

SENATE BILL NO. 365—SENATOR MCGINNESS

MARCH 21, 2011

Referred to Committee on Education

SUMMARY—Eliminates certain mandates pertaining to school districts and public schools in this State. (BDR 34-184)

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

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

AN ACT relating to education; eliminating certain requirements imposed by statute on school districts and public schools in this State; authorizing the board of trustees of each school district to review certain plans, policies, programs and procedures; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Under existing law, the board of trustees of each school district is required to
- 2 adopt a policy to engage certain administrators in the classroom. (NRS 391.235)
- 3 **Section 21.5** of this bill makes the adoption of such a policy permissive rather than
- 4 mandatory.
- 5 Under existing federal law, a school which is served under Title I and which is
- 6 identified as needing improvement pursuant to the federal law is required to
- 7 develop and implement a school improvement plan. (20 U.S.C. § 6316(b)(3)) Also
- 8 under existing federal law, a school district which is served under Title I and which
- 9 is identified as needing improvement pursuant to the federal law is required to
- 10 develop and implement a plan for improvement for the school district. (20 U.S.C. §
- 11 6316(c)(7)) Under existing state law, the board of trustees of each school district is
- 12 required to prepare a plan to improve the achievement of pupils enrolled in the
- 13 school district. (NRS 385.348) This bill repeals that state statutory requirement.
- 14 Under existing law, school districts and in this State are required to adopt a
- 15 policy providing for the creation of small learning communities for certain pupils
- 16 enrolled in middle school or junior high school and high school. (NRS 388.171,
- 17 388.215) This bill repeals these statutory requirements.
- 18 Under existing law, the boards of trustees of school districts are required to
- 19 enforce in the public schools the use of textbooks prescribed by the State Board of
- 20 Education. (NRS 390.220) This bill repeals that statutory requirement.
- 21 Under existing law, effective on July 1, 2011, an academic plan must be
- 22 developed for each pupil enrolled in middle school or junior high school in



23 accordance with a policy adopted by the board of trustees of the school district.
24 **Section 36.5** of this bill extends the date for adoption of such a policy to January 1,
25 2013, for implementation beginning with the 2013-2014 school year.

26 **Section 37.5** of this bill authorizes the board of trustees of each school district
27 to review certain plans, policies, programs and procedures. If the board of trustees
28 of a school district conducts such a review, the board of trustees is required to
29 prepare a written report on the plans, policies, programs and procedures which the
30 board of trustees determines place an unfunded mandate and an undue financial
31 hardship on the school district and submit the written report, on or before August 1,
32 2012, to the Legislative Committee on Education and the Director of the
33 Legislative Counsel Bureau for transmittal to the next regular session of the
34 Legislature.

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

1 **Section 1.** (Deleted by amendment.)

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

3 **Sec. 3.** NRS 385.359 is hereby amended to read as follows:

4 385.359 1. The Bureau shall contract with a person or entity
5 to:

6 (a) Review and analyze, in accordance with the standards
7 prescribed by the Committee pursuant to subsection 2 of NRS
8 218E.615, the:

9 (1) Annual report of accountability prepared by:

10 (I) The State Board pursuant to NRS 385.3469; and

11 (II) The board of trustees of each school district pursuant
12 to NRS 385.347.

13 (2) Plan to improve the achievement of pupils prepared by:

14 (I) The State Board pursuant to NRS 385.34691; *and*

15 (II) ~~the board of trustees of each school district pursuant~~
16 ~~to NRS 385.348; and~~

17 ~~—(III)—~~ Each school pursuant to NRS 385.357 identified by
18 the Bureau for review, if any, or if such a plan has not been
19 prepared, the turnaround plan for the schools identified by the
20 Bureau, if any, implemented pursuant to NRS 385.37603 or the plan
21 for restructuring the school implemented pursuant to NRS
22 385.37607, as applicable.

23 (b) Submit a written report to and consult with the State Board
24 and the Department regarding any methods by which the State
25 Board may improve the accuracy of the report of accountability
26 required pursuant to NRS 385.3469 and the plan to improve the
27 achievement of pupils required pursuant to NRS 385.34691, and the
28 purposes for which the report and plan to improve are used.

29 (c) Submit a written report to and consult with each school
30 district regarding any methods by which the district may improve



1 the accuracy of the report required pursuant to subsection 2 of NRS
2 385.347 ~~[and the plan to improve the achievement of pupils required~~
3 ~~pursuant to NRS 385.348,]~~ and the purposes for which the report
4 ~~[and plan to improve are]~~ is used.

5 (d) If requested by the Bureau, submit a written report to and
6 consult with individual schools identified by the Bureau regarding
7 any methods by which the school may improve the accuracy of the
8 information required to be reported for the school pursuant to
9 subsection 2 of NRS 385.347 and the:

10 (1) Plan to improve the achievement of pupils required
11 pursuant to NRS 385.357;

12 (2) Turnaround plan for the school implemented pursuant to
13 NRS 385.37603; or

14 (3) Plan for restructuring the school implemented pursuant to
15 NRS 385.37607,

16 ↪ whichever is applicable for the school.

17 (e) Submit written reports and any recommendations to the
18 Committee and the Bureau concerning:

19 (1) The effectiveness of the provisions of NRS 385.3455 to
20 385.391, inclusive, in improving the accountability of the schools of
21 this State;

22 (2) The status of each school district that is designated as
23 demonstrating need for improvement pursuant to NRS 385.377 and
24 each school that is designated as demonstrating need for
25 improvement pursuant to NRS 385.3623; and

26 (3) Any other matter related to the accountability of the
27 public schools of this State, as deemed necessary by the Bureau.

28 2. The consultant with whom the Bureau contracts to perform
29 the duties required pursuant to subsection 1 must possess the
30 experience and knowledge necessary to perform those duties, as
31 determined by the Committee.

32 **Sec. 4.** (Deleted by amendment.)

33 **Sec. 5.** (Deleted by amendment.)

34 **Sec. 6.** (Deleted by amendment.)

35 **Sec. 7.** (Deleted by amendment.)

36 **Sec. 8.** (Deleted by amendment.)

37 **Sec. 9.** NRS 385.3785 is hereby amended to read as follows:

38 385.3785 1. The Commission shall:

39 (a) Establish a program of educational excellence designed
40 exclusively for pupils enrolled in kindergarten through grade 6 in
41 public schools in this State based upon:

42 (1) The plan to improve the achievement of pupils prepared
43 by the State Board pursuant to NRS 385.34691;



1 (2) The ~~plan to improve the achievement of pupils prepared~~
2 ~~by the board of trustees of each school district pursuant to~~
3 ~~NRS 385.348;~~

4 ~~— (3) The~~ plan to improve the achievement of pupils prepared
5 by the principal of each school pursuant to NRS 385.357, which
6 may include a program of innovation, the turnaround plan for the
7 school implemented pursuant to NRS 385.37603 or the plan for
8 restructuring the school implemented pursuant to NRS 385.37607,
9 whichever is applicable for the school; and

10 ~~(4)~~ (3) Any other information that the Commission
11 considers relevant to the development of the program of educational
12 excellence.

13 (b) Identify programs, practices and strategies that have proven
14 effective in improving the academic achievement and proficiency of
15 pupils.

16 (c) Develop a concise application and simple procedures for the
17 submission of applications by public schools and consortiums of
18 public schools, including, without limitation, charter schools, for
19 participation in a program of educational excellence and for grants
20 of money from the Account. Grants of money must be made for
21 programs designed for the achievement of pupils that are linked to
22 the plan to improve the achievement of pupils or for innovative
23 programs, or both, or that are linked to the turnaround plan for the
24 school or the plan for restructuring the school, if applicable, or for
25 innovative programs, or both. The Commission shall not award a
26 grant of money from the Account for a program to provide full-day
27 kindergarten. All public schools and consortiums of public schools,
28 including, without limitation, charter schools, are eligible to submit
29 such an application, regardless of whether the schools have made
30 adequate yearly progress or failed to make adequate yearly progress.
31 A public school or a consortium of public schools selected for
32 participation may be approved by the Commission for participation
33 for a period not to exceed 2 years, but may reapply.

34 (d) Prescribe a long-range timeline for the review, approval and
35 evaluation of applications received from public schools and
36 consortiums of public schools that desire to participate in the
37 program.

38 (e) Establish guidelines for the review, evaluation and approval
39 of applications for grants of money from the Account, including,
40 without limitation, consideration of the list of priorities of public
41 schools provided by the Department pursuant to subsection 6. To
42 ensure consistency in the review, evaluation and approval of
43 applications, if the guidelines authorize the review and evaluation of
44 applications by less than the entire membership of the Commission,
45 money must not be allocated from the Account for a grant until the



1 entire membership of the Commission has reviewed and approved
2 the application for the grant.

3 (f) Prescribe accountability measures to be carried out by a
4 public school that participates in the program if that public school
5 does not meet the annual measurable objectives established by the
6 State Board pursuant to NRS 385.361, including, without limitation:

7 (1) The specific levels of achievement expected of schools
8 that participate; and

9 (2) Conditions for schools that do not meet the grant criteria
10 but desire to continue participation in the program and receive
11 money from the Account, including, without limitation, a review of
12 the leadership at the school and recommendations regarding changes
13 to the appropriate body.

14 (g) Determine the amount of money that is available from the
15 Account for those public schools and consortiums of public schools
16 that are selected to participate in the program.

17 (h) Allocate money to public schools and consortiums of public
18 schools from the Account. Allocations must be distributed not later
19 than August 15 of each year.

20 (i) Establish criteria for public schools and consortiums of
21 public schools that participate in the program and receive an
22 allocation of money from the Account to evaluate the effectiveness
23 of the allocation in improving the achievement of pupils, including,
24 without limitation, a detailed analysis of:

25 (1) The achievement of pupils enrolled at each school that
26 received money from the allocation based upon measurable criteria
27 identified in, as applicable, the:

28 (I) Plan to improve the achievement of pupils for the
29 school prepared pursuant to NRS 385.357;

30 (II) Turnaround plan for the school implemented pursuant
31 to NRS 385.37603; or

32 (III) Plan for restructuring the school implemented
33 pursuant to NRS 385.37607;

34 (2) If applicable, the effectiveness of the program of
35 innovation on the achievement of pupils and the overall
36 effectiveness for pupils and staff;

37 (3) The implementation of the applicable plans for
38 improvement, including, without limitation, an analysis of whether
39 the school is meeting the measurable objectives identified in the
40 plan; and

41 (4) The attainment of measurable progress on the annual list
42 of adequate yearly progress of school districts and schools.

43 2. To the extent money is available, the Commission shall
44 make allocations of money to public schools and consortiums of
45 public schools for effective programs for grades 7 through 12 that



1 are designed to improve the achievement of pupils and effective
2 programs of innovation for pupils. In making such allocations, the
3 Commission shall comply with the requirements of this section.

4 3. An application submitted pursuant to this section must
5 include a written statement which:

6 (a) Indicates whether the public school or consortium of public
7 schools is submitting the application for the continuation of an
8 existing program or for the establishment of a new program; and

9 (b) Identifies all other sources of money that the public school
10 or consortium of public schools has requested or received for the
11 continuation or establishment of:

12 (1) The program for which the application is submitted; or

13 (2) A substantially similar program.

14 4. The Commission shall ensure, to the extent practicable, that
15 grants of money provided pursuant to this section reflect the
16 economic and geographic diversity of this State.

17 5. If a public school or consortium of public schools that
18 receives money pursuant to subsection 1 or 2:

19 (a) Does not meet the criteria for effectiveness as prescribed in
20 paragraph (i) of subsection 1;

21 (b) Does not, as a result of the program for which the grant of
22 money was awarded, show improvement in the achievement of
23 pupils, as determined in an evaluation conducted pursuant to
24 subsection 3 of NRS 385.379; or

25 (c) Does not implement the program for which the money was
26 received, as determined in an audit conducted pursuant to subsection
27 4 of NRS 385.3789 or an evaluation conducted pursuant to
28 subsection 3 of NRS 385.379,

29 ➤ over a 2-year period, the Commission may consider not awarding
30 future allocations of money to that public school or consortium of
31 public schools.

32 6. On or before July 1 of each year, the Department shall
33 provide a list of priorities of public schools that indicates:

34 (a) The adequate yearly progress status of schools in the
35 immediately preceding year; and

36 (b) The public schools that are considered Title I eligible by the
37 Department based upon the poverty level of the pupils enrolled in a
38 school in comparison to the poverty level of the pupils in the school
39 district as a whole,

40 ➤ for consideration by the Commission in its development of
41 procedures for the applications.

42 7. A public school, including, without limitation, a charter
43 school, or a consortium of public schools may request assistance
44 from the school district in which the school is located in preparing
45 an application for a grant of money pursuant to this section. A



1 school district shall assist each public school or consortium of
2 public schools that requests assistance pursuant to this subsection to
3 ensure that the application of the school:

4 (a) Is based directly upon, as applicable, the:

5 (1) Plan to improve the achievement of pupils prepared for
6 the school pursuant to NRS 385.357;

7 (2) Turnaround plan for the school implemented pursuant to
8 NRS 385.37603; or

9 (3) Plan for restructuring the school implemented pursuant to
10 NRS 385.37607;

11 (b) Is developed in accordance with the criteria established by
12 the Commission; and

13 (c) Is complete and complies with all technical requirements for
14 the submission of an application.

15 ➔ A school district may make recommendations to the individual
16 schools and consortiums of public schools. Such schools and
17 consortiums of public schools are not required to follow the
18 recommendations of a school district.

19 8. In carrying out the requirements of this section, the
20 Commission shall review and consider the programs of remedial
21 study adopted by the Department pursuant to NRS 385.389, the list
22 of approved providers of supplemental educational services
23 maintained by the Department pursuant to NRS 385.384 and the
24 recommendations submitted by the Committee pursuant to NRS
25 218E.615 concerning programs, practices and strategies that have
26 proven effective in improving the academic achievement and
27 proficiency of pupils.

28 9. The Commission shall not award a grant of money from the
29 Account for a program of remedial study that is available
30 commercially unless that program has been adopted by the
31 Department pursuant to NRS 385.389.

32 10. If a consortium of public schools is formed for the purpose
33 of submitting an application pursuant to this section, the public
34 schools within the consortium do not need to be located within the
35 same school district.

36 **Sec. 10.** (Deleted by amendment.)

37 **Sec. 11.** (Deleted by amendment.)

38 **Sec. 12.** (Deleted by amendment.)

39 **Sec. 13.** (Deleted by amendment.)

40 **Sec. 14.** (Deleted by amendment.)

41 **Sec. 15.** (Deleted by amendment.)

42 **Sec. 16.** (Deleted by amendment.)

43 **Sec. 17.** (Deleted by amendment.)

44 **Sec. 18.** (Deleted by amendment.)

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



1 **Sec. 20.** (Deleted by amendment.)

2 **Sec. 21.** (Deleted by amendment.)

3 **Sec. 21.5.** NRS 391.235 is hereby amended to read as follows:

4 391.235 1. The board of trustees of each school district
5 ~~[shall]~~ *may* adopt a policy that sets forth procedures and conditions
6 for a program to engage administrators employed by the school
7 district at the district level in annual classroom instruction,
8 observation and other activities in a manner that is appropriate for
9 the responsibilities, position and duties of the administrators. ~~[The]~~
10 *If the board of trustees adopts such a policy, the* policy must
11 require each administrator employed by the school district at the
12 district level to:

13 (a) If the administrator holds a license to teach, provide
14 instruction in a core academic subject in a classroom for at least 1
15 regularly scheduled full instructional day in each school year; or

16 (b) If the administrator does not hold a license to teach:

17 (1) Personally observe a classroom for at least one-half of a
18 regularly scheduled full instructional day in each school year; or

19 (2) Otherwise participate in activities with pupils in the
20 classroom in each school year, including, without limitation, serving
21 as a guest speaker in the classroom, reading to pupils in elementary
22 school and participating in career day.

23 2. ~~[A]~~ *If the board of trustees of a school district adopts a*
24 *policy pursuant to subsection 1, a* district-level administrator may
25 choose a school within the school district at which the administrator
26 will carry out the ~~[requirements]~~ *provisions* of this section.

27 3. ~~[An]~~ *If the board of trustees of a school district adopts a*
28 *policy pursuant to subsection 1, an* administrator who provides
29 instruction pursuant to paragraph (a) of subsection 1 must be
30 assigned as a substitute teacher for the full instructional day in
31 which the administrator carries out the ~~[requirements]~~ *provisions* of
32 this section.

33 4. The provisions of this section do not apply to administrators
34 who are employed by a school district to provide administrative
35 service at the school level, including, without limitation, a principal
36 or vice principal.

37 5. As used in this section, “core academic subject” means the
38 core academic subjects designated pursuant to NRS 389.018.

39 **Sec. 22.** NRS 391.298 is hereby amended to read as follows:

40 391.298 If the board of trustees of a school district or the
41 superintendent of schools of a school district schedules a day or
42 days for the professional development of teachers or administrators
43 employed by the school district:



1 1. The primary focus of that scheduled professional
2 development must be to improve the achievement of the pupils
3 enrolled in the school district, as set forth in the:

4 (a) ~~[Plan to improve the achievement of pupils enrolled in the~~
5 ~~school district prepared pursuant to NRS 385.348;~~

6 ~~—(b)]~~ Plan to improve the achievement of pupils prepared
7 pursuant to NRS 385.357;

8 ~~[(e)]~~ (b) Turnaround plan for the school implemented pursuant
9 to NRS 385.37603; or

10 ~~[(d)]~~ (c) Plan for restructuring the school implemented pursuant
11 to NRS 385.37607,

12 ↪ as applicable.

13 2. The scheduled professional development must be structured
14 so that teachers attend professional development that is designed for
15 the specific subject areas or grades taught by those teachers.

16 **Sec. 23.** NRS 391.540 is hereby amended to read as follows:

17 391.540 1. The governing body of each regional training
18 program shall:

19 (a) Adopt a training model, taking into consideration other
20 model programs, including, without limitation, the program used by
21 the Geographic Alliance in Nevada.

22 (b) Assess the training needs of teachers and administrators who
23 are employed by the school districts within the primary jurisdiction
24 of the regional training program and adopt priorities of training for
25 the program based upon the assessment of needs. The board of
26 trustees of each such school district may submit recommendations to
27 the appropriate governing body for the types of training that should
28 be offered by the regional training program.

29 (c) In making the assessment required by paragraph (b) ~~[, review~~
30 ~~the plans to improve the achievement of pupils prepared pursuant to~~
31 ~~NRS 385.348 by the school districts within the primary jurisdiction~~
32 ~~of the regional training program]~~ and ~~[,]~~ as deemed necessary by the
33 governing body, review the:

34 (1) Plans to improve the achievement of pupils prepared
35 pursuant to NRS 385.357;

36 (2) Turnaround plans for schools implemented pursuant to
37 NRS 385.37603; and

38 (3) Plans for restructuring schools implemented pursuant to
39 NRS 385.37607,

40 ↪ for individual schools within the primary jurisdiction of the
41 regional training program.

42 (d) Prepare a 5-year plan for the regional training program,
43 which includes, without limitation:



1 (1) An assessment of the training needs of teachers and
2 administrators who are employed by the school districts within the
3 primary jurisdiction of the regional training program; and

4 (2) Specific details of the training that will be offered by the
5 regional training program for the first 2 years covered by the plan.

6 (e) Review the 5-year plan on an annual basis and make
7 revisions to the plan as are necessary to serve the training needs of
8 teachers and administrators employed by the school districts within
9 the primary jurisdiction of the regional training program.

10 2. The Department, the Nevada System of Higher Education
11 and the board of trustees of a school district may request the
12 governing body of the regional training program that serves the
13 school district to provide training, participate in a program or
14 otherwise perform a service that is in addition to the duties of the
15 regional training program that are set forth in the plan adopted
16 pursuant to this section or otherwise required by statute. An entity
17 may not represent that a regional training program will perform
18 certain duties or otherwise obligate the regional training program as
19 part of an application by that entity for a grant unless the entity has
20 first obtained the written confirmation of the governing body of the
21 regional training program to perform those duties or obligations.
22 The governing body of a regional training program may, but is not
23 required to, grant a request pursuant to this subsection.

24 **Sec. 24.** (Deleted by amendment.)

25 **Sec. 25.** (Deleted by amendment.)

26 **Sec. 26.** (Deleted by amendment.)

27 **Sec. 27.** (Deleted by amendment.)

28 **Sec. 28.** (Deleted by amendment.)

29 **Sec. 29.** (Deleted by amendment.)

30 **Sec. 30.** (Deleted by amendment.)

31 **Sec. 31.** (Deleted by amendment.)

32 **Sec. 32.** (Deleted by amendment.)

33 **Sec. 33.** (Deleted by amendment.)

34 **Sec. 34.** (Deleted by amendment.)

35 **Sec. 35.** (Deleted by amendment.)

36 **Sec. 36.** (Deleted by amendment.)

37 **Sec. 36.5.** Section 7 of chapter 311, Statutes of Nevada 2009,
38 at page 1334, is hereby amended to read as follows:

39 Sec. 7. 1. *The board of trustees of each school*
40 *district shall adopt the policy required by section 2 of this*
41 *act not later than January 1, 2013, for implementation*
42 *beginning with the 2013-2014 School Year. On or before*
43 *June 1, 2012, the board of trustees of each school district*
44 *shall provide a report to the Superintendent of Public*
45 *Instruction on the status of the adoption of the policy*



1 *required by section 2 of this act, including, without*
2 *limitation, a plan for the implementation of that policy*
3 *beginning with the 2013-2014 School Year. On or before*
4 *July 1, 2012, the Superintendent of Public Instruction shall*
5 *compile the reports and provide a report of the compilation*
6 *to the Legislative Committee on Education.*

7 2. The board of trustees of each school district shall
8 adopt the policies required by sections ~~2, 3, 5 and 6~~ of this
9 act not later than January 1, 2011, for implementation
10 beginning with the 2011-2012 School Year.

11 ~~2, 3.~~ 3. On or before June 1, 2010, the board of trustees
12 of each school district shall provide a report to the
13 Superintendent of Public Instruction on the status of the
14 adoption of the policies required by sections ~~2, 3, 5 and 6~~
15 of this act, including, without limitation, a plan for
16 implementation of those policies beginning with the 2011-
17 2012 School Year. On or before July 1, 2010, the
18 Superintendent of Public Instruction shall compile the reports
19 and provide a report of the compilation to the Legislative
20 Committee on Education.

21 **Sec. 36.7.** Section 8 of chapter 311, Statutes of Nevada 2009,
22 at page 1334, is hereby amended to read as follows:

23 Sec. 8. 1. This section and section 7 of this act
24 become effective on July 1, 2009.

25 2. Sections ~~2, 3~~ 3 to 6, inclusive, of this act become
26 effective on July 1, 2009, for the purpose of adopting the
27 policies required by sections ~~2, 3, 5 and 6~~ of this act and on
28 July 1, 2011, for all other purposes.

29 *3. Section 2 of this act becomes effective on July 1,*
30 *2009, for the purpose of adopting the policy required by that*
31 *section and on July 1, 2013, for all other purposes.*

32 **Sec. 37.** NRS 385.348, 388.171, 388.215 and 390.220 are
33 hereby repealed.

34 **Sec. 37.5.** 1. The board of trustees of each school district
35 may review the plans, policies, programs and procedures that the
36 board of trustees is required to implement pursuant to title 34 of
37 NRS or pursuant to federal law to determine which plans, policies,
38 programs and procedures place an unfunded mandate and an undue
39 financial hardship upon the school district. If the board of trustees of
40 a school district conducts such a review, the review must include,
41 without limitation, the:

- 42 (a) Plans to improve the academic achievement of pupils;
43 (b) Academic plans for certain pupils enrolled in middle school
44 or junior high school and high school;
45 (c) Policies for peer mentoring;



- 1 (d) Policies for the provision of a safe and respectful learning
2 environment;
- 3 (e) Policies for pupil-led conferences;
- 4 (f) Plans for the implementation of statutes;
- 5 (g) Procedures for reporting the use of physical restraint and
6 mechanical restraint;
- 7 (h) Procedures for the creation of advisory boards to review
8 school attendance; and
- 9 (i) Plans for responding to a crisis.
- 10 2. If the board of trustees of a school district reviews the plans,
11 policies, programs and procedures pursuant to subsection 1, the
12 board of trustees shall prepare a written report of its review. The
13 report must include, without limitation:
- 14 (a) The name of each plan, policy, program or procedure which
15 the board of trustees determines places an unfunded mandate and an
16 undue financial hardship upon the school district;
- 17 (b) A description of the plan, policy, program or procedure;
- 18 (c) The costs incurred by the school district for implementing
19 the plan, policy, program or procedure and an identification of how
20 much money the school district receives from the State or Federal
21 Government for such implementation; and
- 22 (d) The effectiveness of the plan, policy, program or procedure
23 in improving the academic achievement of pupils enrolled in the
24 school district, if applicable, including, without limitation, the
25 assessment of the school district as to whether the plan, policy,
26 program or procedure should continue.
- 27 3. If the board of trustees of a school district prepares a written
28 report pursuant to subsection 2, the board of trustees shall, on or
29 before August 1, 2012, submit the written report to the:
- 30 (a) Legislative Committee on Education; and
- 31 (b) Director of the Legislative Counsel Bureau for transmittal to
32 the next regular session of the Legislature.
- 33 **Sec. 38.** This act becomes effective on July 1, 2011.

TEXT OF REPEALED SECTIONS

NRS 385.348 Plan by school district to improve achievement of pupils: Preparation; contents; submission; annual review.

385.348 1. The board of trustees of each school district shall, in consultation with the employees of the school district, prepare a plan to improve the achievement of pupils enrolled in the school



district, excluding pupils who are enrolled in charter schools located in the school district. If the school district is a Title I school district designated as demonstrating need for improvement pursuant to NRS 385.377, the plan must also be prepared in consultation with parents and guardians of pupils enrolled in the school district and other persons who the board of trustees determines are appropriate.

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

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

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

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

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

(d) Strategies to improve the academic achievement of pupils enrolled in the school district, including, without limitation, strategies to:

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

(I) The curriculum appropriate to improve achievement;

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

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

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

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

(4) Manage effectively the discipline of pupils; and



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

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

(f) In consultation with the Department, an identification, by category, of the employees of the Department, if any, who are responsible for overseeing and monitoring whether the plan is carried out effectively.

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

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

(i) Strategies to improve the allocation of resources from the school district, by program and by school, in a manner that will improve the academic achievement of pupils. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

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

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

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



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

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

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

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

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

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

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

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

(a) Superintendent of Public Instruction;

(b) Governor;

(c) State Board;

(d) Department;

(e) Committee; and

(f) Bureau.

NRS 388.171 Program of small learning communities required in certain schools.

388.171 1. The board of trustees of each school district which includes at least one middle school or junior high school with an enrollment of 500 pupils or more shall adopt a policy for each of those middle schools and junior high schools to provide a program of small learning communities for pupils enrolled in the grade level at which those middle schools or junior high schools initially enroll pupils. The policy must require:

(a) Where practicable, the designation of a separate area geographically within the middle school or junior high school where the pupils enrolled in their initial year at the middle school or junior high school attend classes;

(b) The collection and maintenance of information relating to pupils enrolled in their initial year at the middle school or junior high school, including, without limitation, credits earned, attendance, truancy and indicators that a pupil may be at risk of dropping out of middle school or junior high school;



(c) Based upon the information collected pursuant to paragraph (b), the timely identification of any special needs of a pupil enrolled in his or her initial year at the middle school or junior high school, including, without limitation, any need for programs of remedial study for a particular subject area and appropriate counseling;

(d) Methods to increase the involvement of parents and legal guardians of pupils enrolled in their initial year in a middle school or junior high school in the education of their children; and

(e) The assignment of:

(1) Guidance counselors;

(2) At least one licensed school administrator or a designee of such an administrator; and

(3) Appropriate adult mentors,

↳ specifically for the pupils enrolled in their initial year at the middle school or junior high school.

2. The principal of each middle school or junior high school in which 500 pupils or more are enrolled shall:

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

(b) Submit an annual report, on a date prescribed by the board of trustees, that sets forth the specific strategies, programs and methods which are used to focus on the pupils enrolled in their initial year at the middle school or junior high school, including, without limitation, the program of mentoring provided pursuant to NRS 388.176.

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

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

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

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

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



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

(e) The assignment of:

- (1) Guidance counselors;
- (2) At least one licensed school administrator; and
- (3) Appropriate adult mentors,

↳ specifically for the pupils enrolled in ninth grade.

2. The principal of each high school in which 1,200 pupils or more are enrolled, including pupils enrolled in ninth grade, shall:

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

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

NRS 390.220 Enforcement by board of trustees of use of prescribed textbooks; exception for charter schools.

390.220 Boards of trustees of school districts in this State shall enforce in the public schools, excluding charter schools, the use of textbooks prescribed and adopted by the State Board.



