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2011 Legislative Summary - English

Summary of Newly Enacted Statute Affecting Public and Private Schools Passed During the 2011 Legislative Session

2011 LEGISLATIVE BILL SUMMARY

Dear Parents, Guardians and Carson City School District Employees:

This document is intended to provide a quick reference to the newly enacted statutes passed by the 2011 Legislature that affect K-12 education in Nevada. The effective date is noted (in parenthesis). The bullet points given in this document generally only apply to individuals or parties at the District level. The document does not provide all of the specific details needed, in many cases, to carry out the requirements of the statutes. Each bill as enrolled should be referred 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 (2011 Session) by clicking on the appropriate bill listed under Bill Information. Be certain to view the bill "As Enrolled" to ensure that you are viewing the language signed into law.

Other web addresses you may find useful in the event you have questions include the Carson City School District at www.carsoncityschools.com or Nevada Department of Education at www.doe.nv.gov. Staying informed helps all of us work together more effectively for the sake of our students.

ASSEMBLY BILLS

Assembly Bill 39 – Revises provisions governing educational personnel.

- Eliminates requirement for Department of Education to provide written notice, by first class mail, to licensed educational personnel regarding the expiration date of their license.
- Requires school districts to notify each licensed employee identified on the list of employees provided by the Department of the pending licensure expiration. The notice must be provided not later than six months before the expiration date of the license and the method of notification is to be determined by the school district.

(7/1/11)

Effected Parties: Superintendent; Certified Staff

Assembly Bill 113 – Revises provisions governing the statewide system of accountability for public schools.

- Changes the date on which the local board of trustees of each school district must make available the annual report of accountability to the public from August 15 of each year to September 30 of each year.
- Changes the date on which the local board of trustees of each school district must develop a State School Improvement Plan or a revised plan from September 7 of each year to October 20 of each year.
- Changes the date on which the principal of each public school must provide a summary of the annual report of accountability for the school from September 7 of each year to October 20 of each year.
- Changes the date on which the local board of trustees of each school district must issue a preliminary designation of each public school in the school district from July 1 of each year to August 15 of each year and changes the date on which a

final determination is made from August 1 of each year to September 15 of each year.

Requires Department of Education to review testing dates for the criterion-referenced tests in grades 3 through 8 and revise the testing schedule to establish testing dates at least 30 days later in the spring semester for purposes of determining adequate yearly progress of schools. Current date of testing is 120th day of school would be moved to the 150th day of school. (7/1/11)

Effected Parties: Board of Trustees; Superintendent; Staff; Citizens

Assembly Bill 117 – Temporarily revises provisions governing the required minimum number of school days in public schools.

- Authorizes the Board of Trustees of a school district or the Governing Board of a charter school to request, during the 2011-2013 biennium, a waiver from the required number of school days in a school year for economic hardship reasons only.
- School districts or charter schools experiencing economic hardship may submit a written request to the Superintendent of Public Instruction on a form prescribed by the Department of Education. A waiver of no more than five non-instructional days of school from the required 180 days of school may be requested to avoid layoff of teachers and other educational personnel.

Effected Parties: Board of Trustees; Superintendent

Assembly Bill 138 – Revises provisions governing pupils.

- The bill authorizes the Department of Education to work in consultation with the Nevada System of Higher Education to develop a plan to establish clearly defined goals and benchmarks for pupils enrolled in public high schools to ensure that those pupils are adequately prepared for the educational requirements of postsecondary education and for success in the workplace.
- Requires the Department of Education and school districts to include the number of pupils receiving the adult diploma as part of the annual report of accountability.
- Requires the Department of Education and school districts to include the number of incidents resulting in suspension or expulsion of pupils for bullying, cyber-bullying, harassment or intimidation, reported for each school district, including, without limitation, each charter school in the district, as part of the annual report of accountability.
- The bill revises the provisions governing the policy for a 4-year academic plan for ninth grade pupils to ensure that each ninth grade pupil and his or her parent or legal guardian are provided, to the extent practicable, with information concerning certain courses and programs available to the pupil, as well as the requirements for graduation, for admission to the Nevada System of Higher Education and for receipt of a Governor Guinn Millennium Scholarship.
- The bill revises the minimum age by which a pupil may be excused from full time school attendance to enter employment or an apprenticeship program from 14 to 15 years old. (7/1/11)

Effected Parties: Board of Trustees; Superintendent; High School Staff; Middle and High School Counselors; 9th Grade Students and their Parents

Assembly Bill 222 – Creates the Teachers and Leaders Council of Nevada.

- Requires the information maintained in the state automated system of accountability related to the results of pupil achievement to account for at least 50 percent, but not be used as the sole criterion, in evaluating the performance of an individual teacher, paraprofessional or other employee.
- Creates a Teachers and Leaders Council consisting of 15 members: The Bill defines how the membership is determined, the terms of the members, and the responsibilities of the Council.
- Specifies that each school district shall implement a performance evaluation policy for teachers and administrators that comply with the system adopted through regulations by the State Board not later than the 2013-2014 school year.
- Specifies that the statewide performance evaluation system must require that an employee's overall performance is determined to be: Highly effective; Effective; Minimally effective; or Ineffective.

- The bill amends Assembly Bill No. 229 to provide that the probationary teacher or probationary administrator may make a request for their next evaluation to be conducted by an outside evaluator if the teacher or administrator receives an evaluation of “minimally effective” or “ineffective” on the first or second evaluation, or both evaluations. Effective on July 1, 2013. (7/1/11)

Effected Parties: Board of Trustees; Superintendent; Certified Staff

Assembly Bill 224 – Revises provisions governing parental involvement in education.

- Creates the Office of Parental Involvement and Family Engagement within the Department of Education and requires the Superintendent of Public Instruction to appoint an employee of the Department to serve as the Director of the Office.
- Authorizes the board of trustees of a school district to establish an advisory council on parental involvement and family engagement to work in conjunction with the State Parent Advisory Council.
- Revises the required annual report of accountability information for the public schools by school districts and charter schools to include information on the involvement of parents and the engagement of families in the education of their children. (7/1/11)

Effected Parties: Board of Trustees; Superintendent; Principals; Parents

Assembly Bill 225 – Requires an additional probationary period for certain teachers and administrators.

- Stipulates that a post-probationary employee who receives an unsatisfactory evaluation or any other equivalent evaluation designating his or her overall performance as below average, for two consecutive school years shall be deemed to be a probationary employee and must serve an additional probationary period in accordance with the provisions of NRS 391.3197. Clarifies the definition of “Probationary employee” to include a person who is deemed to be a probationary employee pursuant to this provision.
- Provides that the probationary provisions of the bill are not superseded by the terms of a collective bargaining agreement.
- Authorizes a teacher or administrator who is deemed to be a probationary employee pursuant to the provisions of the bill and who receives notice that he or she will be dismissed before the completion of the current school year to request an expedited hearing pursuant to the expedited hearing procedures established by the American Arbitration Association. (7/1/11)

Effected Parties: Superintendent; Certified Staff

Assembly Bill 229 – Revises provisions governing the accountability and performance of public schools and educational personnel.

- The bill expands the requirements of the annual reports of accountability at the state and school district level to include a reporting of the number and percentages of administrators, teachers and other staff for each elementary school, middle school or junior high school, and high school and for each school district in the State.
- Requires the board of trustees of each school district to establish a program of performance pay and enhanced compensation for the recruitment and retention of licensed teachers and administrators which must be negotiated pursuant to chapter 288 of NRS and implement the program commencing with the 2014-2015 school year.
- Stipulates that the program of performance pay and enhanced compensation established by a school district must have as its primary focus the improvement in the academic achievement of pupils and must give appropriate consideration to implementation in at-risk schools.
- Effective July 1, 2013, the bill revises the policies for evaluations to require the designation of an individual teacher or administrator as “highly effective,” “effective,” “minimally effective” or “ineffective” and provide that the policies must require that pupil achievement account for at least 50 percent of the evaluations.
- In reference to the rights and responsibilities relating to disciplinary measures taken by school districts in regard to probationary and post-probationary teachers and administrators, the bill removes probationary teachers and new employees hired as probationary administrators from the applicability of the provisions governing admonition, demotion,

suspension, dismissal and non-reemployment.

- The bill revises the grounds for which a teacher may be suspended, dismissed or not reemployed or for which an administrator may be demoted, suspended, dismissed or not reemployed to include “gross misconduct”. Definition of “gross misconduct” is also included in the bill.
- Provides that a post-probationary teacher who receives an evaluation of “minimally effective” or “ineffective” must be evaluated three times in the immediately succeeding school year.
- Expands the grounds for which a licensed employee is subject to immediate dismissal or a refusal to reemploy without first receiving a written admonition to include “gross misconduct”.
- Revises the probationary period from two 1-year periods to three 1-year periods, without a waiver of any of the probationary years. A probationary employee is employed on a contract basis for three 1-year periods and has no right to employment after any of the three probationary contract years. Also provides that a probationary employee who receives notice that he or she will be dismissed before the completion of the current school year may request an expedited hearing pursuant to the procedures established by the American Arbitration Association or its successor organization.
- Provides that a board of trustees of a school district that determines a reduction in the existing workforce of licensed educational personnel is necessary must not base the decision to lay off a teacher or an administrator solely on the seniority of the teacher or administrator and may consider certain other factors. (7/1/11)

Effected Parties: Board of Trustees; Superintendent; Certified Staff

Assembly Bill 233 – Revises provisions governing the circumstances under which a pupil may receive credit for a course of study without attending the course.

- The bill provides that a pupil may be granted credit in lieu of course attendance if the pupil demonstrates proficiency on an examination developed by the principal and the pupil’s teacher who provides instruction in the course or passes an examination that the principal determines is as rigorous as or more rigorous than the examination prescribed by the State Board.
- Requires the State Board to adopt regulations that prescribe the: Form on which a pupil may apply to the board of trustees of a school district in which the pupil attends school to be granted credit; Courses of study for which pupils may be granted credit; and the minimum score on the examination prescribed within the bill that is required to demonstrate proficiency in a course.
- Requires the State Board, on or before December 31, 2011, to adopt the regulations. (7/1/11)

Effected Parties: Board of Trustees; Superintendent; Certified Staff; Parents; Pupils

Assembly Bill 257 – Revises provisions relating to the Open Meeting Law.

- Specifically requires that comments by the general public must be taken: At the beginning of the meeting before any items on which action may be taken are heard by the public body and again before the adjournment of the meeting; or after each item on the agenda on which action may be taken is discussed by the public body, but before the public body takes action on the item. (7/1/11)

Effected Parties: Board of Trustees; Staff; Citizens

Assembly Bill 290 – Revises provisions governing pupils enrolled in high school.

- The bill authorizes the principal of a high school or the principal’s designee to postpone the administration of the high school proficiency examination in the subject area of mathematics or science, or both, for a pupil enrolled in grade 10 for not more than 1 year.
- The Bill details the need to revise a pupil’s academic plan if he/she postpones the proficiency examination and also defines the reporting requirements if the exam is postponed. (7/1/11)

Effected Parties: Board of Trustees; Superintendent; High School Principals; Pupils; Parents

Assembly Bill 316 – Revises provisions relating to services for persons with autism spectrum disorders

- Requires the board of trustees of a school district or the governing body of a charter school to conduct an initial evaluation of each pupil with autism spectrum disorder and to conduct a reevaluation once every 3 years thereafter in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the regulations prescribed by the State Board of Education.
- Requires the board of trustees of a school district or the governing body of a charter school to ensure that each person who conducts an evaluation of a pupil with autism spectrum disorder is provided with technical assistance and training to improve the accuracy and efficiency in conducting such evaluations. (7/1/11)

Effected Parties: Board of Trustees; Superintendent; Administrators; Director of Student Support Services; School Psychologist; Teachers; Parents

Assembly Bill 318 – Places the burden of proof and the burden of production on a school district in a due process hearing held pursuant to the Individuals with Disabilities Education Act.

- Requires that whenever a due process hearing is held pursuant to the Individuals with Disabilities Education Act regarding the identification, evaluation, reevaluation, classification, educational placement or disciplinary action of or provision of a free appropriate public education (FAPE) to a pupil with a disability, and a school district is a party, the school district has the burden of proof and the burden of production. (7/1/11)

Effected Parties: Superintendent; Administrators; Director of Student Support Services; Certified and Classified Staff; Nurses; Parents

Assembly Bill 393 – Requires criminal background investigations of educational personnel upon renewal of a license.

- Requires the board of trustees of each school district and the governing body of each charter school to adopt a policy which requires a licensed employee of the school district or charter school to report to the school district or charter school if the employee is arrested for or convicted of a crime. The policy must include, without limitation, an identification of: the crimes for which an arrest or conviction must be reported; the person to whom the report must be made; and the time period after the arrest or conviction in which the report must be made.
- Requires an applicant for renewal of an educational license issued by the Superintendent of Public to undergo a subsequent background investigation of his or her criminal history upon renewal of the license.

Effected Parties: Board of Trustees; Superintendent; Certified Staff

Assembly Bill 455 – Revises provisions governing the participation by pupils and youths in certain sports activities.

- Requires the Nevada Interscholastic Activities Association to adopt a policy concerning the prevention and treatment of injuries to the head which may occur during a pupil's participation in interscholastic activities and events, including, without limitation, concussion of the brain. The policy must provide information concerning the nature and risk of injuries to the head which may occur during a pupil's participation in interscholastic activities and events, including, without limitation, the risks associated with continuing to participate in the activity or event after sustaining such an injury.
- The Bill explains the required actions of the school (coach or sponsor) if a student sustains a head injury during an activity and the expectations of the student/parents prior to allowing the student to return to activity.
- Requires the board of trustees of each school district to adopt a similar policy for the participation of pupils in competitive sports within the school district which are not governed by the Association. (7/1/11)

Effected Parties: NIAA; Board of Trustees; Superintendent; Administrators; Athletic Director; Parents; Pupils

Assembly Bill 498 – Eliminates the requirement for the administration of norm-referenced examinations in public schools

- This bill permanently eliminates the statutory requirement for the administration of norm-referenced examinations in grades 4, 7 and 10 and revises existing law to delete references to the norm-referenced examinations.
- This act becomes effective upon passage and approval.

Effected Parties: Board of Trustees; Superintendent; Administrators; District Staff; Parents; Pupils

Assembly Bill 551 – Requires school districts to assess the feasibility of consolidation of services, functions and personnel.

- Requires the board of trustees of each school district to determine whether consolidating or sharing services, functions, or personnel with other school districts is feasible to include, without limitation: Purchasing; Accounting; Recruiting; Transportation; Chief Financial Officer; Human Resources Director; and Superintendent of schools.
- Requires the board of trustees of each school district to report its findings on or before July 1, 2012, and on or before July 1, 2013, to the Director of the Legislative Counsel Bureau for transmittal to the Legislature and the Interim Finance Committee. (7/1/11)

Effected Parties: Board of Trustees; Superintendent;

Assembly Bill 579 – Ensures sufficient funding for K-12 public education for the 2011-2013 biennium.

- Provides the state basic support guarantee for school districts for Fiscal Year 2011-2012 (FY12) at \$5,263 (estimated weighted average per pupil) and for Fiscal year 2012-2013 (FY13) at \$5,373 per pupil.
- Specifies that for each respective school district, the basic support guarantee per pupil for FY12 is: Carson City \$5,992;
- 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 FY13 is: Carson City \$6,100;
- Additional funding detail is provided in the Bill.

Effected Parties: Board of Trustees; Superintendent;

SENATE BILLS

Senate Bill 11 – Directs the Legislative Commission to appoint a committee to conduct an interim study concerning the development of a new method for funding public schools.

- Requires the Legislative Commission to appoint a committee to conduct an interim study concerning the development of a new method for funding public schools in this State. (7/1/11)

Effected Parties: Legislative Commission

Senate Bill 14 – Requires the State Board of Education to develop a model curriculum for English language arts and mathematics.

- The bill requires the State Board to develop a model curriculum for English language arts and mathematics for kindergarten and grades 1 to 12, inclusive, which are the two subject areas currently covered by the Common Core Standards.
- Requires the Department of Education to provide each model curriculum to the board of trustees of each school district, the governing body of each charter school and the governing body of each regional training program for the professional development of teachers and administrators.
- Requires the board of trustees of each school district to make available to each public school within the school district the model curriculum for the grade levels taught at the public school.
- Stipulates that teachers and administrators may use the model curriculum as a guide in developing class lesson plans to ensure compliance with the academic standards adopted for English language arts and mathematics.
- Stipulates that the governing body of each regional training program may use the model curriculum in the training of teachers and administrators to ensure compliance with the academic standards adopted for English language arts and

mathematics. (7/1/11)

Effected Parties: State School Board; Board of Trustees; Superintendent; Principals; Staff; Parents; Pupils

Senate Bill 197 – Revises provisions governing the system of governance and oversight of public education

- Removes the provisions creating the 10-member elected State Board of Education and provides for the creation of a new board consisting of seven voting members and four non-voting members whose terms will commence on January 8, 2013.
- Identifies how the new governing board will be created and the groups from which the members will be selected. The Bill also defines the terms of the members and the responsibilities of the Board.
- Specifies that the Superintendent of Public Instruction is to be appointed by the Governor from a list of three candidates submitted by the State Board and serves at the pleasure of the Governor. The Superintendent of Public Instruction is in the unclassified service of the State under the Executive Department of State Government.
- Revises the qualifications and duties of the Superintendent of Public Instruction.
- Unless otherwise noted in the summary, the majority of the act becomes effective on July 1, 2011 with the exception of the date in which new elected board members become eligible to file for election which becomes effective on January 1, 2012.

Effected Parties: State School Board; Citizens

Senate Bill 276 – Revises provisions governing safe and respectful learning environments in public schools.

- Revises the components of the annual reports of accountability prepared by the State Board of Education and the boards of trustees of school districts to include reports on incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment and intimidation.
- Requires the Department to establish a program of training on the prevention of bullying, cyber-bullying, harassment and intimidation for members of the State Board and to recommend a program of training for members of the boards of trustees of school districts and school district personnel.
- Requires each member of the State Board and authorizes each member of a board of trustees to complete the training program and authorizes the board of trustees of the school district to allow school district personnel to attend the program during regular school hours.
- Requires the principal of each public school or his or her designee to: (1) establish a school safety team; (2) conduct investigations of reported incidents of bullying, cyber-bullying, harassment and intimidation; and (3) collaborate with the board of trustees of the school district and the school safety team to prevent, identify and address reported incidents of bullying, cyber-bullying, harassment and intimidation.
- Prescribes the qualifications and duties of the school safety team.
- Requires the principal of each public school to submit to the board of trustees of the school district a report on the number of incidents of bullying, cyber-bullying, harassment and intimidation occurring at the school or involving a pupil enrolled at the school during the previous school semester and also requires the board of trustees to submit to the Department a compilation of the reports.
- Requires a teacher or other staff member of a school who witnesses a violation of the prohibition on bullying, cyber-bullying, harassment and intimidation occurring at the school or who receives information of such a violation to verbally report the violation to the principal or the principal's designee.
- Requires the principal or the principal's designee to initiate an investigation of the reported violation and provides that a parent or legal guardian of a pupil involved in the reported violation may appeal a disciplinary decision of the principal or the principal's designee, made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district.
- Requires the board of trustees of each school district, in conjunction with the school police officers of the school district, if any, and the local law enforcement agencies that have jurisdiction over the school district, to establish a policy for the procedures which must be followed by an employee of the school district when reporting a violation of the prohibition of bullying, cyber-bullying, harassment and intimidation to a school police officer or local law enforcement agency.

- Revises the grounds for which a teacher or administrator may be demoted, suspended, dismissed or not reemployed to include an intentional failure to report a violation of the prohibition of bullying, cyber-bullying, harassment and intimidation.
- Requires the Governor to annually proclaim the first week in October to be “Week of Respect.” (7/1/11)

Effectuated Parties: Board of Trustees; Superintendent; Administrators; All School Staff; Parents; Pupils

Senate Bill 317 – Requires that plans developed and implemented to respond to crises occurring at public schools and private schools also address response to emergencies.

- Revises the duties of each crisis plan development committee established by a school district, charter school or private school to require that such a plan also address responding to a school emergency.
- Requires each school committee that is established to review the plan to respond to a crisis to also review the component of the plan for responding to an emergency and to determine whether to request a deviation from the plan.
- Prescribes the duties of a school principal when an emergency occurs.
- Applies existing law to the emergency plans in that the plans are confidential and further provides that the meetings of the development committees, school committees and the State Board of Education concerning the plans to respond to a crisis are not subject to the Open Meeting Law. (7/1/11)

Effectuated Parties: Board of Trustees; Superintendent; Principals

Senate Bill 365 – Eliminates certain mandates pertaining to school districts and public schools in this State

- Repeals the state statutory requirement for a school district to prepare an annual plan for improvement. (It is noted that a plan is still required under the Federal Title I requirements for school districts that receive Title I funding).
- Requires the board of trustees of each school district which includes at least one high school with an enrollment of 1,200 pupils or more to adopt a pilot program of small learning communities for implementation in at least 50 percent of those high schools. Pilot programs to be implemented beginning with the 2013-2014 school year
- Requires the board of trustees of each school district which includes at least one middle school with an enrollment of 500 pupils or more to adopt a pilot program of small learning communities for pupils in their initial year of enrollment for implementation in at least 50 percent of those schools. Pilot programs to be implemented beginning with the 2013-2014 school year
- Extends the date for the required adoption of a policy by the board of trustees of a school district for an academic plan that must be developed for each pupil enrolled in middle school or junior high school to January 1, 2013, for implementation beginning with the 2013-2014 school year.
- This act becomes effective on July 1, 2011, for all purposes except for the implementation of the required pilot programs that takes effect on July 1, 2013.

Effectuated Parties: Board of Trustees; Superintendent; Principals; Parents; Pupils

Senate Bill 370 – Makes various changes to provisions governing children who are placed with someone other than a parent.

- Requires the board of trustees of each school district to adopt a policy for each elementary school in the district to develop an academic plan for each foster child enrolled in the elementary school whom the school district is informed is enrolled in the school. Requires the academic plan to be used as a guide to plan, monitor and manage the pupil’s educational development and make determinations of any assistance that may be necessary to the academic success of the pupil.
- Requires the Division of Child and Family Services to ensure that a school district is informed when a foster child is enrolled in a school in the school district so that an academic plan may be developed.
- Requires that a copy of the academic plan be submitted to the court with jurisdiction over the child during the biennial review of the placement of the child. (7/1/11)

Responsible Parties: Board of Trustees; Superintendent; Principals