

**Newly Enacted Statutes Affecting
Public and Private Schools
Passed During the 2009 Legislative Session**

**as required by
NRS 385.210**

**provided by
Keith Rheault
Superintendent of Public Instruction**

June 30, 2009

TABLE OF CONTENTS EDUCATION RELATED BILLS

PASSED DURING THE 2009 LEGISLATIVE SESSION

Index of Bills and Resolutions by Main Subject Area	<u>Page #</u> 4
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Assembly Bills and Resolutions

<u>Bill #</u>	<u>Bill Intent</u>	<u>Page #</u>
AB 13	Revises provisions governing expenditures by school districts for textbooks, instructional supplies and instructional hardware.	6
AB 14	Revises provisions governing testing and reporting of results of pupils.	7
AB 26	Revises provisions governing charter schools.	8
AB 40	Revises provisions governing the review and approval of plans for the construction or alteration of school buildings.	8
AB 56	Revises provisions governing pupils with disabilities.	8
AB 100	Revises provisions governing education (Charter Schools and University School for Profoundly Gifted Pupils).	9
AB 154	Revises provisions governing the policies of school districts relating to criminal gang activity.	10
AB 191	Revises provisions governing certain examinations of the height and weight of pupils.	11
AB 243	Requires certain employers to grant leave to parents, guardians and custodians of children to participate in certain school activities.	11
AB 348	Requires public schools to post a notice of certain information concerning educational programs and services available within the public schools and the school district.	12
AB 359	Revises provisions governing certain personnel who work with children with autism.	13
AB 393	Revises provisions governing charter schools.	14
AB 425	Revises provisions governing the licensure of certain educational personnel.	14
AB 428	Revises provisions governing the licensure of certain educational personnel.	15
AB 429	Revises provisions governing the required minimum expenditures for textbooks, instructional supplies and instructional hardware.	15
AB 463	Restricts a department, division or other agency of this State from employing a person as a consultant.	16

Bill #	Bill Title	Page #
AB 487	Revises provisions governing pupils enrolled in middle school and junior high school.	16
AB 488	Revises provisions governing the employment of retired public employees.	17
AB 560	Reorganizes the Regional Training Programs for the Professional Development of Teachers and Administrators.	18
AB 563	Ensures sufficient funding for K-12 public education for the 2009-2011 biennium.	19
ACR 2	Directs the Legislative Commission to conduct an interim study concerning the governance and oversight of the system of public education.	22

Senate Bills and Resolutions

SB 12	Revises provisions governing the Commission on Educational Excellence.	23
SB 61	Revises provisions governing the authorized uses of money in a school district mitigation fund.	23
SB 62	Revises provisions governing special education.	24
SB 77	Provides for the establishment of programs of teen mentoring in public high schools.	24
SB 163	Revises provisions governing safe and respectful learning environments in public schools to prohibit bullying and cyber-bullying.	25
SB 185	Requires school districts to use certain environmentally sensitive cleaning and maintenance products.	25
SB 303	Enacts the Interstate Compact on Educational Opportunity for Military Children.	27
SB 317	Requires instruction on financial literacy in the public high schools.	28
SB 389	Revises provisions governing accountability in public schools.	28
SB 391	Revises provisions relating to charter schools.	29
SB 416	Revises provisions governing the administration of certain tests, examinations and assessments in public schools.	30
SB 433	Provides for salaries of certain state employees and provides for furloughs for certain public employees.	30
SCR 7	Urges public schools to develop and implement programs for improving academic performance and maximizing learning opportunities of pupils.	31
SCR 12	Urges the promotion of physical fitness in the schools.	31
SCR 22	Encourages collaboration to increase participation in adult education programs and enrollment in college.	32
SCR 27	Honors educational personnel for the services they provide to their students and	32

all of Nevada.

Index of Bills and Resolutions by Main Subject Area

Subject Area Followed by Applicable Bills or Resolutions

Academic Standards Council, SB 163
Academic Plans for Pupils, Middle School, AB 487
Academic Performance, AB 487, SCR 7
Accountability, School Achievement, SB 389
Achievement and Proficiency Examinations, AB 14
Adult Education Program, Adult Diploma, AB 563, SCR 22
Apprenticeship Program, AB 563
Autism, Grant Fund AB 359
Bullying, Cyberbullying, SB 163
Career and Technical Education, AB 563
Charter Schools, AB 26, AB 100, AB 393, SB 391
Class Size Reduction Program, AB 563
Cleaning Products in Schools, Environmentally Sensitive SB 185
Commission on Educational Excellence, SB 12
Commission on Professional Standards, AB 425, AB 428
Consultants, Employment in Schools, AB 463
Counselors, Certification Funding, AB 563
Courses, Required Information, AB 348
Critical Labor Shortage Positions, AB 488
Distributive School Account, AB 563, SB 433
Early Childhood Education, AB 563
Educational Personnel, Honoring Service, SCR 27
Educational Technology, AB 13, AB 429, AB 563
Examinations, Testing, Students, AB 14, SB 416
Financial Literacy, High School Instruction, SB 317
Gang Activity, School Grounds, AB 154
Geographic Alliance in Nevada, AB 563
Gifted and Talented Programs, AB 563
Governance and Oversight, K-12, ACR 2
Health of Pupils, Height and Weight Exams, AB 191
Incentive Grant Fund, Educational Personnel, AB 563
Innovative Education Programs, AB 563, SB 433
Instructional Software, Expenditures, AB 429
Kindergarten, Full-day, AB 563
Legislative Studies, ACR 2
Library Books, AB 563
Library Media Specialist, AB 563
Middle School, Pupils, AB 487, SCR 7
Military Children, Interstate Compact, SB 303
Mitigation Fund, School Districts, SB 61
National Board Certification, AB 563
Parental Leave From Work, School Activities, AB 243

Peer Mediation Program Funding, AB 563
Physical Education, SCR 12
Public Broadcast Programs, AB 563
Pupils with Disabilities, Programs, Restraints, AB 56, SB 62
Pupil Achievement, AB 14
Pupil Height and Weight Exams, AB 191
Regional Professional Development Programs, AB 560, AB 563
Retirement Service Credit, AB 563
Safe and Respectful Learning Environments, SB 163
School Construction Plans, AB 40
Schools In Need of Improvement, SB 389
School Support Teams, AB 563
Small Learning Communities, Schools, AB 487, SCR 7
Special Education, Funding, Programs, Students, AB 56, AB 563, SB 62
Speech Pathologists, AB 563
Teacher Incentives, AB 563
Teacher Licensing, AB 425, AB 428
Teacher Salary, Increases, SB 433
Technology Funding, Commission, AB 563
Teen Mentoring, High Schools, SB 77
Tests, Examinations, AB 14, SB 416
Textbooks, Instructional Supplies, Economic Hardship, AB 13, AB 429
University School For Profoundly Gifted Pupils, AB 100, AB 429
Vocational Student Organizations, AB 563

2009 LEGISLATIVE BILL SUMMARY

This document is intended to provide a quick reference to the newly enacted statutes passed by the 2009 Legislature that affect K-12 education in Nevada. The document does not provide the specific details needed, in many cases, to carry out the requirements of the statutes. Each bill as enrolled should be referred to when specific wording and requirements to the statute changes are desired. The full text of each enrolled bill can be found on the Nevada Legislative Home Page at www.leg.state.nv.us under Session Information (2009 Session) by clicking on the appropriate bill listed under Bill Information.

ASSEMBLY BILLS AND RESOLUTIONS

Assembly Bill 13 - Revises provisions governing expenditures by school districts for textbooks, instructional supplies and instructional hardware.

Summary of Statute Changes

- Allows the board of trustees of a school district that experiences an economic hardship to submit a written request to the Department of Education for a waiver of all or a portion of the amount of money the school district is required to expend for textbooks, instructional supplies and instructional hardware for the fiscal year.
- The Department shall consider the request of a school district and determine whether an economic hardship exists. The Department may request additional information from the school district in making the determination. If the Department determines that an economic hardship exists for the school district, the Department shall forward the request to the State Board of Examiners, including the basis for its determination and any recommendations of the Department for the amount of a waiver.
- The State Board of Examiners shall consider the request and determine whether an economic hardship exists for the school district. If the State Board of Examiners determines that an economic hardship exists for the school district and that a waiver from all or a portion of the expenditure requirements is justified, the State Board of Examiners shall forward the request to the Interim Finance Committee. The Interim Finance Committee is not bound to follow the recommendations of the State Board of Examiners.
- If the Interim Finance Committee determines that an economic hardship exists, it shall determine whether the hardship justifies a waiver of all or a portion of the expenditure requirements established for that school district for the fiscal year. If the Interim Finance Committee grants a waiver, the Committee shall by resolution set forth the grounds for its determination; the amount of the waiver; and the period for which the waiver is effective.
- The board of trustees of a school district that is granted a waiver shall, upon expiration of the period for which the waiver is granted, provide a written accounting to the Interim Finance Committee and the Department that includes a reconciliation of the revenue and expenditures with the projections of revenue and expenditures that were used to determine whether an economic hardship existed for the school district; and a description of how the money from the waiver was used.
- If a school district is granted a waiver, the money that would have otherwise been expended by the school district to meet the requirements for the fiscal year may not be considered as financial ability to pay for the negotiation or arbitration regarding salaries and benefits, must not be used to settle or arbitrate disputes or negotiate settlements between an organization that represents licensed employees of the school district and the school district, and must not be used to adjust the schedules of salaries and benefits of the employees of the school district.

- Requires the Department to provide a written notice to the school district within 30 days after the Interim Finance Committee grants the waiver setting forth the revised amount of money that the school district must expend for textbooks, instructional supplies and instructional hardware for the fiscal year.
- Defines an economic hardship existing for a school district if projections of revenue do not meet or exceed the revenue anticipated at the time the basic support guarantees are established for the fiscal year or the school district incurs unforeseen expenses, including, without limitation, expenses related to a natural disaster.
- The Act becomes effective on July 1, 2009.

State Board/Department of Education Action

Department of Education staff shall develop an application form for distribution to all school districts by October 30, 2009, that must be used by a school district to request a waiver of the money to be expended for textbooks, instructional supplies and instructional hardware.

Primary Department Contact

Jim Wells, Deputy Superintendent, Telephone Number: (775) 687-9102

Assembly Bill 14 – Revises provisions governing testing and reporting of results of pupils.

Summary of Statute Changes

- Requires Department of Education to adopt a model to measure the achievement of pupils enrolled in grades 3 to 8 based upon the criterion referenced tests required by the state. The model must be designed to track the progress of pupils from year to year (growth model) to determine if the school has made progress in the achievement of pupils.
- Requires the Boards of Trustees of each school district and Governing Boards of charter schools to implement the model adopted by the Department.
- Requires the pupil achievement results to be reported by school as part of the annual State Report Card.
- Changes the requirements for a student to be eligible for the alternative assessment for the High School Proficiency Examination (HSPE) for writing or science. Reduces the number of times a student must fail the HSPE in its entirety from 3 to 2 times prior to the 12th grade to be eligible for the alternative assessment.
- All provisions of this Act become effective on July 1, 2009 except that the provisions regarding the reporting requirements of the pupil achievement results of this Act become effective on January 1, 2011.

State Board/Department of Education Action Required

The Department of Education is required to adopt the model to measure the achievement of pupils enrolled in grades 3 to 8 on or before July 1, 2010. Department of Education staff will seek input from school district and charter school staff in the development of the model. The Department will provide technical assistance to school districts and charters regarding the implementation of the model as soon as possible after the model is adopted by the Department

Primary Department Contact

Carol Crothers, Office of Assessment, Program Accountability & Curriculum, Telephone Number: (775) 687-9186

Assembly Bill 26 - Revises provisions governing charter schools.

Summary of Statute Changes

- Modifies the timeframe that an application for renewal of a written charter can be submitted to the sponsor of the charter school from 90 days to 120 days prior to the expiration of the charter.
- Modifies the provisions for a charter school that meets certain requirements, including certain financial and performance standards, to be eligible for an exemption from the requirement of an annual performance audit. The bill provides that if such a charter school no longer satisfies the requirements for an exemption or if reasonable evidence of noncompliance in achieving the educational goals and objectives of the charter school exists, the charter school will be required to submit to an annual performance audit. After undergoing the annual performance audit, the charter school may reapply for the exemption.
- Requires an annual report to be made by the Department of Education to the State Board for each charter school sponsored by the State Board.
- The Act becomes effective on July 1, 2009.

State Board/Department of Education Action Required

No plan of action to be developed. Department staff shall notify charter school Governing Boards and administrators of the change in law for information purposes only by July 1, 2009.

Primary Department Contact

Tom McCormack, Charter School Consultant, Telephone Number: (775) 687-9149

Assembly Bill 40— Revises provisions governing the review and approval of plans for the construction or alteration of school buildings.

Summary of Statute Changes

- The bill removes the requirement that a school district in a county whose population is 400,000 or more (currently Clark County) submit plans, designs and specifications for new school buildings and facilities and for additions and alterations to the State Public Works Board and requires such a school district to establish a building department for the school district.
- The Act becomes effective on October 1, 2009

State Board/Department of Education Action Required

No plan of action to be developed. Department will notify Clark County School District of the change in law for information purposes only by July 1, 2009.

Primary Department Contact

Jim Wells, Deputy Superintendent, Telephone Number: (775) 687-9102

Assembly Bill 56— Revises provisions governing pupils with disabilities.

Summary of Statute Changes

- Requires the board of trustees of each school district and the administrative head of each private school that provides instruction to pupils with disabilities, on or before August 1 of each year, to prepare a report for each school under their jurisdiction on the use of physical and mechanical restraint on pupils with disabilities. The report must include the number of instances of physical and mechanical restraint used during the previous school year for each school per teacher employed at the school and per pupil; and the number of violations of the physical and mechanical restraint statutes. The bill prohibits personally identifiable information about an individual pupil or teacher from being included in the report.

- Requires the Department of Education to develop the form to be used by the school districts/private schools to report the required information on the use of physical and mechanical restraint on pupils with disabilities.
- Authorizes the board of trustees to develop the form to be used to collect the required information from each school within the school district. Requires the board of trustees to submit the written report to the Department of Education on or before August 15 of each year.
- Requires the Department of Education to compile the reports received from each school district/private school and prepare a written report on or before October 1 of each year. The Department report must be submitted to the Legislative Counsel Bureau to be forwarded to the next regular session of the legislature during even-numbered years. In odd-numbered years, the Department report is to be submitted to the Legislative Committee on Education.
- Modifies the current physical and mechanical restraint reporting requirements for each pupil if there are three reports of restraint in one school year on the pupil. In these cases, requires the school district/private school to review the circumstances of the use of the restraint and provide a report on its findings.
- Modifies the current physical and mechanical restraint reporting requirements for each pupil if there are five reports of restraint in one school year on the pupil. In these cases, requires a review of the pupil's Individualized Education Plan (IEP). If either physical or mechanical restraint continues after the IEP review, the school district and the parent or legal guardian of the pupil must develop a plan to be included in the IEP that addresses additional methods that are appropriate for the pupil to ensure the restraint does not continue which could include, but not limited to, mentoring, training, a functional behavior assessment, a positive behavior plan and positive behavioral supports. The school district must notify the school in which the pupil is enrolled to review the circumstances of the use of the restraint and provide a report to the school district on its findings.
- The Act becomes effective on July 1, 2009.

State Board/Department of Education Action Required

Department of Education will notify the school districts and private schools of the changes to the physical or mechanical restraint statutes by July 1, 2009. Department staff shall develop the reporting form to be used by school districts/private schools no later than September 1, 2009. All school districts and applicable private schools will be notified of as to the use of the form and the reporting deadlines by September 15, 2009.

Primary Department Contact

Office of Special Education, ESEA and School Improvement, Telephone Number: (775) 687-9140
(Reporting Form Development and District/Private School Notification)

Gloria Dopf, Deputy Superintendent, Telephone Number: (775) 687-9224 (Legislative Report)

Assembly Bill 100– Revises provisions governing education (Charter Schools and University School for Profoundly Gifted Pupils).

Summary of Statute Changes

- Requires the Deputy Superintendent for Administrative and Fiscal Services of the Department of Education to perform similar duties that are performed on the funds and accounts of school districts for the funds and accounts of charter schools and university schools for profoundly gifted pupils.
- For a charter school that is scheduled to be closed, the bill stipulates that the trustee appointed by the governing body is subject to the approval of the sponsor and requires the sponsor to make the appointment if the governing body is not able to do so.

- Provides that if the sponsor of a charter school provides financial compensation to the administrator or person appointed by the governing body to oversee the closure of the school, the sponsor may receive reimbursement from the charter school for the costs incurred by the sponsor in providing the financial compensation for a period not to exceed 6 months.
- Requires that if a charter school no longer satisfies the requirements for an exemption from the annual performance audit or if reasonable evidence of noncompliance in achieving the educational goals and objectives of the charter school exists, the charter school shall submit to an annual performance audit.
- Amends existing law to allow a charter school pupil to participate in a class, extracurricular activity and/or sports in the school district in which the pupil resides rather than the school district in which the charter school is located.
- Revises the schedule of payments for reimbursement of administrative costs to the charter school sponsor from yearly to quarterly and authorizes a charter school to apply to the Superintendent of Public Instruction for a delay in the payment of a quarterly reimbursement if a financial hardship exists.
- Stipulates that the Department of Education is responsible for providing the annual performance report to the State Board for State Board sponsored charter schools.
- Requires the Department of Education to develop a formula for determining the minimum amount of money that is required to be expended each fiscal year for textbooks, instructional supplies and instructional hardware for each charter school and University School for Profoundly Gifted Pupils in addition to each school district
- The Act becomes effective on July 1, 2009.

State Board/Department of Education Action Required

Department staff shall notify charter schools and the University School for Profoundly Gifted Pupils of the changes to statutes affecting the operation of the schools by July 1, 2009.

Primary Department Contact

Jim Wells, Deputy Superintendent, Telephone Number: (775) 687-9102

Assembly Bill 154– Revises provisions governing the policies of school districts relating to criminal gang activity.

Summary of Statute Changes

- Requires the board of trustees of each school district to establish a policy that prohibits the activities of criminal gangs on school property. Previously, the policy was optional for a school district to establish.
- The policy established by the board of trustees may include, without limitation the provision of training for the prevention of the activities of criminal gangs on school property. If the policy includes training, the board of trustees shall ensure that the training is provided to the pupils and personnel designated in the policy.
- Allows the board of trustees to develop the policy in consultation with local law enforcement agencies, school police officers, persons with experience in working with criminal gangs and other organizations that are dedicated to reducing criminal gang activities.
- Requires the board of trustees of each school district to submit a report to the Legislative Committee on Education, on or before June 30, 2010, regarding the policy established by the board that prohibits the activities of criminal gangs on school property. The report must include a copy of the actual policy that was adopted by the board of trustees and a summary of the activities conducted by the board of trustees to ensure the policy is carried out.
- The Act becomes effective on July 1, 2009.

State Board/Department of Education Action Required

No plan of action to be developed by the Department. Department staff shall notify the School Districts of the new policy and reporting requirements that must be submitted on or before June 30, 2010 to the Legislative Committee on Education.

Primary Department Contact

Keith Rheault, Superintendent of Public Instruction, Telephone Number: (775) 687-9217

Assembly Bill 191 – Revises provisions governing certain examinations of the height and weight of pupils.

Summary of Statute Changes

- Under existing law, physical examinations of children are required in certain grades in school to determine if a child has scoliosis, any visual or auditory problem or a gross physical defect, and to conduct examinations of the height and weight of a sample of pupils in certain grades.
- The bill extends the height and weight examination requirement through June 30, 2015.
- The examinations of the height and weight of a sample of pupils in certain grades was scheduled to expire on June 30, 2010.
- Modifies the grade levels in regard to the representative sample of pupils needing to be examined for height and weight to include grades 4, 7 and 10 in the schools within the school districts.
- Allows school districts the option to conduct height and weight examinations in other grades besides those specified in the bill. If a school district conducts examinations in grades other than those specified in the bill, the results of those examinations must not be included in the report submitted to the State Health Officer.
- The Act becomes effective July 1, 2009. The requirement to conduct the height and weight examinations expires by limitation on June 30, 2015.

State Board/Department of Education Action Required

School districts will be notified of the bill requirements regarding the need to examine pupils within the specific grade levels of 4, 7 and 10 by July 1, 2009.

Primary Department Contact

Donnell Barton, Office of Nutrition and School Health, Telephone Number: (775) 687-9191

Assembly Bill 243 – Requires certain employers to grant leave to parents, guardians and custodians of children to participate in certain school activities.

Summary of Statute Changes

- The bill requires an employer who has 50 or more employees to grant to a parent, guardian or custodian of a child enrolled in a public school 4 hours of leave from his/her place of employment, which may be taken in increments of 1 hour, per school year per child to attend school-related activities or events or to volunteer at the school in which the child is enrolled.
- Requires that the leave to be taken by the parent, guardian or custodian of a child be at taken at a mutually agree upon time and the employer is not required to pay the employee for the leave.
- Allows the Employer the option to require an employee to provide a written request for the leave at least 5 school days before the leave is taken and to provide documentation that during the time of the leave, the employee attended or was involved at the school or school-related activity.
- The provisions of the bill do not apply if an employee is already afforded the same or similar leave opportunity through a collective bargaining agreement.

- Amends current law to include that it is unlawful for an employer or his agent to terminate the employment of, or to demote, suspend or otherwise discriminate against, a person who, as the parent, guardian or custodian of a child appears at a conference at the request of a school administrator regarding the child, is notified by the school of an emergency regarding the child, or takes leave to attend school-related activities or events if the employer has 50 or more employees.
- Stipulates that a person who is discharged from employment or who is demoted, suspended or otherwise discriminated against for the school related activities stated above may file a claim or complaint with the Labor Commission.
- The Act becomes effective August 15, 2009.

State Board/Department of Education Action Required

No plan of action to be developed. Department staff shall notify school districts of the change in law for information purposes only by July 1, 2009. Department will also provide a summary and notification of the bill requirements to the Nevada State PTA for possible dissemination to its membership.

Primary Department Contact

Keith Rheault, Superintendent of Public Instruction, Telephone Number: (775) 687-9217

Assembly Bill 348 – Requires public schools to post a notice of certain information concerning educational programs and services available within the public schools and the school district.

Summary of Statute Changes

- The bill requires the board of trustees of each school district to prepare a notice of information identifying all the advanced placement courses, honors courses, international baccalaureate courses, special education services, gifted and talented programs, charter school programs and any other educational programs available to pupils enrolled in the school district.
- The notice of information must specify where those courses, services and programs are available within the school district, identify the grade level for which those courses, services and programs are available and be posted on the Internet website maintained by the school district.
- Each public school within the school district is required to post a notice in a conspicuous place at the school indicating the availability of courses, services and programs in the public school and indicating the availability and location of a complete list of the courses, services and programs identified by the school district and make such notices available to the parents and legal guardians of pupils enrolled in the school.
- Stipulates that the notice of information must be made available in such languages as the board of trustees of the school district deems necessary.
- The Act becomes effective July 1, 2009.

State Board/Department of Education Action Required

No plan of action to be developed. Department staff shall notify school districts of the notification requirements for information purposes only by July 1, 2009.

Primary Department Contact

Keith Rheault, Superintendent of Public Instruction, Telephone Number: (775) 687-9217

Assembly Bill 359 - Revises provisions governing certain personnel who work with children with autism.

Summary of Statute Changes

- The bill creates a new Grant Fund for the Training and Education of Personnel Who Work With Pupils With Autism to provide grants of money to school districts and charter schools for programs of training of certain personnel in obtaining an appropriate endorsement to work with pupils with autism. Allows the Department of Education to accept gifts, grants and donations from any source for deposit in the Grant Fund. (It is noted that no state appropriations were included in the bill in support of the Grant Fund).
- The bill requires the board of trustees of each school district and the governing body of each charter school, to the extent money is available from the Grant Fund, to ensure that the licensed educational personnel employed by the school district or charter school who work with pupils with autism receive the appropriate preparation and training necessary to serve those pupils.
- Stipulates that, to the extent money is available from the Grant Fund, the board of trustees of each school district and the governing body of each charter school may enter into agreements with a local corporation, business, organization or other entity to provide the required training to the licensed personnel who work with pupils with autism.
- Requires the board of trustees of each school district and the governing body of each charter school, to the extent money is available from the Grant Fund, to ensure that the licensed educational personnel employed by the school district or charter school who are assigned to assist a parent or legal guardian of a pupil with autism in making decisions about the services and programs available for the pupil receive the appropriate preparation and training necessary to assist those persons.
- Requires the board of trustees of each school district and the governing body of each charter school, to the extent money is available from the Grant Fund, to ensure that a paraprofessional who is employed by the school district or charter school who is assigned to work with a pupil with autism receives the appropriate preparation and training necessary to serve those pupils.
- Requires the employees of the Health Division of the Department of Health and Human Services who provide early intervention services and the persons with whom the Health Division contracts to provide those services to possess the knowledge and skills necessary to provide services to children with autism and their families.
- The Act becomes effective July 1, 2009.

State Board/Department of Education Action Required

Department staff shall notify school districts of the change in law for information purposes only by July 1, 2009. If any funding is made available through the Grant Fund for the Training and Education of Personnel Who Work With Pupils With Autism, the Department will notify school districts as to the availability of the funds and the extent to which the implementation of the training requirements of the bill must be carried out.

Primary Department Contact

Gloria Dopf, Deputy Superintendent, Telephone Number: (775) 687-9224

Assembly Bill 393 - Revises provisions governing charter schools.

Summary of Statute Changes

- Amends existing charter school pupil enrollment requirements to allow, before enrolling other eligible children, the enrollment of a child who was enrolled in a prekindergarten or other early childhood educational program (on the basis of a lottery system) at the charter school and to allow the enrollment of a child whose parent is employed full-time by the charter school.
- Act becomes effective on July 1, 2009.

State Board/Department of Education Action Required

No plan of action to be developed. Department staff shall notify charter school Governing Boards and administrators of the change in law for information purposes only by July 1, 2009.

Primary Department Contact

Tom McCormack, Charter School Consultant, Telephone Number: (775) 687-9149

Assembly Bill 425 - Revises provisions governing the licensure of certain educational personnel.

Summary of Statute Changes

- The Bill amends existing law to authorize the Superintendent of Public Instruction to issue an additional license to a teacher to teach elementary education, middle school or junior high school education or secondary education, other than for the teaching of pupils with disabilities, which is outside the teacher's grade level of experience if the teacher meets the course work requirements and qualifications for the license. A licensed teacher who meets the requirement for an additional license is exempt from the student teaching requirement of the additional license if the teacher has 3 years of verified teaching experience.
- The Bill eliminates the requirement that new applicants for a Nevada teaching license (from out-of-state) have previous teaching experience in order to be exempt from the examinations required for the initial licensure of teachers and other educational personnel if the Commission on Professional Standards in Education determines that the examinations required for initial licensure in the other state are comparable to the examinations required for initial licensure in Nevada.
- The Bill requires the Commission to conduct a review of the regulations of the Commission governing the licensure and endorsement of special education teachers to improve and enhance reciprocal licensure in Nevada of special education teachers from other states.
- The Act became effective upon passage and approval on May 22, 2009.

State Board/Department of Education Action Required

School districts will be notified of the changes to licensure requirements specified in the bill by July 1, 2009. Department staff will review the requirements of the Bill with the Commission on Professional Standards in Education regarding the special education license review and to determine if clarifying regulations are needed to implement the other requirements of the Bill. The Commission will need to establish the timeline for the review of the special education license and endorsement review. At a minimum, the Teacher Licensure Office will update the Department of Education website to reflect current licensure information related to the changes made by the Bill by July 15, 2009.

Primary Department Contact

Jerry Barbee, Office of Teacher Licensure, Telephone Number: (702) 486-6455 (Licensure Changes)
Gloria Dopf, Deputy Superintendent, Telephone Number: (775) 687-9224 (Commission Review)

Assembly Bill 428 - Revises provisions governing the licensure of certain educational personnel.

Summary of Statute Changes

- The bill expands the eligibility of a teacher licensure applicant to be issued a special qualifications license based on the teacher holding a bachelor's degree. Previously, only applicants who held a master's degree, a graduate degree or a doctoral degree were eligible to be issued a special qualifications license.
- Requires a special qualifications license applicant who holds a bachelor's degree or a graduate degree to submit proof of participation in a program of student teaching or mentoring or agree to participate in a program of mentoring or courses of pedagogy for the first 2 years of his/her employment as a teacher with a school district or charter school.
- The Act becomes effective July 1, 2009.

State Board/Department of Education Action Required

School districts will be notified of the changes made to the special qualifications license by July 1, 2009. Department staff will review the requirements of the Bill with the Commission on Professional Standards in Education to determine if regulations are needed to clarify the use of courses of pedagogy in lieu of a mentoring program to meet the requirements of the Bill. The Teacher Licensure Office will update the Department of Education website to reflect current licensure information related to the special qualifications license by July 15, 2009.

Primary Department Contact

Jerry Barbee, Office of Teacher Licensure, Telephone Number: (702) 486-6455 (Licensure Changes)
Gloria Dopf, Deputy Superintendent, Telephone Number: (775) 687-9224 (Commission Review)

Assembly Bill 429 - Revises provisions governing the required minimum expenditures for textbooks, instructional supplies and instructional hardware.

Summary of Statute Changes

- The bill expands the use of money that school districts are required to expend each fiscal year for textbooks, instructional supplies and instructional hardware, as determined by a formula developed by the Department of Education, by adding instructional software as an allowable allocation to these minimum expenditure requirements.
- Requires the Department of Education by July 1 of each year, in consultation with the Budget Division and the Fiscal Analysis Division, to determine the combined minimum amount of money required to be expended for each fiscal year for textbooks, instructional supplies, instructional software and instructional hardware. That amount must be determined by increasing the amount that was established by the 20th Special Session of the Legislature for Fiscal Year 2004-2005 by the percentage of the change in pupil enrollment, plus any inflationary adjustment approved by the Legislature after 2004-2005.
- The Bill also stipulates that charter schools and university schools for profoundly gifted pupils are subject to these minimum expenditure requirements.
- The Bill amends the reporting requirements of a university school for profoundly gifted pupils to require reporting on the expenditures of the school for the preceding fiscal year and the proposed expenditures for the current fiscal year. The information provided will be used by the Department of Education to determine whether the university school for profoundly gifted pupils has met the minimum expenditure requirements.
- The Act becomes effective July 1, 2009.

State Board/Department of Education Action Required

Department staff shall notify school districts, charter schools and the University School for Profoundly Gifted Pupils of the combined minimum amount of money required to be expended by each entity for the applicable fiscal year for textbooks, instructional supplies, instructional software and instructional hardware by August 1 of each year.

Primary Department Contact

Jim Wells, Deputy Superintendent, Telephone Number: (775) 687-9102

Assembly Bill 463 - Restricts a department, division or other agency of this State from employing a person as a consultant.

Summary of Statute Changes

- Requires each board or commission of this state, each school district and each institution of the Nevada System of Higher Education to submit to the Interim Finance Committee, at least once every 6 months, a report concerning each consultant employed by the entity.
- Specifies that the 6 month report that is required to be submitted by each entity must include: The number of consultants employed by the entity; The purpose for which the entity employs each consultant; The amount of money or other remuneration received by each consultant from the entity; and the length of time each consultant has been employed by the entity.
- Defines “consultant” as any person employed by a business or other entity that is providing consulting services if the person will be performing or producing the work for which the business or entity is employed.
- The Act became effective upon passage and approval on June 1, 2009.

State Board/Department of Education Action Required

No plan of action to be developed. Department staff shall notify school districts of the reporting requirements for information purposes only by July 1, 2009.

Primary Department Contact

Keith Rheault, Superintendent of Public Instruction, Telephone Number: (775) 687-9217

Assembly Bill 487 - Revises provisions governing pupils enrolled in middle school and junior high school.

Summary of Statute Changes

- Requires the board of trustees of each school district to adopt a policy for each middle school and junior high school in the school district to develop an academic plan for each incoming middle school or junior high school pupil. If a pupil enrolls in a middle school or junior high school after the initial year of enrollment, an academic plan must be developed for that pupil as well. The bill also specifies the information that must be addressed in the academic plan.
- Requires the board of trustees of each school district that includes at least one middle school or junior high school in which 500 pupils or more are enrolled to adopt a policy for each of those middle schools and junior high schools to provide a program of small learning communities for the incoming middle school or junior high school pupils.
- Requires the principal of each middle school or junior high school that provides a program of small learning communities to submit an annual report to the board of trustees, on a date prescribed by the board that sets forth the specific strategies, programs and methods which are used to focus on the pupils in their initial year at the school.

- Requires the board of trustees of each school district to adopt a policy for peer mentoring, which may include a component of adult mentoring, for incoming middle school and junior high school pupils designed to increase the ability of those pupils to successfully make the transition from elementary school to middle school or junior high school.
- Requires the principal of each middle school or junior high school that provides a program of peer mentoring to submit an annual report to the board of trustees that describes the specific activities of the peer mentoring program provided by the school and a description of the effectiveness of the peer mentoring program in regards to increasing the ability of pupils to successfully make the transition to middle school or junior high school.
- Requires the board of trustees of each school district to adopt a policy that allows for pupils enrolled in a middle school or junior high school to conduct a pupil-led conference between the pupil, his parent or legal guardian and his teacher to review the educational development of the pupil.
- Specifies that if a pupil is required to conduct a pupil-led conference, the conference must be used as a guide for the pupil and the parent or legal guardian of the pupil to monitor the pupil's educational development. If the pupil does not conduct a pupil-led conference or if the parent or legal guardian of the pupil does not attend a pupil-led conference, the pupil is eligible for promotion to high school if he otherwise satisfies the requirements for promotion to high school
- Requires that all of the policies required by the bill to be adopted by the board of trustees of each school district on or before January 1, 2011, for implementation beginning with the 2011-2012 School Year.
- Requires the board of trustees of each school district, on or before June 1, 2010, to provide a report to the Superintendent of Public Instruction on the status of the adoption of the policies required by the bill, including, without limitation, a plan for implementation of those policies beginning with the 2011-2012 School Year. Requires the Superintendent of Public Instruction, on or before July 1, 2010, to compile the reports and provide a summary of the compiled reports to the Legislative Committee on Education.
- The Act becomes effective on July 1, 2009 for sections requiring the adoption of policies by the board of trustees and on July 1, 2011 for all other purposes.

State Board/Department of Education Action Required

Department staff shall notify school districts of the policy requirements of the bill and will work with school district staff, as needed, to assist with the development of the policies. Department staff shall provide a notice to school districts reminding them of the reporting requirements no later than April 1, 2010.

Primary Department Contact

Gloria Dopf, Deputy Superintendent, Telephone Number: (775) 687-9224

Assembly Bill 488 - Revises provisions governing the employment of retired public employees.

Summary of Statute Changes

- The bill extends the prospective expiration of the law that provides an exception to hire retired public employees to fill positions for which there are critical labor shortages through June 30, 2015.
- Revises the criteria which must be considered by a designating authority (boards of trustees of each school district or governing body of a charter school) in determining whether to designate a position for which there is a critical labor shortage. The bill also eliminated the Department of Education as the designating authority.
- Specifies that the designation of critical labor shortage positions must be determined in an open public meeting held by the designating authority.

- Specifies that the written findings made by the designating authority in determining the need for a critical labor shortage positions must include: the history of the rate of turnover for the position; the number of openings for the position and the number of qualified candidates for those openings after all other efforts of recruitment have been exhausted; the length of time the position has been vacant; the difficulty in filling the position due to special circumstances, including, without limitation, special educational or experience requirements for the position; and the history and success of the efforts to recruit for the position, including, without limitation, advertising, recruitment outside of this State and all other efforts made.
- Requires the designating authority to submit written findings of the determination to the Public Employees' Retirement Board on a form prescribed by the Board. The Board must compile the forms and submit a biennial report of the compilation to the Interim Retirement and Benefits Committee of the Legislature.
- The Act became effective upon passage and approval on May 29, 2009.

State Board/Department of Education Action Required

Department staff shall notify school districts and charter schools of the changes made to the critical labor shortage statutes by July 1, 2009.

Primary Department Contact

Keith Rheault, Superintendent of Public Instruction, Telephone Number: (775) 687-9217

Assembly Bill 560 - Reorganizes the Regional Training Programs for the Professional Development of Teachers and Administrators.

Summary of Statute Changes

- The bill eliminates the Western Nevada Regional Training Program and reorganizes the composition of the three remaining Regional Training Programs to include the school districts formerly included in the Western Nevada Regional Training Program.
- Designates that Mineral County School District will be provided services by the Southern Nevada Regional Training Program; Churchill County and Pershing County School Districts will receive services from the Northeastern Nevada Regional Training Program; and Carson City, Douglas County and Lyon County School Districts will receive services from the Northwestern Nevada Regional Training Program. All other school districts not identified will remain with the regional training program that provided services to their district in previous years.
- The bill revises the membership of the Statewide Council for the Coordination of the Regional Training Programs by reducing the number of members of the Council from nine to seven, and expires the terms of the two members of the Statewide Council who represented the Western Nevada Regional Training Program.
- The Act becomes effective July 1, 2009.

State Board/Department of Education Action Required

No plan of action to be developed. Department staff shall notify school districts of the change in law for information purposes only by July 1, 2009.

Primary Department Contact

Keith Rheault, Superintendent of Public Instruction, Telephone Number: (775) 687-9217

Assembly Bill 563 - Ensures sufficient funding for K-12 public education for the 2009-2011 biennium.

Summary of Statute Changes

- Provides the basic support guarantee for school districts for Fiscal Year 2009-2010 (FY10) at \$5,251 (estimated weighted average per pupil) and for Fiscal year 2010-2011 (FY11) at \$5,395 per pupil.
- Specifies that for each respective school district, the basic support guarantee per pupil for FY10 is: Carson City \$6,228; Churchill \$6,201; Clark \$5,025; Douglas \$5,333; Elko \$6,815; Esmeralda \$17,039; Eureka \$100; Humboldt \$6,402; Lander \$6,261; Lincoln \$9,866; Lyon \$6,673; Mineral \$8,656; Nye \$6,582; Pershing \$8,368; Storey \$6,567; Washoe \$5,350; and White Pine \$7,111.
- Specifies that for purposes of establishing the basic support guarantee, the estimated basic support guarantees per pupil as adjusted for estimated Ad Valorem for each school district for FY11 is: Carson City \$6,277; Churchill \$6,188; Clark \$5,179; Douglas \$5,471; Elko \$6,855; Esmeralda \$18,779; Eureka \$4,666; Humboldt \$6,684; Lander \$6,546; Lincoln \$9,835; Lyon \$6,819; Mineral \$8,576; Nye \$6,772; Pershing \$8,570; Storey \$6,587; Washoe \$5,462; and White Pine \$7,679.
- Specifies that upon receipt of the certified total of ad valorem taxes to be received by each school district for FY11, the Superintendent of Public Instruction shall recalculate the ad valorem adjustment and the tentative basic support guarantee for operating purposes for each school district for FY11 based on the certified total of ad valorem taxes provided by the Executive Director of the Department of Taxation. The recalculated basic support guarantee must be calculated before May 31, 2010.
- Provides the basic support for 3,049 special education units at \$39,768 per unit in FY10 and 3,049 special education units at \$39,768 in FY11. Authorizes 40 special education program units for each year of the biennium to be reserved by the State Board to meet additional needs that cannot be met through the regular allocations of special education units.
- Authorizes the State Board of Education to spend \$162,571 in FY10 and \$167,459 in FY11 from the State Distributive School Account for instructional programs incorporating educational technology for gifted and talented pupils. Any school district may submit an application to the department requesting an allocation for gifted and talented pupils. The Department of Education will award the gifted and talented amounts based on the review of all applications received from school districts.
- Appropriates a total of \$1,201,169,591 in FY10 and \$1,267,051,744 in FY11 from the state General Fund to the Distributive School Account.
- Provides funds for adult high school diploma programs in the amount of \$21,170,456 in FY10 and \$22,673,833 in FY11. Funding to be distributed in accordance with a plan or formula developed by the Department of Education to ensure the funds are distributed equitably and in a manner that permits accounting of expenditures of school districts.
- Provides \$50,000 to each school district for each year of the biennium for special counselor services for elementary pupils at risk of failure.
- Appropriates \$7,797,804 in FY10 and \$7,797,804 in FY11 to continue the operations of three regional professional development centers (located in Clark, Elko and Washoe County School Districts).
- Requires the Department of Education to transfer from the State Distributive School Account to the Statewide Council for the Coordination of the Regional Training Programs the sum of \$100,000 in each year of the biennium for additional training opportunities for educational administrators in Nevada.
- Appropriates \$3,338,875 in FY10 and \$3,338,875 in FY11 to be used by the Department of Education for competitive state grants to school districts and community-based organizations for early childhood education programs. Funds to be distributed through application to the Department and requires an annual written report by the Department.

- Requires the Department of Education to develop statewide performance and outcome indicators to measure the effectiveness of the early childhood education programs. In developing the indicators, the Department shall establish minimum performance levels and increase the expected performance rates on a yearly basis, based upon the performance results of the participants. The indicators must include, without limitation: longitudinal measures of the developmental progress of children before and after their completion of the program; longitudinal measures of parental involvement in the program before and after completion of the program; and the percentage of participants who drop out of the program before completion.
- Requires the Department of Education to provide, on an annual basis, a written report to the Governor, the Legislative Committee on Education and the Legislative Bureau of Educational Accountability and Program Evaluation regarding the effectiveness of the early childhood education programs for which grants of money were received.
- Provides \$170,908 each fiscal year to be used to reimburse school districts for the additional costs of transportation for pupils outside the school district in which the pupils residence is located.
- Provides \$18,798 each fiscal year to be used to reimburse school districts to pay the increase of salaries of professional school library media specialists. Specifies that the funds are available for either fiscal year.
- Allocates funding to continue the class-size reduction program during the biennium. For FY10, an amount equal to \$144,263,320 was appropriated to pay the salaries and benefits of not less than 2,142 teachers and \$145,935,501 for FY11 to pay the salaries and benefits of not less than 2,163 teachers.
- Stipulates that available money for the class-size reduction program is estimated to provide a sufficient number of teachers, during the biennium, to achieve in each school district pupil-teacher ratios of 16 pupils per teacher in grades 1 and 2, and to achieve a pupil-teacher ratio in grade 3 of 19 pupils per teacher and in selected kindergarten classrooms in which pupils with pupils who are considered at risk of failure.
- Appropriates \$10,278,761 in FY10 and \$9,366,421 in FY11 from the State General Fund to the Other State Education Programs Account of the Department of Education. The amounts appropriated to finance specific programs are available for both Fiscal Years and may be transferred from one fiscal year to the other with the approval of the Interim Finance Committee upon the recommendation of the Governor for the following specific programs:
 - A total of \$70,000 each year of the biennium for successful completion of the National Board Teacher Certification Program;
 - A total of \$200,000 each year of the biennium for school support team substitutes;
 - A total of \$750,000 each year of the biennium for Counselor National Board Certification;
 - A total of \$503,716 each year of the biennium for LEA library books; and
 - A total of \$2,145,000 each year of the biennium for educational technology.
- Included in the total appropriation of \$10,278,761 in FY10 and \$9,366,421 in FY11 in the Other State Education Programs Account of the Department of Education, but not specifically identified in the bill, are the following programs: (It is noted that unencumbered balances for the programs identified below revert to the State General Fund at the end of each fiscal year and may not be transferred from one fiscal year to the other.)
 - A total of \$515,276 each year of the biennium for the State Apprenticeship Program;
 - A total of \$440,000 for FY10 only for the KLVX statewide educational technology program;
 - A total of \$472,340 for FY10 only for the educational technology library database program;
 - A total of \$120,000 each year of the biennium for Vocational Student Organizations;
 - A total of \$48,348 each year of the biennium for Peer Mediation Programs;
 - A total of \$257,638 each year of the biennium for Public Broadcasting Programs;
 - A total of \$50,000 each year of the biennium for Project GAIN;
 - A total of \$706,433 each year of the biennium for Speech Pathologist National Certification;
 - A total of \$4,000,000 each year of the biennium for Career and Technical Education Programs;

- Appropriates \$25,506,299 in FY10 and \$25,474,591 in FY11 from the State General Fund and \$951,327 in FY10 and \$1,277,496 in FY11 from non-State General Funds to the Account for Programs for Innovation and the Prevention of Remediation for the continuation of the full-day kindergarten program established pursuant to Assembly Bill No. 4 of the 22nd Special Session in 2005.
- Requires the Department of Education to distribute the funds appropriated for full-day kindergarten to school districts that elect to provide full-day kindergarten. Specifies that in no event is a school district required to submit an application for an allocation of money or otherwise required to provide full-day kindergarten.
- Specifies that a school district that elects to participate in the program shall use the money to provide full-day kindergarten in each school within the school district that is prioritized for full-day kindergarten based upon the percentage of pupils enrolled in the school who are eligible for free or reduced price lunches.
- Specifies that a school district shall allocate the money by assigning first priority to those schools within the school district that have the highest percentage of pupils who are eligible for free or reduced price lunches.
- Allows a school within a school district that is currently providing full-day kindergarten with money that it receives from the Federal Government or other funding allocations, to redirect that money, to the extent authorized by applicable federal law, for other programs of remediation at the school and use the money provided by the Department of Education from the allocation to provide full-day kindergarten.
- Allows a parent or legal guardian of a pupil who is otherwise zoned to attend a public school that provides full-day kindergarten to request that the pupil not be enrolled in full-day kindergarten. The school district in which the pupil is enrolled shall grant the request and ensure that the pupil is allowed to attend kindergarten, whether at the zoned school or another school, for less than a full day.
- Authorizes the carry forward of any money remaining in the Grant Fund for Incentives for Licensed Educational Personnel at the end of FY09 to FY10. The money must be used for the purchase of the one-fifth of a year of retirement service credit and other financial incentives for the 2008-09 school year. Any money not committed for expenditure after June 30, 2010 must be reverted to the State General Fund.
- Provides \$24,777,056 to support the purchase of the one-fifth of a year of retirement service credit and other financial incentives for the 2009-10 school year for certain licensed educational personnel. Any money not committed for expenditure after June 30, 2011 must be reverted to the State General Fund.
- Stipulates that for purposes of the apportionments made pursuant to NRS 387.124, local funds available for public schools include \$10,000,000 each fiscal year of the money in the county school district's fund for capital projects. Allows the funds to be used for purposes other than capital projects for school districts for the 2009-2011 biennium only.
- Stipulates that the money that was redistributed upon the abolishment of the Clark County Redevelopment Agency, totaling \$6,000,000 in FY10 and \$5,400,000 in FY11 shall be deemed the portion of the increment attributable to Clark County School District tax proceeds that were distributed to the Clark County Redevelopment Agency.
- Revises the purpose by which boards of trustees may issue general obligations to raise money to include equipment for the transportation of pupils.
- All provisions of this Act become effective on July 1, 2009 except that the funding for the Class size reduction program for the 2010-11 school year and the funding for the Grant Fund for Incentives for Licensed Personnel provisions of this Act become effective on July 1, 2010.

State Board/Department of Education Action Required

Distribution of funds allocated through this bill will follow the same guidelines and procedures used to distribute the funds as in previous years.

Primary Department Contact

Jim Wells, Deputy Superintendent, Telephone Number: (775) 687-9102 (Distributive School Account, Class Size Reduction, Textbook Appropriations, (Retirement Credits, Teacher, Public Broadcasting, Project GAIN, and Counselor/Speech Pathologist 5% Bonus)

Phyllis Dryden, Office of Career, Technical & Adult Education, Telephone Number: (775) 687-9144. (Adult Education, Vocational Student Organizations, Apprenticeship Programs, and Career and Technical Education)

Carol Crothers, Office of Assessment, Program Accountability & Curriculum, Telephone Number: (775) 687-9186 (Education Technology, LEA Library Books)

Office of Special Education, ESEA and School Improvement, Telephone Number: (775) 687-9140 (Special Education, Gifted and Talented, Early Childhood, School Support Teams, Peer Mediation and Professional Development Programs)

Keith Rheault, Superintendent of Public Instruction, Telephone Number: (775) 687-9217 (Full Day Kindergarten Program)

Assembly Concurrent Resolution 2 – Directs the Legislative Commission to conduct an interim study concerning the governance and oversight of the system of public education.

Summary of Resolution

Directs the Legislative Commission to conduct an interim study concerning the governance and oversight of the system of K-12 public education in this State. The Legislative Commission will appoint a committee composed of three members of the Senate and three members of the Assembly, one of whom must be appointed as Chairman of the committee, to conduct the interim study of the system of K-12 public education in this State, including the current governance and oversight structure of the system. The committee shall recommend such action as may be necessary for the efficient and effective operation of the governance and oversight structure of the system of K-12 public education in this State to ensure the steady progression of Nevada's public schools and the achievement of Nevada's pupils. Any recommended legislation proposed by the committee must be approved by a majority of the members of the Senate and a majority of the members of the Assembly appointed to the committee. Requires the Legislative Commission to submit a report of the results of the study and any recommendations for legislation to the 76th Session of the Nevada Legislature.

State Board/Department of Education Action Required

State Board members and Department of Education staff will attend all meetings of the Interim Study Committee.

Primary Department Contact

Keith Rheault, Superintendent of Public Instruction, Telephone Number: (775) 687-9217

SENATE BILLS AND RESOLUTIONS

Senate Bill 12 – Revises provisions governing the Commission on Educational Excellence.

Summary of Statute Changes

- Modifies the requirements for an applicant seeking funds from the Account for Programs for Innovation and the Prevention of Remediation to include a statement with the application indicating whether the application is for an existing program or for the establishment of a new program and identifying all other sources of money requested or received by the applicant for the same or a similar program.
- Prohibits the Commission on Educational Excellence from awarding money for a program of remedial study that is available commercially if such a program has not been adopted by the Department.
- Requires the Legislative Auditor to conduct a biennial audit and that the audit must include a review of the amount of time it takes for an applicant to receive an allocation of money after the Commission makes the award, a determination of whether the money was used to implement the program for which the money was allocated and any recommendations for the most efficient and economical use of the grant money by public schools and consortiums of public schools.
- This Act becomes effective on July 1, 2009.

State Board/Department of Education Action Required

Department staff shall notify the Commission on Educational Excellence members of the changes made to the application requirements and remedial program limitations, however, no funding was allocated to the Commission for distribution this biennium so changes to the application requirements will not be implemented until funding is made available in the Account.

Primary Department Contact

Gloria Dopf, Deputy Superintendent, Telephone Number: (775) 687-9224

Senate Bill 61 - Revises provisions governing the authorized uses of money in a school district mitigation fund.

Summary of Statute Changes

- Existing law provides that each county school district that receives a portion of money from a tax levied on the net proceeds of minerals in the county may set aside a portion of the amount received to establish a fund to mitigate the adverse effects resulting from a decline in revenue received from the tax during the immediately preceding 2 years. The Bill revises provisions governing the mitigation fund by removing the requirement that a decline from the tax on net proceeds occur during the immediately preceding 2 years and by expanding the authorized uses of money in the mitigation fund to include expenses resulting from a natural disaster.
- The bill expands the purposes for which school districts in counties with a population of less than 5,000 (currently Esmeralda, Eureka, Lincoln and Storey Counties) are authorized to use money in the mitigation fund to include retiring outstanding debt and continuing certain instructional programs.
- This Act becomes effective on July 1, 2009.

State Board/Department of Education Action Required

No plan of action to be developed. Department will notify School Districts of the changes in law to the mitigation fund for information purposes only by July 1, 2009.

Primary Department Contact

Jim Wells, Deputy Superintendent, Telephone Number: (775) 687-9102

Senate Bill 62 – Revises provisions governing special education.

Summary of Statute Changes

- Authorizes a school district in a county whose population is less than 400,000, charter school or university school for profoundly gifted pupils that receives an allocation for a special education program unit provided through state appropriations to use not more than 15 percent of the allocation to provide early intervening services for pupils.
- Provides a definition of a “Pupil who receives early intervening services” to mean a person enrolled in kindergarten or grades 1 to 12, inclusive, who is not a pupil with a disability but who needs additional academic and behavioral support to succeed in a regular school program.
- Requires school districts, charter schools or university school for profoundly gifted pupils that use funds for early intervening services to have a separate accounting of the expenditure of the funds.
- Authorizes the State Board of Education to prescribe the minimum standards for the provision of early intervening services.
- The Act became effective upon passage and approval on May 26, 2009.

State Board/Department of Education Action Required

Department of Education staff shall review the need to develop regulations that address the minimum standards for the provision of early intervening services. If it is determined that there is a need for regulations to clarify requirements of the bill, draft regulations will be developed by October 1, 2009 for review and adoption by the State Board of Education.

Primary Department Contact

Office of Special Education, ESEA and School Improvement, Telephone Number: (775) 687-9140

Senate Bill 77 - Provides for the establishment of programs of teen mentoring in public high schools.

Summary of Statute Changes

- Allows the board of trustees of each school district to establish a policy for a program of teen mentoring in the public high schools within the school district that is designed to increase pupil participation in school activities, community activities and all levels of government and/or to increase the ability of ninth grade pupils to make a successful transition from middle school to high school.
- Specifies that if a school district chooses to establish a policy for a program of teen mentoring that the policy must include certain guidelines and criteria identified within the bill.
- Authorizes the principal of each public high school to establish such a program of teen mentoring in accordance with the policy or a plan approved by the board of trustees.
- Authorizes each board of trustees and public high school to accept gifts, grants and donations to carry out a program of teen mentoring.
- Specifies that the provisions of this bill do not prevent a public high school from continuing to provide any similar program of teen mentoring that existed on the effective date of this bill.
- The Act became effective upon passage and approval on May 22, 2009.

State Board/Department of Education Action Required

No plan of action to be developed. District information only.

Primary Department Contact

Keith Rheault, Superintendent of Public Instruction, Telephone Number: (775) 687-9217

Senate Bill 163 - Revises provisions governing safe and respectful learning environments in public schools to prohibit bullying and cyber-bullying.

Summary of Statute Changes

- Provides a definition of “Bullying” to mean a willful act or course of conduct on the part of one or more pupils which is not authorized by law and which exposes a pupil repeatedly and over time to one or more negative actions which is highly offensive to a reasonable person and is intended to cause and actually causes the pupil to suffer harm or serious emotional distress.
- Provides a definition of “Cyber-bullying” to mean bullying through the use of electronic communication.
- Provides a definition of “Electronic communication” to mean the communication of any written, verbal or pictorial information through the use of an electronic device, including, without limitation, a telephone, a cellular phone, a computer or any similar means of communication.
- Revises the provisions governing safe and respectful learning environments for all school districts and public schools to include a prohibition on bullying and cyberbullying.
- Requires the standards of content and performance for courses in computer education and technology established by the Council to Establish Academic Standards for Public Schools to include a policy for the ethical, safe and secure use of computers and other electronic devices. Specifies that Council to Establish Academic Standards must establish the policy on or before January 1, 2010 and consider policies currently in use by school districts in Nevada.
- Requires the board of trustees of each school district, on or before July 1, 2010, to adopt the policy established by the Council to Establish Academic Standards for the ethical, safe and secure use of computers and other electronic devices for inclusion in its policy on the provision of a safe and respectful learning environment.
- The bill specifically includes the use of cyber-bullying as a prohibited act against a pupil or school employee or to interfere with the operation of a public school.
- The provisions of the Act for the purposes of adopting the policy become effective July 1, 2009 and on July 1, 2010 for all other purposes.

State Board/Department of Education Action Required

Department staff shall notify the Council to Establish Academic Standards members of the required policy to be established by the Council and develop a timeline for the Council to adopt the policy by the required date of January 1, 2010. Department staff will develop the draft policy, which will be included as part of the revised Computer and Technology Education content standards, to be considered by the Council no later than September 1, 2009.

Primary Department Contact

Keith Rheault, Superintendent of Public Instruction, Telephone Number: (775) 687-9217 (Council Notification)

Carol Crothers, Office of Assessment, Program Accountability & Curriculum, Telephone Number: (775) 687-9186 (Technology Education Standards)

Michael Fitzgerald, Office of Special Education, ESEA and School Improvement, Telephone Number: (775) 687-9168 (Technical Assistance, Policy)

Senate Bill 185 - Requires school districts to use certain environmentally sensitive cleaning and maintenance products.

Summary of Statute Changes

- The bill expresses the intent of the Legislature to reduce the potential exposure of pupils and school personnel to potentially hazardous chemicals and substances which are used in the cleaning and maintenance of the public schools in Nevada.

- Requires the Department of Education to adopt regulations, on or before January 1, 2010, setting forth the standards for environmentally sensitive cleaning and maintenance products for use in the cleaning of all floor surfaces in the public schools in Nevada.
- The required regulations to be adopted by the Department must be developed 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.
- Requires school districts, on or before July 1, 2010, to ensure that only environmentally sensitive cleaning and maintenance products for use in the cleaning of all floor surfaces are used in the public schools in accordance with the regulations adopted by the Department.
- Provides that a school district may submit a written request to the Department for a waiver from these requirements if the board of trustees determines that the costs associated with the purchase or use of environmentally sensitive cleaning and maintenance products are unreasonable and would place an undue burden on the efficient operation of the school district or a particular school within the district.
- Requires the Department to 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 adopted by the Department. Requires the Department to review and, if needed, amend the sample list of approved products at least every 2 years.
- Authorizes the board of trustees of a school district to use environmentally sensitive cleaning and maintenance products which are not included in the approved sample list by submitting a written request to the Department for a waiver to purchase and use such an environmentally sensitive cleaning and maintenance product that complies with the standards. If a waiver is granted, it is effective for one year after the date of approval and may be renewed on an annual basis.
- Specifies that the regulations adopted by the Department must not prohibit the use of any disinfectant, sanitizer, antimicrobial product or other cleaning product when necessary to protect the health and welfare of the pupils enrolled in a school within the school district and the educational personnel of the school district.
- Defines, “environmentally sensitive cleaning and maintenance products” to mean cleaning and maintenance products that reduce the chemicals, hazardous wastes and other environmental hazards to which pupils and school personnel may be exposed.
- Requires the board of trustees of each school district, on or before January 1, 2011, to prepare and submit to the Department of Education a written report, to include the specific reporting information identified in the Bill, regarding the implementation of the use of environmentally sensitive cleaning products for use in the cleaning of all floor surfaces. Requires the Department, on or before February 1, 2011, to submit a written report to the Director of the Legislative Counsel Bureau for transmission to the 76th Session of the Nevada Legislature regarding the implementation of the use of environmentally sensitive cleaning and maintenance products in the cleaning of all floor surfaces in the public schools within the school districts of Nevada.
- The provisions of the Act for the purposes of adopting the policies become effective July 1, 2009 and on July 1, 2010 for all other purposes.

State Board/Department of Education Action Required

Department staff shall develop the draft standards and sample list of products no later than November 1, 2009 for possible adoption by the State Board prior to January 1, 2010. Each school district will be provided a copy of the adopted standards by January 15, 2010 along with notification of the mandates required by the bill to be followed by the school districts. A standardized “Request for Waiver” form will be developed by the Department for use by school districts no later than April 30, 2010.

Primary Department Contact

Keith Rheault, Superintendent of Public Instruction, Telephone Number: (775) 687-9217

Senate Bill 303 - Enacts the Interstate Compact on Educational Opportunity for Military Children.

Summary of Statute Changes

- The Bill authorizes the enactment of the Interstate Compact on Educational Opportunity for Military Children in Nevada which is an interstate compact that addresses issues relating to the education of certain children of military families in states that are members of the Interstate Compact, including guidelines for the enrollment, placement, graduation and extracurricular activities of those children.
- Requires the establishment of a State Council for the Coordination of the Interstate Compact, consisting of the following members: one representative of the Nevada National Guard, appointed by the Governor; one representative of each military installation in this State, appointed by the commanding officer of that military installation; the Superintendent of Public Instruction; the superintendent of each school district in which a military installation is located; one Legislator or other person appointed by the Legislative Commission to represent the interests of the Legislature; and one person appointed by the Governor to represent the interests of the Governor.
- Specifies that members of the State Council: serve a term of 2 years and until his successor is appointed; may be reappointed; may be removed from office by the appointing authority at any time; and serve without compensation and are not entitled to any per diem or travel expenses.
- Requires the State Council to appoint a liaison to assist military families and the State in facilitating the implementation of the Interstate Compact. Specifies that the liaison may be a member of the State Council or any other person deemed appropriate by the State Council. If the liaison appointed pursuant to this section is not a member of the State Council appointed pursuant to section 3 of this act, he shall serve as an ex officio nonvoting member of the State Council. The liaison serves without compensation and is not entitled to any per diem or travel expenses.
- Requires the Governor to appoint a Commissioner to administer and manage the participation of the State in the Interstate Compact. The Commissioner shall serve at the pleasure of the Governor.
- Specifies that the Commissioner may be a member of the State Council or any other person deemed appropriate by the Governor. If the Commissioner is not a member of the State Council, the Commissioner shall serve as an ex officio nonvoting member of the State Council. If the Commissioner is not able to attend a meeting of the Interstate Commission, the Governor may appoint another person to attend the meeting on behalf of the State. The Commissioner serves without compensation and is not entitled to any per diem or travel expenses.
- The bill amends existing provisions of current state law relating to the placement, testing, graduation, enrollment and immunization of pupils to ensure that such provisions are consistent with the provisions of the Interstate Compact.
- Creates the Interstate Compact on Educational Opportunity for Military Children Account and specifies that the money in the Account may be used by the State Council to pay any assessments, obligations or fees to the Interstate Commission and to meet necessary administrative expenses of the State Council.
- Designates the Superintendent of Public Instruction as the administrator of the Account. Authorizes the Superintendent to accept any gifts, grants or donations for deposit in the Account. Specifies that nothing in the provisions of the Bill requires the Department or the board of trustees of a school district to allocate money in addition to money available in the Account for the payment of expenses incurred pursuant to those provisions.
- Specifies that during the period commencing on July 1, 2009, through December 31, 2010, the superintendent of each school district shall work cooperatively with the United States Department of Defense and local education agencies in other states to accommodate, to the extent authorized by state law, a pupil who transfers to a public school in this State because of the military transfer of the parent or legal guardian of the pupil.
- The provisions of the Act relating to the establishment of the Interstate Compact Account and the requirement for school districts to work cooperatively with the Department of Defense become effective on July 1, 2009. All other provisions of the act become effective on January 1, 2011.

State Board/Department of Education Action Required

Department of Education staff will notify school districts of the enactment of the Interstate Compact by July 1, 2009. Superintendent of Public Instruction shall participate as a member of the State Council when it is established within the State. Superintendent will work with Department fiscal staff to establish the Account for the Interstate Compact on Educational Opportunity for Military Children within the state fiscal structure.

Primary Department Contact

Keith Rheault, Superintendent of Public Instruction, Telephone Number: (775) 687-9217

Senate Bill 317 – Requires instruction on financial literacy in the public high schools.

Summary of Statute Changes

- Requires the board of trustees of each school district and the governing body of each charter school that operates as a high school to ensure that instruction on financial literacy is provided to pupils enrolled in each public high school within the school district or in the charter school, as applicable.
- Specifies that the instruction must include, without limitation, the skills necessary to develop financial responsibility; the skills necessary to manage finances; the skills necessary to understand the use of credit and the incurrence of debt, including; and the skills necessary to understand the basic principles of saving and investing.
- Specifies that the required financial literacy instruction required by the Bill may be included within a course or program of instruction that pupils enrolled in high school are otherwise required to complete for graduation.
- The Act becomes effective on July 1, 2009.

State Board/Department of Education Action Required

Department of Education staff will notify school districts and charter schools of the new requirement to provide financial literacy instruction to high school students by July 1, 2009. Department staff will be available to provide technical assistance to school districts and charter schools regarding the identification of appropriate curriculum materials and possible coordination in the development of a statewide curriculum depending upon the interest of school districts and charter schools in using such a curriculum.

Primary Department Contact

Phyllis Dryden, Office of Career, Technical & Adult Education, Telephone Number: (775) 687-9144.

Senate Bill 389 – Revises provisions governing accountability in public schools.

Summary of Statute Changes

- Existing law requires each public school to be designated annually as demonstrating exemplary achievement, high achievement, adequate achievement or need for improvement. The bill eliminates the requirement for the Department of Education to establish a support team for a school designated as demonstrating need for improvement for 3 or more consecutive years. Previously, if a school was designated as demonstrating need for improvement for 3 or more consecutive years, a support team was required to be established for the school.
- Requires the board of trustees of a school district or the governing body of a charter school to conduct a comprehensive audit for a school that is designated as demonstrating need for improvement for 3 consecutive years, including an audit of the curriculum implemented at the school.

- Eliminates the requirement that the Department develop and carry out a new curriculum for certain schools that have demonstrated need for improvement for 3 consecutive years.
- Requires the development of a turnaround plan for each school that is not a Title I school that has demonstrated need for improvement for 4 consecutive years.
- Maintains the requirement that a restructuring plan must be developed if a Title I school has demonstrated need for improvement for 4 consecutive years and prescribes the requirements for such plans.
- Require the implementation of the turnaround plan for each school that is not a Title I school if the school demonstrates need for improvement 5 or more consecutive years and requires the Department to monitor the implementation of that plan.
- Requires the implementation of a restructuring plan for each Title I school if the school demonstrates need for improvement for 5 or more consecutive years.
- Requires the State Board of Education to adopt regulations, on or before January 1, 2010, that prescribe the actions which the Department may take to monitor the implementation of any corrective action required of a school within a school district or a charter school and regulations that prescribe the requirements for a turnaround plan of a school within a school district or a charter school.
- The provisions of the Act relating to the adoption of regulations by the State Board become effective on July 1, 2009. All other provisions of the act become effective on July 1, 2010.

State Board/Department of Education Action Required

Department staff shall develop the draft regulations no later than November 1, 2009 for possible adoption by the State Board prior to January 1, 2010. Each school district will be provided a copy of the adopted regulations by February 1, 2010. Information that describes the changes made to the school accountability requirements within the state will be developed by Department staff and provided to all school districts and charter schools no later than May 30, 2010.

Primary Department Contact

Office of Special Education, ESEA and School Improvement, Telephone Number: (775) 687-9140

Senate Bill 391 - Revises provisions relating to charter schools.

Summary of Statute Changes

- Amends the Charter School application requirements to form a charter school to include in its application a statement of whether the charter school will enroll pupils who are in a particular category of at-risk pupils before enrolling other eligible children and the method for determining eligibility for enrollment in each such category.
- Amends existing law to authorize a charter school which is dedicated to providing services to pupils who are at risk to enroll a child, before enrolling other eligible children, who is in a particular category of at-risk pupils if the child meets the eligibility for enrollment prescribed by the charter school for that particular category.
- This Act becomes effective on July 1, 2009.

State Board/Department of Education Action Required

No plan of action to be developed. Department staff shall notify charter school Governing Boards and administrators of the change in law for information purposes only by July 1, 2009.

Primary Department Contact

Tom McCormack, Charter School Consultant, Telephone Number: (775) 687-9149

Senate Bill 416 - Revises provisions governing the administration of certain tests, examinations and assessments in public schools.

Summary of Statute Changes

- Prohibits the board of trustees of a school district from administering a district-wide test, examination or assessment unless that test, examination or assessment: is required by state or federal law; or was adopted by the school district before July 1, 2007. Specifies that the restrictions do not apply to a test, examination or assessment that a pupil voluntarily takes without a district-wide requirement, including, without limitation, an advanced placement examination.
- The Bill suspends temporarily the administration of state required norm-referenced examinations required to be administered to pupils in grades 4, 7 and 10 for the 2009-2010 School Year and the 2010-2011 School Year.
- Specifies that any requirements relating to the reporting of test scores of pupils on norm-referenced examinations that would otherwise be administered during the 2009-2010 School Year and the 2010-2011 School Year are also suspended.
- This Act becomes effective on July 1, 2009 and the provisions that suspend the administration of state required norm-referenced examinations expire by limitation on June 30, 2011.

State Board/Department of Education Action Required

No plan of action to be developed. Department will notify School Districts of the changes in law regarding the prohibition of adding new district tests and suspension of the norm-referenced examinations for the 2010-2011 biennium by July 1, 2009.

Primary Department Contact

Carol Crothers, Office of Assessment, Program Accountability & Curriculum, Telephone Number: (775) 687-9186

Senate Bill 433 - Provides for salaries of certain state employees and provides for furloughs for certain public employees.

Summary of Statute Changes

- Requires the Interim Finance Committee (IFC), on or before May 31, 2010, to project the unappropriated balance of the State General Fund and the State Distributive School Account as of June 30, 2010, using all relevant information known to it. Requires the results of the projections of the State General Fund and the State Distributive School Account must be combined into a single projection (Section 9).
- Based on the projected unappropriated balance of the State General Fund by IFC, specifies the following amounts as contingently appropriated for the Fiscal Year 2010-2011 (Section 11):
 - If the projected unappropriated balance is at least \$390,000,000, to provide funding sufficient for a 1 percent increase in salaries for personnel employed by school districts, charter schools and university schools for profoundly gifted pupils which equates to an additional appropriation to the State Distributive School Account in the amount of \$24,099,622. Specifies that the additional appropriation, if any, must be apportioned in the same proportion per pupil as established by the Department of Education for the 17 county school districts for Fiscal Year 2010-2011.
 - If the projected unappropriated balance is at least \$390,000,000, allocates to the Account for Programs for Innovation and the Prevention of Remediation an amount of \$267,521 to the Account. Specifies that the additional appropriation to the Account, if any, must be added to any other appropriations made to the Account for the 2009-2011 biennium and expended in the same manner as those other appropriations.

- If the projected balance is at least \$425,000,000, to provide funding sufficient for a 2 percent increase in salaries for personnel employed by school districts, charter schools and university schools for profoundly gifted pupils which equates to an additional appropriation to the State Distributive School Account in the amount of \$48,199,244. Specifies that the additional appropriation, if any, must be apportioned in the same proportion per pupil as established by the Department of Education for the 17 county school districts for Fiscal Year 2010-2011.
- If the projected unappropriated balance is at least \$425,000,000, allocates to the Account for Programs for Innovation an amount of \$535,042 to the Account. Specifies that the additional appropriation to the Account, if any, must be added to any other appropriations made to the Account for the biennium and expended in the same manner as those other appropriations.
- This Act becomes effective on July 1, 2009.

State Board/Department of Education Action Required

Department of Education staff will monitor the projections made by IFC and will notify all school districts and charter schools if the unappropriated balances reach the threshold amounts identified in the Bill for additional appropriations to both the Distributive School Account and the Account for Programs for Innovation and the Prevention of Remediation.

Primary Department Contact

Jim Wells, Deputy Superintendent, Telephone Number: (775) 687-9102

Senate Concurrent Resolution 7 - Urges public schools to develop and implement programs for improving academic performance and maximizing learning opportunities of pupils.

Summary of Resolution

- The 75th Session of the Nevada Legislature urges the public schools and school districts in this State to evaluate and implement programs that improve academic performance and maximize learning opportunities of pupils.
- Specifies that the Secretary of the Senate prepare and transmit a copy of this resolution to the Superintendent of Public Instruction for distribution to the State Board of Education, the superintendent of each school district for distribution to the members of their board of trustees and the President of the Nevada Association of School Administrators for distribution to its members.

Primary Department Contact

Keith Rheault, Superintendent of Public Instruction, Telephone Number: (775) 687-9217

Senate Concurrent Resolution 12 - Urges the promotion of physical fitness in the schools.

Summary of Resolution

- The 75th Session of the Nevada Legislature urges the school districts to promote physical fitness in the schools to reduce obesity and to encourage healthy lifestyle choices by expanding high-quality programs of physical education during each school day and urges the Department of Education, to the extent money is available, to employ or consult with a physical education coordinator.
- Specifies that the Secretary of the Senate prepare and transmit a copy of this resolution to the Superintendent of Public Instruction, each county school superintendent for distribution to the schools within the school district, Nevada Parent Teacher Association for distribution to its members, Director of the Advocacy and State Health Alliances with the American Heart Association and the President of the Nevada Association for Health, Physical Education, Recreation and Dance.

Primary Department Contact

Keith Rheault, Superintendent of Public Instruction, Telephone Number: (775) 687-9217

Senate Concurrent Resolution 22 - Encourages collaboration to increase participation in adult education programs and enrollment in college.

Summary of Resolution

- The 75th Session of the Nevada Legislature recognized the importance of adult education programs in this State and continuing education beyond secondary education.
- Encourages the Nevada Department of Education and the school districts in this State to work in collaboration with the Nevada System of Higher Education to increase participation in adult education programs, to increase the number of adults who obtain adult high school diplomas and to enroll those adults in a college to continue their education.
- Encourages adults who obtain an adult standard diploma to further their education by enrolling in College.
- Specifies that the Secretary of the Senate prepare and transmit a copy of this resolution to the State Director of Adult Education, the superintendent of each school district in this State and the Director of Admissions for each college within the Nevada System of Higher Education.

Primary Department Contact

Keith Rheault, Superintendent of Public Instruction, Telephone Number: (775) 687-9217

Senate Concurrent Resolution 27 - Honors educational personnel for the services they provide to their students and all of Nevada.

Summary of Resolution

- The 75th Session of the Nevada Legislature expressed their sincere gratitude to all educational personnel in prekindergarten through postsecondary levels in Nevada and recognize the need to raise public awareness of their unquantifiable contributions and to promote greater respect for and understanding of their roles in education.
- Encouraged the schools, communities and residents Nevada to appropriately recognize that educational personnel are vital to the very fabric of our society, even if with just a simple “thank you,” and to continue to support those who educate our children, peers and neighbors.
- Specified that the Secretary of the Senate prepare and transmit a copy of this resolution to the Board of Regents of the University of Nevada, the Superintendent of Public Instruction, the Nevada Parent Teacher Association, the Nevada State Education Association, the Nevada Association of School Boards and the Nevada Association of School Administrators.

Primary Department Contact

Keith Rheault, Superintendent of Public Instruction, Telephone Number: (775) 687-9217