teacher who is employed by a charter school, regardless of the date of
10 hire, must, on or before July 1, 2006, possess the qualifications required by 20
11 U.S.C. § 6319(a) if the teacher teaches one or more of the following subjects:

- 12 (a) English ~~+~~ ~~reading or~~ language arts;
- 13 (b) Mathematics;
- 14 (c) Science;
- 15 (d) ~~Foreign~~ *A foreign or world* language;
- 16 (e) Civics or government;
- 17 (f) Economics;
- 18 (g) Geography;
- 19 (h) History; or
- 20 (i) The arts.

21 5. Except as otherwise provided in NRS 386.588, a charter school may
22 employ a person who is not licensed pursuant to the provisions of chapter 391 of
23 NRS to teach a course of study for which a licensed teacher is not required pursuant
24 to subsections 2, 3 and 4 if the person has:

- 25 (a) A degree, a license or a certificate in the field for which the person is
26 employed to teach at the charter school; and
- 27 (b) At least 2 years of experience in that field.

28 6. Except as otherwise provided in NRS 386.588, a charter school shall
29 employ such administrators for the school as it deems necessary. A person
30 employed as an administrator must possess:

- 31 (a) A valid teacher's license issued pursuant to chapter 391 of NRS with an
32 administrative endorsement;
- 33 (b) A master's degree in school administration, public administration or
34 business administration; or
- 35 (c) At least 5 years of experience in school administration, public
36 administration or business administration and a baccalaureate degree.

37 7. Except as otherwise provided in subsection 8, the portion of the salary or
38 other compensation of an administrator employed by a charter school that is derived
39 from public funds must not exceed the salary or other compensation, as applicable,
40 of the highest paid administrator in a comparable position in the school district in
41 which the charter school is located. For purposes of determining the salary or other
42 compensation of the highest paid administrator in a comparable position in the
43 school district, the salary or other compensation of the superintendent of schools of
44 that school district must not be included in the determination.

45 8. If the salary or other compensation paid to an administrator employed by a
46 charter school from public funds exceeds the maximum amount prescribed in
47 subsection 7, the sponsor of the charter school shall conduct an audit of the salary
48 or compensation. The audit must include, without limitation, a review of the
49 reasons set forth by the governing body of the charter school for the salary or other
50 compensation and the interests of the public in using public funds to pay that salary
51 or compensation. If the sponsor determines that the payment of the salary or other
52 compensation from public funds is justified, the sponsor shall provide written
53 documentation of its determination to the governing body of the charter school and

to the Department. If the sponsor determines that the payment of the salary or other compensation from public funds is not justified, the governing body of the charter school shall reduce the salary or compensation paid to the administrator from public funds to an amount not to exceed the maximum amount prescribed in subsection 7.

9. A charter school shall not employ a person pursuant to this section if the person's license to teach or provide other educational services has been revoked or suspended in this State or another state.

10. On or before November 15 of each year, a charter school shall submit to the Department, in a format prescribed by the Superintendent of Public Instruction, the following information for each person who is licensed pursuant to chapter 391 of NRS and who is employed by the governing body on October 1 of that year:

(a) The amount of salary or compensation of the licensed person, including, without limitation, verification of compliance with subsection 7, if applicable to that person; and

(b) The designated assignment, as that term is defined by the Department, of the licensed person.

Sec. 4.5. NRS 387.1221 is hereby amended to read as follows:

387.1221 1. The basic support guarantee for any special education program unit maintained and operated during a period of less than 9 school months is in the same proportion to the amount established by law for that school year as the period during which the program unit actually was maintained and operated is to 9 school months.

2. Any unused allocations for special education program units may be reallocated by the Superintendent of Public Instruction to other school districts, charter schools, ~~for~~ university schools for profoundly gifted pupils ~~by the Superintendent of Public Instruction,~~ or hospitals or facilities which are licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services that provide residential treatment to children and which operate a private school licensed pursuant to chapter 394 of NRS. In such a reallocation, first priority must be given to special education programs with statewide implications, and second priority must be given to special education programs maintained and operated within counties whose allocation is less than or equal to the amount provided by law. If there are more unused allocations than necessary to cover programs of first and second priority but not enough to cover all remaining special education programs eligible for payment from reallocations, then payment for the remaining programs must be prorated. If there are more unused allocations than necessary to cover programs of first priority but not enough to cover all programs of second priority, then payment for programs of second priority must be prorated. If unused allocations are not enough to cover all programs of first priority, then payment for programs of first priority must be prorated.

3. Any unused allocation of a special education program unit that is reallocated to a hospital or facility which is licensed by the Division of Public and Behavioral Health pursuant to subsection 2 must be provided as a percentage of a unit as determined based upon the number of days that such a program is provided compared to the total number of school days for the year.

4. A school district, a charter school or a university school for profoundly gifted pupils may, after receiving the approval of the Superintendent of Public Instruction, contract with any person, state agency or legal entity to provide a special education program unit for pupils of the district pursuant to NRS 388.440 to 388.520, inclusive.

~~4.4~~ 5. A school district in a county whose population is less than 700,000, a charter school or a university school for profoundly gifted pupils that receives an

allocation for special education program units may use not more than 15 percent of its allocation to provide early intervening services.

6. As used in this section:

(a) "Hospital" has the meaning ascribed to it in NRS 449.012.

(b) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 5. NRS 387.1233 is hereby amended to read as follows:

387.1233 1. Except as otherwise provided in subsection 2, 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. ~~It 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. ~~It 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 388.475 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 388.475 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 5 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. Except as otherwise provided in subsection 4, 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. Except as otherwise provided in subsection 4, 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. If the Department determines that a school district or charter school deliberately causes a decline in the enrollment of pupils in the school district or charter school to receive a higher apportionment pursuant to subsection 2 or 3, including, without limitation, by eliminating grades or moving into smaller facilities, the enrollment number from the current 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.

5. 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.

6. 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.

7. 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. 6. 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. Except as otherwise provided in NRS 387.1244, the apportionment to a school district, computed on a yearly basis, equals the

1 difference between the basic support and the local funds available pursuant to NRS
2 387.1235, minus all the funds attributable to pupils who reside in the county but
3 attend a charter school, all the funds attributable to pupils who reside in the county
4 and are enrolled full-time or part-time in a program of distance education provided
5 by another school district or a charter school and all the funds attributable to pupils
6 who are enrolled in a university school for profoundly gifted pupils located in the
7 county. No apportionment may be made to a school district if the amount of the
8 local funds exceeds the amount of basic support.

9 2. Except as otherwise provided in subsection 3 and NRS 387.1244, the
10 apportionment to a charter school, computed on a yearly basis, is equal to the sum
11 of the basic support per pupil in the county in which the pupil resides plus the
12 amount of local funds available per pupil pursuant to NRS 387.1235 and all other
13 funds available for public schools in the county in which the pupil resides minus the
14 sponsorship fee prescribed by NRS 386.570 and minus all the funds attributable to
15 pupils who are enrolled in the charter school but are concurrently enrolled part-time
16 in a program of distance education provided by a school district or another charter
17 school. If the apportionment per pupil to a charter school is more than the amount
18 to be apportioned to the school district in which a pupil who is enrolled in the
19 charter school resides, the school district in which the pupil resides shall pay the
20 difference directly to the charter school.

21 3. Except as otherwise provided in NRS 387.1244, the apportionment to a
22 charter school that is sponsored by the State Public Charter School Authority or by
23 a college or university within the Nevada System of Higher Education, computed
24 on a yearly basis, is equal to the sum of the basic support per pupil in the county in
25 which the pupil resides plus the amount of local funds available per pupil pursuant
26 to NRS 387.1235 and all other funds available for public schools in the county in
27 which the pupil resides, minus the sponsorship fee prescribed by NRS 386.570 and
28 minus all funds attributable to pupils who are enrolled in the charter school but are
29 concurrently enrolled part-time in a program of distance education provided by a
30 school district or another charter school.

31 4. Except as otherwise provided in NRS 387.1244, in addition to the
32 apportionments made pursuant to this section, *if a pupil is enrolled part-time in a*
33 *program of distance education and part-time in a:*

34 *(a) Public school other than a charter school, an apportionment must be made*
35 *to a school district or charter school that provides a program of distance education*
36 *for each pupil who is enrolled part-time in the program. The amount of the*
37 *apportionment must be equal to the percentage of the total time services are*
38 *provided to the pupil through the program of distance education per school day in*
39 *proportion to the total time services are provided during a school day to pupils who*
40 *are counted pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS*
41 *387.1233 for the school district in which the pupil resides. The school district in*
42 *which the pupil resides shall allocate a percentage of the apportionment to the*
43 *school district or charter school that provides the program of distance education*
44 *in the amount set forth in the agreement entered into pursuant to NRS 388.854.*

45 *(b) Charter school, an apportionment must be made to the charter school in*
46 *which the pupil is enrolled. The charter school in which the pupil is enrolled*
47 *shall allocate a percentage of the apportionment to the school district or charter*
48 *school that provides the program of distance education in the amount set forth in*
49 *the agreement entered into pursuant to NRS 388.858.*

50 5. The governing body of a charter school may submit a written request to the
51 Superintendent of Public Instruction to receive, in the first year of operation of the
52 charter school, an apportionment 30 days before the apportionment is required to be
53 made pursuant to subsection 1. Upon receipt of such a request, the Superintendent

of Public Instruction may make the apportionment 30 days before the apportionment is required to be made. A charter school may receive all four apportionments in advance in its first year of operation.

6. Except as otherwise provided in NRS 387.1244, the apportionment to a university school for profoundly gifted pupils, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the university school is located plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the university school is located. If the apportionment per pupil to a university school for profoundly gifted pupils is more than the amount to be apportioned to the school district in which the university school is located, the school district shall pay the difference directly to the university school. The governing body of a university school for profoundly gifted pupils may submit a written request to the Superintendent of Public Instruction to receive, in the first year of operation of the university school, an apportionment 30 days before the apportionment is required to be made pursuant to subsection 1. Upon receipt of such a request, the Superintendent of Public Instruction may make the apportionment 30 days before the apportionment is required to be made. A university school for profoundly gifted pupils may receive all four apportionments in advance in its first year of operation.

7. The Superintendent of Public Instruction shall apportion, on or before August 1 of each year, the money designated as the "Nutrition State Match" pursuant to NRS 387.105 to those school districts that participate in the National School Lunch Program, 42 U.S.C. §§ 1751 et seq. The apportionment to a school district must be directly related to the district's reimbursements for the Program as compared with the total amount of reimbursements for all school districts in this State that participate in the Program.

8. If the State Controller finds that such an action is needed to maintain the balance in the State General Fund at a level sufficient to pay the other appropriations from it, the State Controller may pay out the apportionments monthly, each approximately one-twelfth of the yearly apportionment less any amount set aside as a reserve. If such action is needed, the State Controller shall submit a report to the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau documenting reasons for the action.

Sec. 7. NRS 387.3035 is hereby amended to read as follows:

387.3035 The Department 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, the system is mandatory for all public schools in this State and must be enforced as provided in subsection 2 of NRS 387.3037.

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}~~ Governor as the Department deems advisable.

4. Recommend to the Superintendent of Public Instruction for submission to the ~~{State Board}~~ Governor 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 ~~for consideration by the State Board and~~ submission to the Governor.

Sec. 8. NRS 388.854 is hereby amended to read as follows:

388.854 1. Before a pupil may enroll full-time in a program of distance education that is provided by a school district other than the school district in which the pupil resides, ~~the pupil must obtain the written permission of the board of trustees of the school district in which the pupil resides. Before a pupil who is enrolled in a public school of a school district may enroll part time in a program of distance education that is provided by a charter school,~~ the pupil must obtain the written permission of the board of trustees of the school district in which the pupil resides. Except as otherwise provided in NRS 388.850 or other specific statute, a board of trustees from whom permission is requested pursuant to this subsection shall grant the requested permission.

2. A pupil who enrolls part-time in a program of distance education that is provided by a school district other than the school district in which the pupil resides or ~~enrolls full time in a program of distance education~~ that is provided by a charter school is not required to obtain the approval of the board of trustees of the school district in which the pupil resides.

3. If the board of trustees of a school district grants permission *for a pupil to enroll full-time in a program of distance education* pursuant to subsection 1 ~~or if a pupil enrolls part-time in a program of distance education pursuant to subsection 2,~~ the board of trustees *of the school district in which the pupil resides* shall enter into a written agreement with the board of trustees *of the school district or the governing body* ~~of the charter school,~~ as applicable, that provides the program of distance education. *If the pupil enrolls part-time in a program of distance education, the agreement must include, without limitation, the amount of the apportionment provided to the school district where the pupil resides that will be allocated pursuant to paragraph (a) of subsection 4 of NRS 387.124 to the school district or charter school, as applicable, that provides the program of distance education.*

4. A separate agreement must be prepared for each year that a pupil enrolls in a program of distance education. If permission is granted pursuant to subsection 1, the written agreement required by this subsection is not a condition precedent to the pupil's enrollment in the program of distance education.

5. *If the school district in which the pupil resides and the board of trustees of the school district or governing body of the charter school, as applicable, that provides the program of distance education in which the pupil is enrolled part-time are unable to reach an agreement as required pursuant to subsection 3, the Superintendent of Public Instruction will determine the amount of the apportionment which the school district where the pupil resides will be required to allocate pursuant to paragraph (a) of subsection 4 of NRS 387.124 to the school district or charter school, as applicable, that provides the program of distance education.*

Sec. 9. NRS 388.858 is hereby amended to read as follows:

388.858 1. If a pupil is enrolled in a charter school, the pupil may enroll full-time in a program of distance education only if the charter school in which the pupil is enrolled provides the program of distance education.

2. ~~Before a~~ A pupil who is enrolled in a charter school may enroll part-time in a program of distance education that is provided by a school district or another

1 charter school ~~{, the pupil must}~~ and is not required to obtain the ~~{written~~
2 ~~permission}~~ approval of the governing body of the charter school in which the pupil
3 is enrolled.

4 3. If ~~{the governing body of}~~ a *pupil who is enrolled in a* charter school
5 ~~{grants permission pursuant to subsection 2, the}~~ *enrolls in a part-time program of*
6 *distance education that is provided by a school district or another charter school,*
7 the governing body *of the charter school in which the pupil is enrolled* shall enter
8 into a written agreement with the board of trustees *of the school district* or
9 governing body ~~{}~~ *of the charter school*, as applicable, that provides the program
10 of distance education. *The agreement must include, without limitation, the*
11 *amount of the apportionment provided to the charter school in which the pupil is*
12 *enrolled that will be allocated pursuant to paragraph (b) of subsection 4 of NRS*
13 *387.124 to the school district or charter school, as applicable, that provides the*
14 *program of distance education.*

15 4. A separate agreement must be prepared for each year that a pupil enrolls in
16 a program of distance education.

17 5. *If the charter school in which the pupil is enrolled and the board of*
18 *trustees of the school district or governing body of the charter school, as*
19 *applicable, that provides the program of distance education are unable to reach*
20 *an agreement as required pursuant to subsection 3, the Superintendent of Public*
21 *Instruction will determine the amount of the apportionment which the charter*
22 *school in which the pupil is enrolled is required to allocate pursuant to*
23 *paragraph (b) of subsection 4 of NRS 387.124 to the school district or charter*
24 *school, as applicable, that provides the program of distance education.*

25 **Sec. 10.** NRS 389.012 is hereby amended to read as follows:

26 389.012 1. The State Board shall:

27 (a) In accordance with guidelines established by the National Assessment
28 Governing Board and National Center for Education Statistics and in accordance
29 with 20 U.S.C. §§ 6301 et seq. and the regulations adopted pursuant thereto, adopt
30 regulations requiring the schools of this State that are selected by the National
31 Assessment Governing Board or the National Center for Education Statistics to
32 participate in the examinations of the National Assessment of Educational Progress.

33 (b) Report the results of those examinations to the:

- 34 (1) Governor;
35 (2) Board of trustees of each school district of this State;
36 (3) Legislative Committee on Education created pursuant to NRS
37 218E.605; and
38 (4) Legislative Bureau of Educational Accountability and Program
39 Evaluation created pursuant to NRS 218E.625.

40 (c) Include in the report required pursuant to paragraph (b) an analysis and
41 comparison of the results of pupils in this State on the examinations required by this
42 section with:

43 (1) The results of pupils throughout this country who participated in the
44 examinations of the National Assessment of Educational Progress; and

45 (2) The results of pupils on the achievement and proficiency examinations
46 administered pursuant to this chapter.

47 2. If the report required by subsection 1 indicates that the percentage of pupils
48 enrolled in the public schools in this State who are proficient on the National
49 Assessment of Educational Progress differs by more than 10 percent of the pupils
50 who are proficient on the examinations administered pursuant to NRS 389.550 and
51 the examinations administered pursuant to NRS 389.805, the Department shall
52 prepare a written report describing the discrepancy. The report must include,
53 without limitation, a comparison and evaluation of:

(a) The standards of content and performance for English *language arts* and mathematics established pursuant to NRS 389.520 with the standards for English *language arts* 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 examinations administered pursuant to NRS 389.805.

3. The report prepared by the Department pursuant to subsection 2 must be submitted to the:

(a) Governor;

(b) Legislative Committee on Education;

(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. 11. NRS 389.018 is hereby amended to read as follows:

389.018 1. The following subjects are designated as the core academic subjects that must be taught, as applicable for grade levels, 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) English ~~including reading, composition and writing;~~ *language arts*;

(b) Mathematics;

(c) Science; and

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

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

(a) Four units of credit in English ~~including~~ *language arts*;

(b) Four units of credit in mathematics, including, without limitation, Algebra I and geometry, or an equivalent course of study 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 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. Except as otherwise provided for a course of study in health prescribed by subsection 1 of NRS 389.0185, 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. 12. 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 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;~~ *language arts;*
- (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 ~~and~~ *; and*
- (9) A foreign or world language.*

(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 grade level in kindergarten and grades 1 to 8, inclusive, for English *language arts* and mathematics. The Council shall establish standards of content and performance for 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.

Sec. 13. NRS 389.550 is hereby amended to read as follows:

389.550 1. The State Board shall, in consultation with the Council, prescribe examinations that comply with 20 U.S.C. § 6311(b)(3) and that measure the achievement and proficiency of pupils:

(a) For grades 3, 4, 5, 6, 7 and 8, in the standards of content established by the Council for the subjects of English *language arts* and mathematics.

(b) For grades 5 and 8, in the standards of content established by the Council for the subject of science.

(c) For grades 9, 10, 11 and 12, in the standards of content established by the Council for the subjects required to comply with 20 U.S.C. § 6311(b)(3).

➤ The examinations prescribed pursuant to this subsection must be written, developed, printed and scored by a nationally recognized testing company.

2. In addition to the examinations prescribed pursuant to subsection 1, the State Board shall, in consultation with the Council, prescribe a writing examination for grades 5 and 8.

3. The board of trustees of each school district and the governing body of each charter school shall administer the examinations prescribed by the State Board. The examinations must be:

(a) Administered to pupils in each school district and each charter school at the same time during the spring semester, as prescribed by the State Board.

(b) Administered in each school in accordance with uniform procedures adopted by the State Board. The Department shall monitor the school districts and individual schools to ensure compliance with the uniform procedures.

(c) 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.

Sec. 14. NRS 389.809 is hereby amended to read as follows:

389.809 1. The Department shall develop an informational pamphlet concerning the end-of-course examinations required pursuant to NRS 389.805 and the college and career readiness assessment administered pursuant to NRS 389.807 for pupils who are enrolled in junior high, middle school and high school, and their parents and legal guardians. The pamphlet must include a written explanation of the:

(a) Importance of passing the end-of-course examinations and the importance of taking the college and career readiness assessment;

(b) Courses of study for which the end-of-course examinations are administered and the subject areas tested on the college and career readiness assessment;

(c) Format for the end-of-course examinations and the college and career readiness assessment, including, without limitation, the range of items that are contained on the examinations and the assessment; and

(d) Maximum number of times, if any, that a pupil is allowed to take the end-of-course examinations if the pupil fails to pass the examinations after the first administration.

2. The Department shall review the pamphlet on an annual basis and make such revisions to the pamphlet as it considers necessary to ensure that pupils and their parents or legal guardians fully understand the end-of-course examinations and the college and career readiness assessment.

3. On or before September 1, the Department shall ~~provide a~~ :

(a) Provide an electronic copy of the pamphlet or revised pamphlet to the board of trustees of each school district and the governing body of each charter school that includes pupils enrolled in a junior high, middle school or high school grade level ~~H~~; and

(b) Post a copy of the pamphlet or revised pamphlet on the Internet website maintained by the Department.

4. The board of trustees of each school district shall provide a copy of the pamphlet to each junior high, middle school or high school within the school district for posting. The governing body of each charter school shall ensure that a copy of the pamphlet is posted at the charter school. Each principal of a junior high,

1 middle school, high school or charter school shall ensure that the teachers,
2 counselors and administrators employed at the school fully understand the contents
3 of the pamphlet.

4 5. On or before October 1, the:

5 (a) Board of trustees of each school district shall provide a copy of the
6 pamphlet to each pupil who is enrolled in a junior high, middle school or high
7 school of the school district and to the parents or legal guardians of such a pupil.

8 (b) Governing body of each charter school shall provide a copy of the
9 pamphlet to each pupil who is enrolled in the charter school at a junior high, middle
10 school or high school grade level and to the parents or legal guardians of such a
11 pupil.

12 **Sec. 14.5.** NRS 391.038 is hereby amended to read as follows:

13 391.038 1. The State Board, in consultation with educational institutions in
14 this State which offer courses of study and training for the education of teachers,
15 the board of trustees of each school district in this State and other educational
16 personnel, shall review and evaluate a course of study and training offered by an
17 educational institution which is designed to provide the education required for:

18 (a) The licensure of teachers or other educational personnel;

19 (b) The renewal of licenses of teachers or other educational personnel; or

20 (c) An endorsement in a field of specialization.

21 ➤ If the course of study and training meets the requirements established by the
22 State Board, it must be approved by the State Board. The State Board shall not
23 approve a course of study or training unless the course of study and training
24 provides instruction, to the extent deemed necessary by the State Board, in the
25 standards of content and performance prescribed by the Council to Establish
26 Academic Standards for Public Schools pursuant to NRS 389.520.

27 2. The State Board may review and evaluate such courses of study and
28 training itself or may recognize a course of study and training approved by a
29 national agency for accreditation acceptable to the Board.

30 3. The State Board shall adopt regulations establishing fees for the review by
31 the Board of a course of study and training submitted to the Board by an
32 educational institution.

33 4. The State Board, in consultation with educational institutions in this State
34 which offer courses of study and training for the education of teachers and other
35 educational personnel, ~~and the Nevada Association of Colleges for Teacher~~
36 ~~Education and the Nevada Association of Teacher Educators,~~ shall adopt
37 regulations governing the approval by the State Board of courses of study and
38 training . ~~which are accredited by the National Council for Accreditation of~~
39 ~~Teacher Education, and those which are not so accredited.]~~

40 5. If the State Board denies or withdraws its approval of a course of study or
41 training, the educational institution is entitled to a hearing and judicial review of the
42 decision of the State Board.

43 **Sec. 15.** NRS 391.100 is hereby amended to read as follows:

44 391.100 1. The board of trustees of a school district may employ a
45 superintendent of schools, teachers and all other necessary employees.

46 2. A person who is initially hired by the board of trustees of a school district
47 on or after January 8, 2002, to teach in a program supported with money from Title
48 I must possess the qualifications required by 20 U.S.C. § 6319(a). For the purposes
49 of this subsection, a person is not "initially hired" if he or she has been employed as
50 a teacher by another school district or charter school in this State without an
51 interruption in employment before the date of hire by the person's current
52 employer.

3. A person who is employed as a teacher, regardless of the date of hire, must possess, on or before July 1, 2006, the qualifications required by 20 U.S.C. § 6319(a) if the person teaches:

- (a) English ~~language arts~~ language arts;
- (b) Mathematics;
- (c) Science;
- (d) ~~Foreign~~ *A foreign or world* language;
- (e) Civics or government;
- (f) Economics;
- (g) Geography;
- (h) History; or
- (i) The arts.

4. The board of trustees of a school district:

(a) May employ teacher aides and other auxiliary, nonprofessional personnel to assist licensed personnel in the instruction or supervision of children, either in the classroom or at any other place in the school or on the grounds thereof. A person who is initially hired as a paraprofessional by a school district on or after January 8, 2002, to work in a program supported with Title I money must possess the qualifications required by 20 U.S.C. § 6319(c). A person who is employed as a paraprofessional by a school district, regardless of the date of hire, to work in a program supported with Title I money must possess, on or before January 8, 2006, the qualifications required by 20 U.S.C. § 6319(c). For the purposes of this paragraph, a person is not "initially hired" if he or she has been employed as a paraprofessional by another school district or charter school in this State without an interruption in employment before the date of hire by the person's current employer.

(b) Shall establish policies governing the duties and performance of teacher aides.

5. Each applicant for employment pursuant to this section, except a teacher or other person licensed by the Superintendent of Public Instruction, must, as a condition to employment, submit to the school district a full set of the applicant's fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant.

6. Except as otherwise provided in subsection 7, the board of trustees of a school district shall not require a licensed teacher or other person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district, including, without limitation:

- (a) Sick leave;
- (b) Sabbatical leave;
- (c) Personal leave;
- (d) Leave for attendance at a regular or special session of the Legislature of this State if the employee is a member thereof;
- (e) Maternity leave; and
- (f) Leave permitted by the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.,
to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the employee is in good standing when the employee began the leave.

7. A board of trustees of a school district may ask the Superintendent of Public Instruction to require a person licensed by the Superintendent of Public

1 Instruction pursuant to NRS 391.033 who has taken a leave of absence from
2 employment authorized by the school district to submit a set of his or her
3 fingerprints as a condition of return to or continued employment with the school
4 district if the board of trustees has probable cause to believe that the person has
5 committed a felony or an offense involving moral turpitude during the period of his
6 or her leave of absence.

7 8. The board of trustees of a school district may employ or appoint persons to
8 serve as school police officers. If the board of trustees of a school district employs
9 or appoints persons to serve as school police officers, the board of trustees shall
10 employ a law enforcement officer to serve as the chief of school police who is
11 supervised by the superintendent of schools of the school district. The chief of
12 school police shall supervise each person appointed or employed by the board of
13 trustees as a school police officer. In addition, persons who provide police services
14 pursuant to subsection 9 or 10 shall be deemed school police officers.

15 9. The board of trustees of a school district in a county that has a metropolitan
16 police department created pursuant to chapter 280 of NRS may contract with the
17 metropolitan police department for the provision and supervision of police services
18 in the public schools within the jurisdiction of the metropolitan police department
19 and on property therein that is owned by the school district. If a contract is entered
20 into pursuant to this subsection, the contract must make provision for the transfer of
21 each school police officer employed by the board of trustees to the metropolitan
22 police department. If the board of trustees of a school district contracts with a
23 metropolitan police department pursuant to this subsection, the board of trustees
24 shall, if applicable, cooperate with appropriate local law enforcement agencies
25 within the school district for the provision and supervision of police services in the
26 public schools within the school district and on property owned by the school
27 district, but outside the jurisdiction of the metropolitan police department.

28 10. The board of trustees of a school district in a county that does not have a
29 metropolitan police department created pursuant to chapter 280 of NRS may
30 contract with the sheriff of that county for the provision of police services in the
31 public schools within the school district and on property therein that is owned by
32 the school district.

33 **Sec. 16.** NRS 391.323 is hereby amended to read as follows:

34 391.323 1. ~~Without~~ *Unless the parties agree to a later date, within* 30 days
35 after the selection of a hearing officer pursuant to NRS 391.322, the hearing officer
36 shall conduct a hearing. Within 15 days after the conclusion of the hearing, the
37 hearing officer shall prepare and file with the Superintendent of Public Instruction a
38 report containing:

39 (a) A recommendation as to whether the license of the licensee should be
40 suspended or revoked; and

41 (b) Findings of fact and conclusions of law which support the recommendation.

42 2. The State Board may accept or reject the recommendation or refer the
43 report back to the hearing officer for further evidence and recommendation, and
44 shall notify the teacher, administrator or other licensed employee in writing of its
45 decision. The decision of the State Board is a final decision in a contested case.

46 **Sec. 17.** NRS 392.033 is hereby amended to read as follows:

47 392.033 1. The State Board shall adopt regulations which prescribe the
48 courses of study required for promotion to high school, including, without
49 limitation, English ~~and~~ *language arts*, mathematics, science and social studies. The
50 regulations may include the credits to be earned in each course.

51 2. Except as otherwise provided in subsection 4, the board of trustees of a
52 school district shall not promote a pupil to high school if the pupil does not
53 complete the course of study or credits required for promotion. The board of

trustees of the school district in which the pupil is enrolled may provide programs of remedial study to complete the courses of study required for promotion to high school.

3. The board of trustees of each school district shall adopt a procedure for evaluating the course of study or credits completed by a pupil who transfers to a junior high or middle school from a junior high or middle school in this State or from a school outside of this State.

4. The board of trustees of each school district shall adopt a policy that allows a pupil who has not completed the courses of study or credits required for promotion to high school to be placed on academic probation and to enroll in high school. A pupil who is on academic probation pursuant to this subsection shall complete appropriate remediation in the subject areas that the pupil failed to pass. The policy must include the criteria for eligibility of a pupil to be placed on academic probation. A parent or guardian may elect not to place his or her child on academic probation but to remain in grade 8.

5. A homeschooled child who enrolls in a public high school shall, upon initial enrollment:

(a) Provide documentation sufficient to prove that the child has successfully completed the courses of study required for promotion to high school through an accredited program of homeschool study recognized by the board of trustees of the school district;

(b) Demonstrate proficiency in the courses of study required for promotion to high school through an examination prescribed by the board of trustees of the school district; or

(c) Provide other proof satisfactory to the board of trustees of the school district demonstrating competency in the courses of study required for promotion to high school.

Sec. 18. NRS 392.700 is hereby amended to read as follows:

392.700 1. If the parent of a child who is subject to compulsory attendance wishes to homeschool the child, the parent must file with the superintendent of schools of the school district in which the child resides a written notice of intent to homeschool the child. The Department shall develop a standard form for the notice of intent to homeschool. The form must not require any information or assurances that are not otherwise required by this section or other specific statute. The board of trustees of each school district shall, in a timely manner, make only the form developed by the Department available to parents who wish to homeschool their child.

2. The notice of intent to homeschool must be filed before beginning to homeschool the child or:

(a) Not later than 10 days after the child has been formally withdrawn from enrollment in public school; or

(b) Not later than 30 days after establishing residency in this State.

3. The purpose of the notice of intent to homeschool is to inform the school district in which the child resides that the child is exempt from the requirement of compulsory attendance.

4. If the name or address of the parent or child as indicated on a notice of intent to homeschool changes, the parent must, not later than 30 days after the change, file a new notice of intent to homeschool with the superintendent of schools of the school district in which the child resides.

5. A notice of intent to homeschool must include only the following:

(a) The full name, age and gender of the child;

(b) The name and address of each parent filing the notice of intent to homeschool;

(c) A statement signed and dated by each such parent declaring that the parent has control or charge of the child and the legal right to direct the education of the child, and assumes full responsibility for the education of the child while the child is being homeschooled;

(d) An educational plan for the child that is prepared pursuant to subsection 12;

(e) If applicable, the name of the public school in this State which the child most recently attended; and

(f) An optional statement that the parent may sign which provides:

I expressly prohibit the release of any information contained in this document, including, without limitation, directory information as defined in 20 U.S.C. § 1232g(a)(5)(A), without my prior written consent.

6. Each superintendent of schools of a school district shall accept notice of intent to homeschool that is filed with the superintendent pursuant to this section and meets the requirements of subsection 5, and shall not require or request any additional information or assurances from the parent who filed the notice.

7. The school district shall provide to a parent who files a notice a written acknowledgment which clearly indicates that the parent has provided notification required by law and that the child is being homeschooled. The written acknowledgment shall be deemed proof of compliance with Nevada's compulsory school attendance law. The school district shall retain a copy of the written acknowledgment for not less than 15 years. The written acknowledgment may be retained in electronic format.

8. The superintendent of schools of a school district shall process a written request for a copy of the records of the school district, or any information contained therein, relating to a child who is being or has been homeschooled not later than 5 days after receiving the request. The superintendent of schools may only release such records or information:

(a) To a person or entity specified by the parent of the child, or by the child if the child is at least 18 years of age, upon suitable proof of identity of the parent or child; or

(b) If required by specific statute.

9. If a child who is or was homeschooled seeks admittance or entrance to any school in this State, the school may use only commonly used practices in determining the academic ability, placement or eligibility of the child. If the child enrolls in a charter school, the charter school shall, to the extent practicable, notify the board of trustees of the school district in which the child resides of the child's enrollment in the charter school. Regardless of whether the charter school provides such notification to the board of trustees, the charter school may count the child who is enrolled for the purposes of the calculation of basic support pursuant to NRS 387.1233. A homeschooled child seeking admittance to public high school must comply with NRS 392.033.

10. A school or organization shall not discriminate in any manner against a child who is or was homeschooled.

11. Each school district shall allow homeschooled children to participate in all college entrance examinations offered in this State, including, without limitation, the SAT, the ACT, the Preliminary SAT and the National Merit Scholarship Qualifying Test. Each school district shall ensure that the homeschooled children who reside in the school district have adequate notice of the availability of information concerning such examinations on the Internet website of the school district maintained pursuant to NRS 389.004.

12. The parent of a child who is being homeschooled shall prepare an educational plan of instruction for the child in the subject areas of English ~~including reading, composition and writing,~~ *language arts*, mathematics, science and social studies, including history, geography, economics and government, as appropriate for the age and level of skill of the child as determined by the parent. The educational plan must be included in the notice of intent to homeschool filed pursuant to this section. If the educational plan contains the requirements of this section, the educational plan must not be used in any manner as a basis for denial of a notice of intent to homeschool that is otherwise complete. The parent must be prepared to present the educational plan of instruction and proof of the identity of the child to a court of law if required by the court. This subsection does not require a parent to ensure that each subject area is taught each year that the child is homeschooled.

13. No regulation or policy of the State Board, any school district or any other governmental entity may infringe upon the right of a parent to educate his or her child based on religious preference unless it is:

- (a) Essential to further a compelling governmental interest; and
- (b) The least restrictive means of furthering that compelling governmental interest.

14. As used in this section, "parent" means the parent, custodial parent, legal guardian or other person in this State who has control or charge of a child and the legal right to direct the education of the child.

Sec. 19. 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:

(a) The quality and content of each course of instruction, training or study reasonably and adequately achieve the stated objective for which the course or program is offered.

(b) The institution has adequate space, equipment, instructional materials and personnel to provide education of good quality.

(c) The education and experience qualifications of directors, administrators, supervisors and instructors reasonably ensure that the students will receive education consistent with the objectives of the course or program of study.

(d) The institution provides pupils and other interested persons with a catalog or brochure containing information describing the grades or programs offered, program objectives, length of school year or program, schedule of tuition, fees and all other charges and expenses necessary for completion of the course of study, cancellation and refund policies, and such other material facts concerning the institution as are reasonably likely to affect the decision of the parents or pupil to enroll in the institution, together with any other disclosures specified by the Superintendent or defined in the regulations of the Board, and the information is provided to parents or prospective pupils before enrollment.

(e) Upon satisfactory completion of training or instruction, the pupil is given appropriate educational credentials by the institution indicating that the course of instruction or study has been satisfactorily completed.

(f) Adequate records are maintained by the institution to show attendance, progress and performance.

(g) The institution is maintained and operated in compliance with all pertinent ordinances and laws, including regulations adopted relative to the safety and health of all persons upon the premises.

(h) The institution is financially sound and capable of fulfilling its commitments.

(i) Neither the institution nor its agents engage in advertising, sales, collection, credit or other practices of any type which are false, deceptive, misleading or unfair.

(j) The chief executive officer, trustees, directors, owners, administrators, supervisors, staff, instructors and agents are of good reputation and character.

(k) The pupil housing owned, maintained or approved by the institution, if any, is appropriate, safe and adequate.

(l) The institution has a fair and equitable cancellation and refund policy.

2. Accreditation by national or regional accrediting agencies recognized by the United States Department of Education, *including, without limitation, the Middle States Commission on Higher Education, the New England Association of Schools and Colleges, the North Central Association of Colleges and Schools, the Southern Association of Colleges and Schools and the Accrediting Commission for Schools, Western Association of Schools and Colleges*, may be accepted as evidence of compliance with the minimum standards established pursuant to this section. Accreditation by a recognized, specialized accrediting agency may be accepted as evidence of such compliance only as to the portion or program of an institution accredited by the agency if the institution as a whole is not accredited.

Sec. 20. NRS 120A.610 is hereby amended to read as follows:

120A.610 1. Except as otherwise provided in subsections 4 to 8, inclusive, all abandoned property other than money delivered to the Administrator under this chapter must, within 2 years after the delivery, be sold by the Administrator to the highest bidder at public sale in whatever manner affords, in his or her judgment, the most favorable market for the property. The Administrator may decline the highest bid and reoffer the property for sale if the Administrator considers the bid to be insufficient.

2. Any sale held under this section must be preceded by a single publication of notice, at least 3 weeks before sale, in a newspaper of general circulation in the county in which the property is to be sold.

3. The purchaser of property at any sale conducted by the Administrator pursuant to this chapter takes the property free of all claims of the owner or previous holder and of all persons claiming through or under them. The Administrator shall execute all documents necessary to complete the transfer of ownership.

4. Except as otherwise provided in subsection 5, the Administrator need not offer any property for sale if the Administrator considers that the probable cost of the sale will exceed the proceeds of the sale. The Administrator may destroy or otherwise dispose of such property or may transfer it to:

(a) The Nevada State Museum Las Vegas, the Nevada State Museum or the Nevada Historical Society, upon its written request, if the property has, in the opinion of the requesting institution, historical, artistic or literary value and is worthy of preservation; or

(b) A genealogical library, upon its written request, if the property has genealogical value and is not wanted by the Nevada State Museum Las Vegas, the Nevada State Museum or the Nevada Historical Society.

➤ An action may not be maintained by any person against the holder of the property because of that transfer, disposal or destruction.

5. The Administrator shall transfer property to the Department of Veterans Services, upon its written request, if the property has military value.

6. Securities delivered to the Administrator pursuant to this chapter may be sold by the Administrator at any time after the delivery. Securities listed on an established stock exchange must be sold at the prevailing price for that security on

the exchange at the time of sale. Other securities not listed on an established stock exchange may be sold:

(a) Over the counter at the prevailing price for that security at the time of sale; or

(b) By any other method the Administrator deems acceptable.

7. The Administrator shall hold property that was removed from a safe-deposit box or other safekeeping repository for 1 year after the date of the delivery of the property to the Administrator, unless that property is a will or a codicil to a will, in which case the Administrator shall hold the property for 10 years after the date of the delivery of the property to the Administrator. If no claims are filed for the property within that period and the Administrator determines that the probable cost of the sale of the property will exceed the proceeds of the sale, it may be destroyed.

8. All proceeds received by the Administrator from abandoned gift certificates must be accounted for separately in the Abandoned Property Trust Account in the State General Fund. At the end of each fiscal year, before any other money in the Abandoned Property Trust Account is transferred pursuant to NRS 120A.620, the balance in the subaccount created pursuant to this subsection, less any costs, service charges or claims chargeable to the subaccount, must be transferred to the Educational Trust Account, which is hereby created in the State General Fund. The money in the Educational Trust Account may be expended only as authorized by the Legislature, *if it is in session, or by the Interim Finance Committee, if the Legislature is not in session*, for educational purposes.

Sec. 21. NRS 385.060 and 390.400 are hereby repealed.

Sec. 22. This act becomes effective on July 1, 2015.

TEXT OF REPEALED SECTIONS

385.060 Seal. The Board shall adopt and use an official seal in authentication of its acts.

390.400 Approval for use in public schools; exception for charter schools; actions subject to review by State Board.

1. The Department 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 Department with respect to lists of books are subject to review and approval or disapproval by the State Board.