

SENATE BILL NO. 343—SENATORS SEEVERS GANSERT,
SETTELMEYER, PICKARD; HAMMOND, HARDY AND PARKS

MARCH 18, 2019

JOINT SPONSORS: ASSEMBLYMEN TOLLES, HARDY; AND HAFEN

Referred to Committee on Education

SUMMARY—Requires training for certain members of certain educational governing bodies and requires additional transparency for school expenditures. (BDR 34-548)

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

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

AN ACT relating to education; establishing requirements for training certain educational governing bodies; requiring each school district and charter school to report certain information to the Department of Education; requiring the automated system of accountability information for Nevada to include certain expenditures; requiring each member of the board of trustees of a school district to complete certain training within a certain timeframe after the election or appointment of the member; requiring certain conditions to be considered in the basic support guarantee; requiring a report that contains certain information for the preceding school year to include certain expenditures; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain training of newly elected or appointed members of the board of trustees of a school district (NRS 386.327) **Section 7** of this bill requires such a member to complete such training not later than 60 days after the election or appointment of the member.

Section 2 of this bill requires the Department of Education to adopt standards to provide for the initial training and continuing education of certain persons and educational governing bodies. **Section 2** establishes certain requirements for the



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training and continuing education. **Section 3** of this bill establishes certain standards for providers of the initial training and continuing education. **Section 4** of this bill requires the president of the board of trustees or the governing body of a charter school to announce the name of each member of the board of trustees or governing body who has: (1) completed the initial training or continuing education; (2) exceeded the number of required hours of initial training or continuing education; and (3) not completed the initial training or continuing education. **Section 5** of this bill requires the State Board of Education to commend any board of trustees and superintendent of a school district or governing body and principal of a charter school that complete at least 8 hours of training as a team.

Existing law requires that the basic support guarantee for each school district be calculated through an equity allocation model that incorporates certain information. (NRS 387.122) **Section 9** of this bill requires information related to conditions considered to be guaranteed to pupils by the Department, including, without limitation, class-size ratios by grade level, to be incorporated in the calculation. Existing law also requires each public school and charter school that receives certain funding to submit a report containing certain information. (NRS 387.139) **Section 10** of this bill requires the report to include the amount of certain types of funding and expenditures. **Section 8** of this bill requires each school district and each charter school to submit certain information for each school to the Department of Education, which must post the information on its Internet website. **Section 11** of this bill makes a conforming change.

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

Section 1. Chapter 385 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. 1. *The Department shall adopt, by regulation, standards for the contents and timing of initial training and continuing education, on an annual basis, on issues relating to outcomes, achievements and the well-being of pupils of:*

- (a) Members of the State Board;***
- (b) Members of the State Public Charter School Authority;***
- (c) Each member of the board of trustees of each school district in this State;***
- (d) Each member of the governing body of a charter school;***
- (e) The superintendent of schools of each school district; and***
- (f) The principal of each charter school.***

2. *The initial training and continuing education provided pursuant to subsection 1 must:*

- (a) Be provided by a provider registered with the Department pursuant to section 3 of this act;***
- (b) Use the standards adopted pursuant to subsection 1 for the initial training and continuing education provided to each person listed in subsection 1;***



(c) Assess the continuing education needs of each person listed in subsection 1, based on the standards adopted pursuant to subsection 1, to plan continuing education activities for the year;

(d) Include a review of the roles, rights and responsibilities of the State Board, State Public Charter School Authority, board of trustees of a school district, governing body of a charter school, superintendent of a school district and principal of a charter school as outlined in the standards adopted pursuant to subsection 1;

(e) Increase the efficiency of the State Board, State Public Charter School Authority, board of trustees of a school district, governing body of a charter school, superintendent of a school district or principal of a charter school to focus on the outcomes, achievements and the well-being of pupils; and

(f) Consist of a number of hours of training determined by the State Board, State Public Charter School Authority, board of trustees of a school district or governing body of a charter school, as applicable, which must be not less than 3 hours.

3. To the extent practicable, the State Board, the State Public Charter School Authority, the board of trustees of a school district or the governing body of a charter school shall participate in the initial training and continuing education as a group.

4. An initial training or a continuing education session must be open to any interested person, including, without limitation, a prospective board member.

5. If a school district provides initial training or continuing education to its own board of trustees or superintendent of the school district pursuant to section 3 of this act:

(a) At least 50 percent of the initial training or continuing education must be designed and delivered by a person not employed by or affiliated with the school district; and

(b) Not more than 1 hour of the initial training or continuing education may utilize materials or activities that are self-instructional.

6. Training provided by a registered provider pursuant to subsection 2 is not subject to the provisions of chapter 241 of NRS.

Sec. 3. 1. The Department shall adopt, by regulation, standards for a private or professional organization, private consultant, governmental agency or community college, state college or university to qualify to provide the initial training or continuing education required pursuant to section 2 of this act.

2. Except as otherwise provided in subsection 3, a provider of initial training or continuing education must register with the Department. The registration must include documentation of the training, experience and expertise of the provider in the areas



covered by the standards adopted by the Department pursuant to section 2 of this act. A provider must update its registration with the Department every 3 years.

3. A school district may provide the initial training or continuing education required pursuant to section 2 of this act to its own board of trustees and superintendent of the school district. A school district that provides its own initial training or continuing education is not required to register with the Department.

4. A registered provider or school district providing its own initial training or continuing education shall verify the completion of the training or continuing education to each individual participant and to the school district of the participant. The verification must include the registration number of the provider, if applicable.

5. A registered provider or the board of trustees of a school district providing its own initial training or continuing education shall charge a registration fee to each individual participant to cover the costs of providing the initial training or continuing education.

Sec. 4. 1. At the last regular meeting held by the board of trustees of a school district or the governing body of a charter school during each calendar year, the president of the board of trustees or the governing body shall announce the name of each member of the board of trustees or governing body who has:

(a) Completed the initial training or continuing education required pursuant to section 2 of this act.

(b) Exceeded the number of required hours of initial training or continuing education.

(c) Not completed the initial training or continuing education.

2. The announcement required by subsection 1 must state that completing the initial training or continuing education is a basic obligation and expectation of a sitting member of the board of trustees or governing body.

3. The president or governing body shall ensure that the minutes of a meeting during which an announcement is made pursuant to subsection 1 reflect such announcement and shall make the information publicly available.

Sec. 5. Each year, the State Board shall commend the board of trustees of a school district, governing body of a charter school, superintendent of a school district or principal of a charter school that, as a team, completes at least 8 hours of the continuing education required pursuant to section 2 of this act.



Sec. 6. NRS 385A.800 is hereby amended to read as follows:

385A.800 1. The Department shall establish and maintain an automated system of accountability information for Nevada. The system must:

(a) Have the capacity to provide and report information, including, without limitation, the results of the achievement of pupils:

(1) In the manner required by 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, and NRS 385A.070 and 385A.400; and

(2) In a separate reporting for each group of pupils identified in the statewide system of accountability for public schools;

(b) Include a system of unique identification for each pupil:

(1) To ensure that individual pupils may be tracked over time throughout this State;

(2) That, to the extent practicable, may be used for purposes of identifying a pupil for both the public schools and the Nevada System of Higher Education, if that pupil enrolls in the System after graduation from high school; and

(3) Which must, to the extent money is available for this purpose, include, without limitation, a unique identifier for each pupil whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard in a manner that will allow for the disaggregation of each category;

(c) Have the capacity to provide longitudinal comparisons of the academic achievement, rate of attendance and rate of graduation of pupils over time throughout this State;

(d) Have the capacity to perform a variety of longitudinal analyses of the results of individual pupils on assessments, including, without limitation, the results of pupils by classroom and by school;

(e) Have the capacity to identify which teachers are assigned to individual pupils;

(f) Have the capacity to provide other information concerning schools and school districts that is not linked to individual pupils, including, without limitation, the ratings of schools and, if available, school districts pursuant to the statewide system of accountability for public schools and an identification of which schools, if any, are persistently dangerous;

(g) Have the capacity to access financial accountability information for each public school, including, without limitation, each charter school, for each school district and for this State as a whole; ~~and~~



(h) Be designed to improve the ability of the Department, the sponsors of charter schools, the school districts and the public schools in this State, including, without limitation, charter schools, to account for the pupils who are enrolled in the public schools, including, without limitation, charter schools ~~and~~; *and*

(i) Have the capacity to report school-level expenditures, including, without limitation, class-size ratios and the number of school-level administrators and paraprofessionals.

↪ The information maintained pursuant to paragraphs (c), (d) and (e) must be used for the purpose of improving the achievement of pupils and improving classroom instruction.

2. The Department shall establish, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, a mechanism by which persons or entities, including, without limitation, state officers who are members of the Executive or Legislative Branch, administrators of public schools and school districts, teachers and other educational personnel, and parents and guardians, will have different types of access to the accountability information contained within the automated system to the extent that such information is necessary for the performance of a duty or to the extent that such information may be made available to the general public without posing a threat to the confidentiality of an individual pupil.

3. On or before December 31 of each year, the Department shall share with the Interagency Council on Veterans Affairs aggregate data collected pursuant to subsection 1 concerning each pupil whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard.

4. The Department may, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, enter into an agreement with the Nevada System of Higher Education to provide access to data contained within the automated system for research purposes.

Sec. 7. NRS 386.327 is hereby amended to read as follows:

386.327 1. Each person who is elected or appointed to serve as a member of the board of trustees of a school district shall complete training for professional development ~~[during the first and third year of the term]~~ *not later than 60 days after the election or appointment* of the member which must include not less than 6 hours of instruction covering:

(a) Laws relating to public records, including, without limitation, the provisions of chapter 239 of NRS;



(b) The Open Meeting Law, including, without limitation, the provisions of chapter 241 of NRS;

(c) Local government employee-management relations, including, without limitation, the provisions of chapter 288 of NRS;

(d) The system of K-12 public education in this State, including, without limitation, the provisions of title 34 of NRS;

(e) Local government ethics, including, without limitation, the provisions of chapter 281A of NRS;

(f) The manner in which to identify and prevent violence in public schools, including, without limitation, sexual violence;

(g) Financial management, including, without limitation, information concerning oversight, accountability and audits;

(h) The fiduciary duties of a member of the board of trustees of a school district, including, without limitation, the provisions of this chapter; and

(i) Laws relating to employment and contracts.

2. A member of the board of trustees of a school district shall provide written certification of completion of the training required by this section to the clerk of the board of trustees.

3. If a member fails to complete the training or to provide the written certification of completion which is required by this section, the clerk must post notice of such noncompliance in a conspicuous manner on the Internet website of the board of trustees. The clerk must also provide written notice of the noncompliance to the other members of the board of trustees.

4. The clerk of the board of trustees shall assist each member of the board as necessary to complete the training required pursuant to this section.

Sec. 8. Chapter 387 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each school district and each charter school shall provide to the Department the following information for each public school in the school district or the charter school, as applicable:

(a) The basic support guarantee for each pupil in the school;

(b) The average class size;

(c) The number of teachers employed by the public school;

(d) The number of elective and specialist teachers employed by the public school;

(e) The number of instructional facilitators and coaches employed by the public school;

(f) The number of library and media specialists employed by the public school;

(g) The number of guidance counselors employed by the public school;



(h) *The number of principals and assistant principals employed by the public school;*

(i) *The number of secretarial and clerical employees employed by the public school; and*

(j) *The amount of money received to support the operations of the public school other than the basic support guarantee, divided by the number of pupils enrolled in the public school and expressed as a per pupil amount.*

2. *The Department shall post the information received pursuant to subsection 1 on its Internet website.*

Sec. 9. NRS 387.122 is hereby amended to read as follows:

387.122 1. For making the apportionments of the State Distributive School Account in the State General Fund required by the provisions of this title, the basic support guarantee per pupil for each school district is established by law for each school year. The formula for calculating the basic support guarantee may be expressed as an estimated weighted average per pupil, based on the total expenditures for public education in the immediately preceding even-numbered fiscal year, plus any legislative appropriations for the immediately succeeding biennium, minus those local funds not guaranteed by the State pursuant to NRS 387.163.

2. The estimated weighted average per pupil for the State must be calculated as a basic support guarantee for each school district through an equity allocation model that incorporates:

(a) Factors relating to wealth in the school district;

(b) Salary costs;

(c) Transportation; ~~and~~

(d) *Conditions that are considered to be guaranteed to pupils by the Department, including, without limitation, class-size ratios by grade level; and*

(e) Any other factor determined by the Superintendent of Public Instruction after consultation with the school districts and the State Public Charter School Authority.

3. The basic support guarantee per pupil must include a statewide multiplier for pupils with disabilities. Except as otherwise provided in this section, the funding provided to each school district and charter school through the multiplier for pupils with disabilities is limited to the actual number of pupils with disabilities enrolled in the school district or charter school, not to exceed 13 percent of total pupil enrollment for the school district or charter school.

4. Except as otherwise provided in this subsection, if a school district or charter school has reported an enrollment of pupils with disabilities equal to more than 13 percent of total pupil enrollment, the school district or charter school must receive, for each such additional pupil, an amount of money equal to one-half of the



1 statewide multiplier then in effect for pupils with disabilities. An
2 apportionment made to a school district or charter school pursuant
3 to this subsection is subject to change from year to year in
4 accordance with the number of pupils with disabilities enrolled in
5 the school district or charter school. If the money available for
6 apportionment pursuant to this subsection is insufficient to make
7 the apportionment otherwise required by this subsection, the
8 Superintendent of Public Instruction shall proportionately reduce the
9 amount so apportioned to each school district and charter school.
10 The Department shall account separately for any money apportioned
11 pursuant to this subsection.

12 5. Not later than July 1 of each even-numbered year, the
13 Superintendent of Public Instruction shall review and, if necessary,
14 revise the factors used for the equity allocation model adopted for
15 the previous biennium and present the review and any revisions at a
16 meeting of the Legislative Committee on Education for
17 consideration and recommendations by the Committee. After the
18 meeting, the Superintendent of Public Instruction shall consider any
19 recommendations of the Legislative Committee on Education,
20 determine whether to include those recommendations in the equity
21 allocation model and adopt the model. The Superintendent of Public
22 Instruction shall submit the equity allocation model to the:

23 (a) Governor for inclusion in the proposed executive budget.

24 (b) Director of the Legislative Counsel Bureau for transmittal to
25 the next regular session of the Legislature.

26 6. The Department shall make available updated information
27 regarding the equity allocation model on the Internet website
28 maintained by the Department.

29 **Sec. 10.** NRS 387.139 is hereby amended to read as follows:

30 387.139 1. The Department shall prescribe school
31 achievement targets and performance targets which must be used by
32 a public school that receives money pursuant to NRS 387.131 to
33 evaluate and track the performance of pupils who receive services
34 pursuant to NRS 387.133. The school achievement targets and
35 performance targets prescribed by the Department must be aligned
36 to the statewide system of accountability for public schools.

37 2. Each public school that receives money pursuant to NRS
38 387.131 shall submit, on or before a date prescribed by the board of
39 trustees of the school district in which the public school is located or
40 the sponsor of the charter school, as applicable, a report to the
41 school district or sponsor which uses the school achievement targets
42 and performance targets prescribed by the Department to measure
43 the effectiveness of the public school in providing services pursuant
44 to NRS 387.133.



3. On or before November 30 of each year, the board of trustees of a school district and the sponsor of a charter school shall gather the reports submitted by each public school located in the school district or sponsored by the sponsor, as applicable, which contains information for the preceding school year and submit a report to the Department which contains such information for all public schools located in the school district or sponsored by the sponsor. *The report must include school-level, per-pupil expenditures, including, without limitation, the amount of federal, state and local funds and the actual personnel and nonpersonnel expenditures of such funds disaggregated by the source of the funds for each school district, each school within a school district and each charter school for the preceding fiscal year.*

4. The Department shall contract with an independent evaluator to evaluate the effectiveness of services provided pursuant to NRS 387.133. The evaluation must include, without limitation, a determination of whether each public school is making an effective use of the money received by the public school pursuant to NRS 387.131 and an identification of services which have been identified to offer the greatest and the least improvement to pupil performance. The evaluation must be provided on or before February 1 of:

(a) Each even-numbered year to the Legislative Committee on Education.

(b) Each odd-numbered year to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

Sec. 11. NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 289.387, 295.121, 360.247, 388.261, 388A.495, 388C.150, 388G.710, 388G.730, 392.147, 392.467, 394.1699, 396.3295, 433.534, 435.610, 463.110, 622.320, 622.340, 630.311,



630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, *and section 2 of this act*, which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

↪ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 12. 1. On or before July 1, 2020, the Department of Education shall provide for the initial training of 16 of the persons and educational governing bodies required to receive training pursuant to section 2 of this act.

2. On or before July 1, 2021, the Department of Education shall provide for the initial training of the remaining three persons and educational governing bodies required to receive training pursuant to section 2 of this act and for the continuing education of the 16 persons and educational governing bodies that received initial training pursuant to subsection 1.

3. For each year thereafter, the Department of Education shall provide for the initial training of new members of educational governing bodies and for the continuing education of all of the persons and educational governing bodies required to receive training pursuant to section 2 of this act.

Sec. 13. This act becomes effective on July 1, 2019.

