

RECODIFICATION OF NEVADA'S EDUCATION LAWS



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LEGISLATIVE COMMISSION
OF THE
LEGISLATIVE COUNSEL BUREAU
STATE OF NEVADA

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Senate Concurrent Resolution No. 36—Senator Dodge

FILE NUMBER 137

SENATE CONCURRENT RESOLUTION—Directing the legislative commission to conduct a study recodifying Nevada's education laws.

WHEREAS, Existing laws which govern Nevada's public education were drafted in 1956; and

WHEREAS, Many of these laws have been amended and rewritten numerous times which tends to create confusion and could lead to varying interpretations; now, therefore, be it

Resolved by the Senate of the State of Nevada, the Assembly concurring, That the legislative commission is hereby directed to conduct a study and recodification of Nevada's education laws; and be it further

Resolved, That the results of the study along with recommendations for legislation be reported to the 60th session of the Nevada legislature.

19  77

REPORT OF THE LEGISLATIVE COMMISSION

To the Members of the 60th Session of the Nevada Legislature:

This report is submitted in compliance with Senate Concurrent Resolution No. 36 of the 59th session of the Nevada legislature which directs the legislative commission to conduct a study and recodification of Nevada's education laws.

The legislative commission designated the study as a staff study and appointed a two-member oversight committee. Senator Carl F. Dodge was designated chairman and Assemblyman Robert G. Craddock was named as the other member.

The report, which consists primarily of the proposed legislation together with explanatory comments, has been reviewed by the oversight committee and is transmitted to the members of the legislature for their consideration and appropriate action.

Respectfully submitted,

Legislative Commission
Legislative Counsel Bureau
State of Nevada

* * * * *

LEGISLATIVE COMMISSION

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Carson City, Nevada

INTRODUCTION

Senate Concurrent Resolution No. 36, adopted in 1977, directed the legislative commission to conduct a study and recodification of Nevada's education laws. The resolution stated that existing laws governing public education were drafted in 1956, that many of them have been amended and rewritten numerous times and that confusion and varying interpretations have sometimes resulted.

The legislative commission designated the study as a staff study. A two-member oversight committee was appointed to guide the staff and review the bill and report. The committee requested the participation of the superintendent of public instruction and his staff, and Superintendent John R. Gamble, who had suggested that the study be conducted, provided assistance throughout the year even though his retirement occurred before the draft legislation was completed.

The following chapters of Title 34 of NRS were included in the study:

TITLE 34--EDUCATION

Chapter

- 385 - State Administrative Organization
- 386 - Local Administrative Organization
- 387 - Financial Support of the School System
- 388 - System of Public Instruction
- 389 - Courses of Study
- 390 - Textbooks
- 391 - Personnel
- 392 - Pupils
- 393 - School Property
- 394 - Private Educational Institutions and Establishments
- 395 - Education of Handicapped Persons.

The oversight committee determined that the two remaining chapters in Title 34 (ch. 396, University of Nevada System and ch. 397, Western Regional Higher Education Compact) were outside the intent of the resolution. Except for incidental amendments to achieve consistency, statutes not included in the above-listed chapters were not part of the recodification.

The oversight committee determined that the recodification would not involve a complete substantive reconsideration of the school laws. Rather, it was limited to the removal of inconsistencies and conflicts and the general modernization of existing law. Substantive changes were primarily the work of other legislative subcommittees in the education field.

It was understood from the outset, however, that some of the revisions for modernization, simplification, clarification and the resolution of conflicts would extend beyond the purely mechanical. In the copy of the proposed bill which begins on page 1 of this report the more significant changes, i.e., those which border on the substantive, have been noted.

The committee, in establishing guidelines, directed that the staff review all references to the state board of education, the superintendent of public instruction and the state department of education and make the revisions necessary to ensure that the board is in charge of policymaking and the superintendent is responsible for administration, with references to the state department eliminated except in situations where an outside person is required to file a document or submit an application which need not be delivered into the hands of a particular person within the department. This basic clarification of roles is the reason for numerous revisions throughout the proposed bill. The principle was also extended to the commission on postsecondary institutional authorization and its administrator in chapter 394.

The committee made a policy decision to recommend establishing a term of 3 years for the superintendent of public instruction. The Nevada constitution requires the legislature to prescribe a term but the statutes presently provide that the superintendent serves at the pleasure of the state board.

Most of the other changes contained in the proposed bill are directed to the detail of the affected chapters. The changes can be categorized generally as follows:

Definitions. Title-wide and, in some instances, chapter-wide definitions are added to permit abbreviated references to commonly used terms.

Grammar; modernization of language. Improvements in grammar and usage are made throughout the bill with a view to modernization, clarification and simplification of language. Only sections included in the bill for other reasons have been revised in this manner. Many sections remain unamended.

Elimination of unnecessary internal references. Several of the internal references in sections of NRS citing other sections of NRS are unneeded. Where a section is included in the bill for other reasons, internal references have been deleted except where they are absolutely necessary. With fewer internal references the section becomes easier to read, and the proposed revisions preserve the meaning without the use of outside citations.

Removal of obsolete sections and portions of sections. Over the years some of the provisions of Title 34 have lost their meaning

because transitions have been completed, bonds are no longer outstanding, programs are no longer in existence or practices have been discontinued, yet the sections or portions of sections remain on the books. As part of the recodification, such obsolete provisions have been repealed.

Elimination of unnecessary detail. In some instances the statutes contain unnecessary detail. Routine procedures, for example, probably would be followed regardless of their inclusion in the education code, especially where other, more general statutes exist on the subject. Further, detailed procedural provisions in the statutes may discourage healthy flexibility and innovation. Thus the recodification bill proposes to repeal or delete some sections or portions of sections in order to eliminate unnecessary detail.

Clarification; elimination of ambiguities. Wherever the existing language of a section is unclear or incomplete, it has been rewritten, rearranged or expanded upon so that the meaning is clear and the ambiguities removed.

Consolidation; elimination of duplications. Sections pertaining to identical or near-identical subject matter sometimes appear in different chapters or under different subheads of the same chapter. Where possible, these sections have been consolidated at the most logical placement to avoid unnecessary duplication.

Placement; splitting sections. In a few cases, where the current placement of a section in NRS is inappropriate and the section is included in the bill for other reasons, the present NRS section has been repealed and a new section enacted for placement in a different chapter. Deletion and reenactment elsewhere in the Title also occurs where sections are split and the portions moved to different chapters.

Shortened official name for department. The official name of the department has been changed from "state department of education" to "department of education" everywhere it appears.

Clarification of roles. As explained earlier in this introduction, the bill includes revisions to clarify the respective roles of the state board of education, superintendent of public instruction and department of education. This includes, among other things, improvements in provisions describing the responsibilities of the state board and superintendent with respect to federal aid programs and the employment of personnel.

Compliance with provisions of constitution. Where the education code is clearly contrary to the Nevada constitution, as with the provision for appointment of the superintendent of public instruction, appropriate revisions have been recommended to bring the

statutes into compliance. A provision relating to adjustments in the local tax rate for debt service falls into this category.

Conformity with other statutes. Where it appears that the education statutes contain provisions on a subject which antedate other statutes on the same subject and have not yet been brought into conformity (as with the 1977 law on preparation of biennial reports), appropriate revisions have been made to combine the two or eliminate the inconsistencies.

Revisions to reflect present practice. Some provisions call for the use of methods which, although appropriate at one time, have been replaced with practices which are more up to date. One example of revisions made to reflect present practice is the deletion of references to average daily attendance where pupil enrollment is the appropriate figure. Another is the addition of references to "certificated educational personnel" as a supplement to, or substitute for, the term "teacher."

The proposed recodification bill, BDR 34-59, forms the major part of this report. To make the principal changes easier to identify, the text of the bill is presented with explanatory comments, sourcenotes and information on the disposition of repealed provisions.

PROPOSED LEGISLATION

SUMMARY--Revises provisions relating to public elementary and secondary education and private elementary, secondary and postsecondary education. (BDR 34-59)

Fiscal Note: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

AN ACT relating to education; revising provisions relating to public elementary and secondary education, private elementary, secondary and postsecondary education and education of handicapped persons; clarifying the powers and duties of the state board of education and the superintendent of public instruction, the state board for vocational education and its executive officer and the commission on postsecondary institutional authorization and its administrator; deleting obsolete provisions; and providing other matters properly relating thereto.

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

Section 1. Chapter 385 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. As used in this Title, unless the context otherwise requires:

1. "Department" means the department of education.
2. "Public schools" means all kindergartens and elementary schools, junior high schools and middle schools, high schools and any other schools, classes and educational programs which receive their support through public taxation and whose textbooks and courses of study are under the control of the state board.
3. "State board" means the state board of education.

Comments: Source of subsection 2 is NRS 388.010.

Sec. 3. When required, the attorney general shall give his opinion in writing and without fee to the state board and the superintendent of public instruction on matters relating to the powers and duties of the department.

Comments: Partial source is NRS 385.270.

Sec. 4. The state board shall establish policies to govern the

administration of all functions of the state relating to supervision, management and control of public schools not conferred by law on some other agency.

Comments: Compare subsection 3 of NRS 385.010.

This section clarifies that the state board of education is responsible for making policy. (In section 6 of this act the superintendent of public instruction is given the responsibility for administration.)

Sec. 5. The state board shall:

1. Cooperate with the aging services division of the department of human resources in the planning of programs whereby the school districts may prepare hot lunches for persons 60 years of age or older and their spouses or any group of such persons by utilizing the systems and procedures already developed for use in the operation of school lunch programs; and

2. Adopt regulations containing guidelines for boards of trustees of school districts entering into such agreements.

Comments: Source is subsection 1 of NRS 387.111.

Sec. 6. The superintendent of public instruction shall:

1. Execute, direct or supervise all administrative, technical and procedural activities of the department in accordance with policies prescribed by the state board.

2. Employ personnel for the positions approved by the state board and necessary for the efficient operation of the department.

3. Organize the department in a manner which will assure efficient operation and service.

4. Maintain liaison and coordinate activities with other state agencies performing educational functions.

5. Perform such other duties as are prescribed by law.

Comments: Sources are subsection 5 of NRS 385.010; NRS 385.260 and subsection 1 of NRS 385.330.

This section clarifies that the superintendent is responsible for all administrative activities of the department of education, including the employment of personnel. The state board, as the policymaking body, approves personnel positions but not the employment of individual persons.

The recodification bill contains numerous changes designed to accomplish throughout NRS the division of responsibility between the superintendent and the state board (see section 4 of this act).

Sec. 7. NRS 385.010 is hereby amended to read as follows:

385.010 1. A [state] department of education is hereby created. [The state department of education shall function under the direction and control of the state board of education, and the superintendent of public instruction shall be the executive head.]

2. The [state] department [of education shall consist] consists of the state board of education, the state board for vocational education, the state textbook [commission, and such other agencies and officers as are added by law to the state department of education and the administrative organizations and staffs required for the performance of their functions.

3. All administrative functions of the state board of education and of the superintendent of public instruction shall be exercised through the state department of education, and the department shall exercise all administrative functions of the state relating to supervision, management and control of schools not conferred by law on some other agency.

4. Establishment of the state department of education shall not affect the exercise of any educational function now conferred by law upon any other state agency or officer.

5. As executive head of the state department of education, the superintendent of public instruction shall perform duties prescribed by law and also:

(a) Execute, direct and supervise all administrative and technical activities of the department in accord with the policies prescribed by the state board of education.

(b) Employ such personnel as are approved by the state board of education and as are necessary for efficient operation of the department.

(c) Be responsible for organizing the department in a manner which will assure efficient operation and service.

(d) Be responsible for maintaining liaison and coordinating activities with other state agencies exercising educational functions.] commission and the superintendent of public instruction.

3. The superintendent of public instruction is the executive head of the department.

Comments: See sections 4 and 6 of this act.

One of the changes resulting from the more precise prescription of duties for the state board and superintendent in section 4 and 6 of this act is the elimination of ambiguous references to powers and duties of the "department." In the recodification bill relatively few references to the department remain.

Sec. 8. NRS 385.021 is hereby amended to read as follows:

385.021 1. [On July 1, 1971, the state board of education shall be composed of the seven members elected at the general election in 1970 and the two members, representative of labor and agriculture, appointed by the elected members of the board pursuant

to law. The terms of the appointive members shall expire on January 1, 1973. If a vacancy occurs in the office of an appointive member between July 1, 1971, and January 1, 1973, the elected members shall fill the vacancy by the appointment of a new member without regard to representation of labor or agriculture for the remainder of the unexpired term but not beyond January 1, 1973.

2. On and after the 1st Monday in January 1973, the] The state board of education [shall consist] consists of nine [lay] members [to be] elected by the registered voters within the following districts:

- (a) Washoe County shall be known as district No. 1.
- (b) Clark County shall be known as district No. 2.
- (c) The remainder of the state shall be known as district No.

3.

[3. The board in existence on January 1, 1972, shall determine, by lot or otherwise, two members of such board whose terms will expire on January 1, 1973, making such determination in a manner best designed to effectuate the geographical districts established by NRS 385.022 and the staggered terms established by this section. The board shall also determine the particular subdistrict to be represented by each member.

4. For the general election in 1974 and thereafter each] 2. Each board member must be a resident of the subdistrict from which that member is elected . [as prescribed in NRS 385.022.

5.] 3. At the general election in [1972,] 1980 and every 4 years thereafter:

- (a) From district No. 1, one member of the board shall be elected for a term of 4 years.
- (b) From district No. 2, two members of the board shall be elected for a term of 4 years.
- (c) From district No. 3, one member of the board shall be elected for a term of 4 years.

[6.] 4. At the general election in [1974,] 1982 and every 4 years thereafter:

- (a) From district No. 1, one member of the board shall be elected for a term of 4 years.
- (b) From district No. 2, three members of the board shall be elected for a term of 4 years.
- (c) From district No. 3, one member of the board shall be elected for a term of 4 years.

[7.] 5. If a vacancy occurs on the state board , [of education from among the elected members,] the governor shall appoint a member to fill the vacancy until the next general election, at which election a member shall be chosen for the balance of the unexpired term. The appointee must be a resident of the subdistrict where the vacancy occurs.

[8.] 6. No member of the state board [of education] may be elected to such office more than three times.

[9. No person who has been a member of the state board of education at any time prior to July 1, 1971, may be elected to the office again more than twice.]

Sec. 9. NRS 385.030 is hereby amended to read as follows:

385.030 1. At its first meeting after each election and qualification of [the lay] newly elected members, the state board of education shall organize by electing one of its members as president, to serve at the pleasure of the board.

2. The superintendent of public instruction [shall be] is the secretary of the board and shall serve without additional salary.

Sec. 10. NRS 385.040 is hereby amended to read as follows:

385.040 1. The state board of education shall hold at least four regular meetings annually at the state capital. The secretary shall call all regular meetings.

2. The board may hold special meetings at such other times and places as the board may direct. The secretary shall call special meetings upon the written request of the president or any three members of the board.

3. A majority of the board [shall constitute] constitutes a quorum for the transaction of business [.] , and no action of the board is valid unless that action receives, at a regularly called meeting, the approval of a majority of all board members.

Comments: Similar to NRS 386.330(4).

The approval of a majority of all members of the state board, not a majority of the quorum, is required for final action.

Sec. 11. NRS 385.080 is hereby amended to read as follows:

385.080 The state board may adopt regulations which are not inconsistent with the constitution and laws of the State of Nevada for its own government and which are proper or necessary for the execution of the powers and duties conferred upon it by law except that:

1. Any change made by the state board , [of education,] by which the required scholarship, training or experience [of any teacher] for any certificate for teachers or other educational personnel is increased, shall be announced when made and shall not be made effective before 3 months from the date when the change is announced; and

2. Any such change shall not be made to affect certificates [or diplomas] then in force.

Sec. 12. NRS 385.090 is hereby amended to read as follows:

385.090 The state board of education shall prescribe regulations for:

1. The issuance and renewal of all [teachers' certificates;] certificates for teachers and other educational personnel; and

2. State [teachers'] examinations for teachers and other educational personnel on Nevada school law, the constitution of the State of Nevada, and the Constitution of the United States.

Sec. 13. NRS 385.100 is hereby amended to read as follows:

385.100 1. The state board of education shall prescribe regulations under which contracts, agreements or arrangements may be made with agencies of the Federal Government for [funds,] money, services, commodities or equipment to be made available to the public schools [and school systems under] , subject to the supervision [or] and control of the [state department of education.] superintendent of public instruction.

2. All contracts, agreements or arrangements made by public schools [and school systems] in the State of Nevada involving [funds,] money, services, commodities or equipment which may be provided by agencies of the Federal Government, [shall] must be entered into in accordance with the regulations prescribed by the state board [of education] and in no other manner.

3. [Nothing contained in this section shall be construed to] This section does not apply to any [funds] money received by any school district in the State of Nevada pursuant to the provisions of:

(a) "An Act to provide financial assistance for local educational agencies in areas affected by federal activities, and for other purposes," being Public Law 874--81st Congress; and

flesh
(b) "An Act relating to the construction of school facilities in areas affected by federal activities, and for other purposes," being Public Law 815--81st Congress, as [the same have been amended or] these statutes were enacted and may be [hereafter] amended.

Sec. 14. NRS 385.102 is hereby amended to read as follows:

385.102 As used in NRS 385.104 , [to 385.108, inclusive,] "institution of higher education" means an educational institution which:

1. Admits as regular students only persons having received a certificate of graduation from high school, or the recognized equivalent of such a certificate, or those approved by the [state department of education] superintendent of public instruction for training at a vocational-technical level [.] ;

2. Is authorized to provide a program of education beyond high school;

3. Awards a bachelor's degree or a 2-year degree or certificate of graduation or a certificate of completion of a program beyond high school;

4. Is an institution with full approval of the State of Nevada or the Office of Education of the United States Department of Health, Education, and Welfare; and

5. Has recognized accreditation.

Sec. 15. NRS 385.104 is hereby amended to read as follows:

385.104 1. The higher education student loan program is hereby established.

2. [The] Money available for the higher education student loan program [shall] must be used to provide loans to further the

educational goals of Nevada residents who are admitted to and attending institutions of higher [learning.] education.

3. The state board shall establish policies and may adopt regulations for the administration of the higher education student loan program.

Comments: Source of subsection 3 is subsection 3 of NRS 385.108.

Sec. 16. NRS 385.106 is hereby amended to read as follows:

385.106 1. The [state board of education is responsible for the administration of] superintendent of public instruction shall administer the higher education student loan program and may consult with any public official or private person in the state who may have an interest in higher education or in the program.

2. The state board may:

(a) Negotiate and accept federal and other [funds] money appropriated and available to insure loans for student educational purposes [and to negotiate] under the program.

(b) Negotiate and enter into such agreements with other agencies as it deems proper for the administration and conduct of the program.

[[b)] (c) Accept gifts, grants and contributions from any source that will facilitate and assist the higher education of Nevada residents.

Sec. 17. NRS 385.108 is hereby amended to read as follows:

385.108 1. The [state board of education] superintendent of public instruction shall certify to the state controller all withdrawals [in] for purposes of the higher education student loan program . [for any of the purposes of NRS 385.102 to 385.108, inclusive.] The state controller shall then issue a warrant to the state treasurer in the amount of the certification. The state treasurer shall disburse such amount in accordance with the warrant.

2. All money received [by the state board of education pursuant to the program established under the provisions of NRS 385.102 to 385.108, inclusive, shall be used in] for the higher education student loan program must be used for that program.

3. The [board is responsible for the establishment and maintenance of] superintendent shall establish and maintain such records for the program as are required by good accounting practices. [The board may adopt regulations for the administration of NRS 385.102 to 385.108, inclusive.]

Comments: See section 15 of this act.

Sec. 18. NRS 385.150 is hereby amended to read as follows:

385.150 1. The superintendent of public instruction shall be appointed by the state board of education [; but any person elected to the office of superintendent of public instruction

prior to March 6, 1957, shall continue to hold such office until the expiration of the term for which he may have been elected.] for a term of 3 years. The state board shall fill any vacancy for the unexpired term.

2. The superintendent of public instruction [shall:

(a) Hold office subject to being removed at the pleasure of the state board of education.

(b) Be] is in the unclassified service [as provided by the provisions of chapter 284 of NRS.] of the state.

Comments: Nev. Art. 11, § 1, requires that the legislature prescribe a term of office.

The superintendent has a term of 3 years. The next term begins on April 1, 1981 (see section 224).

Sec. 19. NRS 385.170 is hereby amended to read as follows:

385.170 The superintendent of public instruction [shall] is entitled to receive an annual salary in an amount determined pursuant to the provisions of NRS 284.182 [.] , and subsistence and travel expenses as provided by law. The superintendent shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.

Comments: Compare NRS 385.180(2).

Sec. 20. NRS 385.180 is hereby amended to read as follows:

385.180 [1.] The superintendent of public instruction or a staff member of the [state] department [of education] designated by him [for each county] shall:

[(a)] 1. Visit each county in the state at least once each school year, and shall conduct institutes, visit schools, consult with school officers, or address public assemblies on subjects pertaining to the schools.

[(b)] 2. Consult and study with school officers and educators of this and other states on topics of school administration, school methods and school law.

[2. The necessary traveling expenses incurred by the superintendent of public instruction or his designated staff members in the performance of such duties, including the cost of transportation and board and lodging while absent from his place of residence, shall be allowed, audited and paid at the rate authorized by law. Funds to carry out the provisions of this section shall be provided by direct legislative appropriation from the general fund, and shall be paid out on claims as other claims against the state are paid.]

Comments: See section 19 of this act.

Sec. 21. NRS 385.190 is hereby amended to read as follows:
385.190 1. The superintendent of public instruction or a staff member designated by him shall:

(a) Convene teachers' conferences in the various sections of the state in such places and at such times as he [may deem] deems advisable.

(b) Engage such conference lecturers and leaders as he [shall deem] deems advisable.

(c) Preside over and regulate the programs of all teachers' conferences.

2. No teachers' conference [shall] may continue more than 5 days. [The expenses of holding such conferences shall be paid from the state distributive school fund, but the amount for teachers' conferences shall not exceed \$8,400 in any one biennium. The state controller is authorized and directed to draw his warrants for such expenses upon the order of the superintendent of public instruction.]

2.] 3. The superintendent of public instruction or his designated staff member shall convene, in such places and at such times as he may designate, conferences of school administrators.

[3. This section does not prohibit altering the character of any conference in line with advanced educational procedure.]

4. The expenses of holding teachers' and administrators' conferences shall be paid from the state distributive school fund, but the amount shall not exceed \$8,400 in any one biennium. The state controller shall draw his warrants for such expenses upon the order of the superintendent of public instruction.

Sec. 22. NRS 385.200 is hereby amended to read as follows:

385.200 The superintendent of public instruction shall [:

1. Prescribe and modify] prescribe proper and necessary [rules and] regulations for making [all reports and] reports to the department and for conducting all necessary proceedings [under the provisions of NRS 385.150 to 385.270, inclusive.

2. Furnish suitable blanks upon which the required reports shall be made.

3. Cause the blanks, with such instructions as shall be deemed necessary and proper for the organization and government of schools, to be transmitted to the local school officers, who shall be governed in accordance with the instructions.] for which he is responsible.

Sec. 23. NRS 385.210 is hereby amended to read as follows:

385.210 1. The superintendent of public instruction shall [:

1. Prepare] prescribe a convenient form of school register for the purpose of securing accurate returns from the teachers of public schools . [, and shall furnish such registers to each school board to be delivered as needed to each of the teachers of its schools.]

2. [Prepare] The superintendent shall prepare pamphlet copies of the school law, and shall transmit a copy to each school, school trustee, and other school officer in the state. When

additions or amendments are made to the school law, he shall have them printed and transmitted immediately thereafter. Each pamphlet shall be marked "State property--to be turned over to your successor in office."

3. [Prepare and have printed teachers' contracts, school registers, and other necessary forms and supplies, and shall supply the same to school trustees and teachers.

4. Have done, by the state printing and records division of the department of general services in accordance with law, all printing required in the performance of his duties.] The superintendent shall, if directed by the state board, prepare and publish a bulletin as the official publication of the department.

Comments: Source of last subsection is NRS 385.140.

Sec. 24. NRS 385.220 is hereby amended to read as follows:

385.220 The superintendent of public instruction [shall have power:

1. To administer oaths to teachers.

2. To] and members of the professional staff within the department designated by the superintendent may administer [other] oaths relating to public schools.

Comments: See NRS 391.080(3).

Sec. 25. NRS 385.230 is hereby amended to read as follows:

385.230 [1.] The superintendent of public instruction shall report to the governor biennially, on or before December 1, in the year immediately preceding a regular session of the legislature. [The governor shall transmit the report to the legislature at its first regular session thereafter.

2. The report shall contain:

(a) A statement of the public school affairs in the state.

(b) A statement of the condition and amount of all funds and property apportioned and dedicated to the purposes of public education or under the control or supervision of the superintendent of public instruction.

(c) The amount of public school moneys apportioned to each county.

(d) The separate amount of money raised by county taxation and the sources thereof.

(e) The amount of money raised for building public school-houses.

(f) A statement of plans for the management and improvement of public schools.

(g) Such other information relative to the educational affairs of the public schools of the state as the superintendent of public instruction shall deem proper.]

Comments: See NRS 345.070 et seq.

Sec. 26. NRS 385.240 is hereby amended to read as follows:
385.240 1. The superintendent of public instruction shall approve or disapprove lists of books for use in public school libraries, but such lists [shall] must not include books containing or including any story in prose or poetry the tendency of which would be to influence the minds of children in the formation of ideals not in harmony with truth and morality or the American way of life, or not in harmony with the Constitution and laws of the United States or of the State of Nevada.

2. Actions of the superintendent with respect to lists of books are subject to review and approval or disapproval by the state board.

Comments: Source of subsection 2 is NRS 385.120.

Sec. 27. NRS 385.290 is hereby amended to read as follows:
385.290 1. The superintendent of public instruction [shall have power to] may appoint a deputy superintendent of public instruction, who : [shall:

(a) Be] (a) Is a graduate of the University of Nevada or a college of equal standard.

(b) [Have] Has had at least 20 semester hours in educational subjects by attendance at a standard college or university.

(c) [Have] Has had at least 50 months of administrative experience, 30 months of which shall have been in Nevada.

2. The deputy superintendent of public instruction [shall:

(a) Assist in the work of the office of the superintendent of public instruction, and] may perform any duty required of the superintendent of public instruction during the absence of the superintendent and shall do such work as the [state board of education or the] superintendent [of public instruction] may direct under the laws of the state.

[(b) Have the power to perform all duties required of the superintendent of public instruction.]

Comments: This section clarifies that the deputy superintendent is responsible to the superintendent, not the state board, and his power to perform the superintendent's duties, absent a delegation by the superintendent, is limited to times when the superintendent is absent.

Sec. 28. NRS 385.310 is hereby amended to read as follows:
385.310 The [powers and duties of the] associate superintendent of public instruction for administration [shall be:

1. To perform all duties pursuant to the contract of integration of the public school teachers' retirement system with the public employees' retirement system.

2. To apportion] , under the direction of the superintendent of public instruction, shall:

1. Determine the apportionment of all state school [funds] money to schools of the state as prescribed by law.

[3. To develop for] 2. Develop for public schools of the state a uniform system of budgeting and accounting, which system, when approved by [the superintendent of public instruction and] the state board [of education, shall be made] is mandatory for all public schools in the state, and shall be enforced as provided for in subsection 2 of NRS 385.315.

[4. To carry] 3. Carry on a continuing study of school finance in the state, and particularly of the method by which schools are financed on the state level, and [to] make such recommendations to the superintendent of public instruction [and] for submission to the state board [of education] as he may, from time to time, deem advisable.

[5. To recommend] 4. Recommend to the superintendent of public instruction [and] for submission to the state board [of education] such changes in budget and financial procedures as his studies may show to be advisable.

[6. To perform any] 5. Perform such other statistical and financial duties pertaining to the administration and finance of the schools of the state as may, from time to time, be required by the superintendent of public instruction.

[7. To prepare the] 6. Prepare for the superintendent the biennial budgets of the [state] department [of education] for [biennial] consideration by the state board and submission to the governor.

Comments: The associate superintendent for administration performs the designated functions under the direction of the superintendent.

Sec. 29. NRS 385.315 is hereby amended to read as follows:

385.315 In addition to [the powers and] his other duties , [prescribed in NRS 385.310,] the associate superintendent of public instruction for administration , under the direction of the superintendent of public instruction, shall:

1. Investigate any claim against any school fund or separate account established under NRS 354.603 whenever a written protest against the drawing of a warrant, check or order in payment of the claim [against any school fund or separate account established under NRS 354.603 shall be] is filed with the county auditor. If, upon investigation, the associate superintendent [of public instruction for administration] finds that any such claim [against any school fund or separate account established under NRS 354.603] is unearned, illegal or unreasonably excessive, he shall notify the county auditor and the clerk of the board of trustees who drew the order for such claim, stating the reasons in writing why such order is unearned, illegal or excessive. If so notified, the county auditor shall not draw his warrant in payment of [such] the claim nor shall the board of

trustees draw a check or order in payment of [such] the claim from a separate account established under NRS 354.603. If the associate superintendent [of public instruction for administration] finds that any protested claim is legal and actually due the claimant, he shall authorize the county auditor or the board of trustees to draw his warrant or its check or order [drawn] on an account established under NRS 354.603 for such claim, and the county auditor or the board of trustees shall immediately draw his warrant or its check or order [drawn on an account established under NRS 354.603] in payment of the claim.

2. Inspect the record books and accounts of boards of trustees, [and he shall authorize] and enforce [an efficient] the uniform method of keeping the financial records and accounts of [the school district.] school districts.

3. Inspect the school fund accounts of the county auditors of the several counties, and [he shall] report the condition of the funds of any school district to the board of trustees thereof.

4. Inspect the separate accounts established by boards of trustees under NRS 354.603, and [he shall] report the condition of such accounts to the respective boards of county commissioners and county treasurers.

Sec. 30. NRS 385.330 is hereby amended to read as follows:

385.330 1. [The superintendent of public instruction, with the approval of the state board of education, may appoint such number of professional staff and other supervisory personnel as is necessary to carry out the duties of his office.] Professional staff and other personnel appointed by the superintendent of public instruction shall perform such duties as are assigned by the superintendent.

2. The [office of such personnel shall be located where, in the judgment of the] superintendent of public instruction [and] , under the policies of the state board [of education,] , shall locate the offices of professional staff and other personnel where the needs of the education program can best be served.

[3. Such personnel shall perform such duties as are assigned by the superintendent of public instruction and the state board of education.]

Comments: See subsection 2 of section 6 of this act.

Personnel of the department are responsible to the superintendent, not the state board.

Sec. 31. NRS 385.340 is hereby amended to read as follows:

385.340 The qualifications for the professional staff and [for] other [supervisory] personnel appointed by the superintendent of public instruction who are not in the unclassified service shall be fixed by the personnel division of the department of administration.

Sec. 32. Chapter 386 of NRS is hereby amended by adding thereto a new section which shall read as follows:

1. The board of trustees of any school district may enter into an agreement with any individual, firm, partnership, corporation, association or public agency which has been approved for such purpose by the aging services division of the department of human resources, whereby the school district agrees to prepare hot lunches for persons 60 years of age or older and their spouses or any group of such persons by utilizing the systems and procedures already developed for use in the school lunch program of such district.

2. No agreement entered into by a board of trustees of a school district pursuant to the provisions of this section may:

(a) Involve the expenditure by the school district of any school lunch money or other public school money or the use of any school lunch commodities or public school personnel, equipment or facilities unless the agreement includes a provision requiring full reimbursement therefor.

(b) Provide for payment to the school district of any amount in excess of the estimated actual cost of food, personnel, equipment, facilities and other necessary expenditures involved in the performance of the agreement. The estimated actual cost shall be negotiated by the board of trustees and the aging services division of the department of human resources.

(c) Permit any program of hot lunches for persons 60 years of age or over and their spouses to interfere in any way with the use of school lunch facilities for public school purposes.

Comments: Source is NRS 387.111.

Sec. 33. NRS 386.120 is hereby amended to read as follows:

386.120 [1.] The board of trustees of a county school district [in counties having a population of less than 100,000, as determined by the last preceding national census of the Bureau of the Census of the United States Department of Commerce shall consist] consists of five or seven members as [may be determined by the appropriate board of county commissioners.

2. Unless otherwise provided by law, in any county school district where] follows:

1. If 1,000 or more pupils were enrolled during the school year next preceding any general election, the board of trustees [shall consist] consists of seven members. Except in the Clark County school district and the Washoe County school district the board members shall be elected at large until such time as the appropriate board of county commissioners adopts the alternate manner of election provided in NRS 386.200.

[3. Unless otherwise provided by law, in any county school district where less] 2. If fewer than 1,000 pupils were enrolled during the school year next preceding any general election, the board of trustees [shall consist] consists of five members. The

board members shall be elected as provided in NRS 386.160 until such time as the appropriate board of county commissioners adopts the alternate manner of election provided in NRS 386.200.

Sec. 34. NRS 386.160 is hereby amended to read as follows:

386.160 1. At the general election in [1956,] 1980 and every 4 years thereafter, in a county school district where [less] fewer than 1,000 pupils were enrolled during the preceding school year, [five] three trustees shall be elected at large within the [county school] district, as follows:

(a) [One person who resides at the county seat shall be elected for a term of 2 years; but if less than 20 percent of the residents of the county reside at the county seat then such person need not reside at the county seat.

(b)] One person who resides at the county seat ; [shall be elected for a term of 4 years;] but if less than 40 percent of the residents of the county reside at the county seat then such person need not reside at the county seat.

[(c) One person who resides in the county but who resides neither at the county seat nor in any incorporated city within the county shall be elected for a term of 2 years.

(d)] (b) One person who resides in the county but not at the county seat . [shall be elected for a term of 4 years.

(e)] (c) One person who resides in the county but not at the county seat ; [shall be elected for a term of 4 years;] but if 80 percent or more of the residents of the county reside at the county seat then a person who resides at the county seat may be elected to the office.

2. [Thereafter, at each general election, the offices of school trustees shall be filled for terms of 4 years in the order in which the terms of office expire.] At the general election in 1982 and every 4 years thereafter, in a county school district where fewer than 1,000 pupils were enrolled during the preceding school year, two trustees shall be elected at large within the district, as follows:

(a) One person who resides at the county seat; but if less than 20 percent of the residents of the county reside at the county seat then such person need not reside at the county seat.

(b) One person who resides in the county but who resides neither at the county seat nor in any incorporated city within the county.

3. The term of each person elected to the office of school trustee is 4 years.

Sec. 35. NRS 386.170 is hereby amended to read as follows:

386.170 1. At the general election in 1972, and every 4 years thereafter, in [a county] the Clark County school district , [in any county having a population of 200,000 or more as determined by the last preceding national census of the Bureau of the Census of the United States Department of Commerce,] four trustees shall be elected, one from each of the school trustee election districts, designated districts A, B, C and E, herein created.

2. At the general election in 1974 and every 4 years thereafter, in such school [districts,] district, three trustees shall be elected, one from each of the school trustee election districts designated districts D, F and G, herein created.

3. Seven school trustee election districts are hereby created within [such county school districts] the school district as follows:

(a) District A shall be composed of assembly districts Nos. 16, 21 and 22 and enumeration districts Nos. 228A, 228B and 236 in assembly district No. 13.

(b) District B shall be composed of assembly districts Nos. 17 and 20; enumeration districts Nos. 45, 46B and 48 in assembly district No. 11 and enumeration districts Nos. 250, 253, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275 and 276 in assembly district No. 19.

(c) District C shall be composed of assembly districts Nos. 6, 7 and 18.

(d) District D shall be composed of assembly district No. 9; enumeration districts Nos. 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 123, 126, 127, 128, 129, 165A and 166 in assembly district No. 8; enumeration districts Nos. 35, 41, 42, 46A, 47, 52, 53 and 55 in assembly district No. 11; enumeration districts Nos. 57, 58, 130, 131, 132, 135, 137, 138, 139, 140, 141, 142, 143, 145 and 159 in assembly district No. 12.

(e) District E shall be composed of assembly districts Nos. 2, 3 and 4 and enumeration districts Nos. 85, 87, 108 and 147 in assembly district No. 8.

(f) District F shall be composed of assembly districts Nos. 1 and 5; enumeration districts Nos. 176A, 176B, 176C, 176D, 177, 178A, 178D and 235 in assembly district No. 10 and enumeration districts Nos. 99B, 178B, 178C, 180, 181, 182, 195, 201, 227, 229, 230, 231, 232, 237B and 238A in assembly district No. 13.

(g) District G shall be composed of assembly districts Nos. 14 and 15; enumeration districts Nos. 165B, 173A, 175A, 175B, 175C, 175D and 175E in assembly district No. 10; enumeration districts Nos. 51B, 54 and 56 in assembly district No. 11; enumeration district No. 164A in assembly district No. 12; enumeration districts Nos. 167, 168, 169, 172, 179, 184 and 185 in assembly district No. 13 and enumeration district No. 287 in assembly district No. 19.

4. Assembly districts and enumeration districts, as used in subsection 3, refer to and have the meaning conferred by the appropriate provisions of chapter 218 of NRS.

[5. The members of the board of trustees of such school district as such board is constituted on June 1, 1972, shall continue to hold office for the terms for which they were elected.]

Sec. 36. NRS 386.180 is hereby amended to read as follows:

386.180 1. [At the general election in 1958, if] If the certificate of the superintendent of public instruction filed with the county clerk states that the pupil enrollment during the

preceding school year in a county school district other than Clark or Washoe was less than 1,000, and the board of trustees of the [county school] district is composed of seven [elected] members elected at large based upon a previous pupil enrollment of 1,000 or more, then two of the offices of trustee [provided for in NRS 386.170] shall not be filled [by election.] at the next succeeding general election.

2. Thereafter, while continued pupil enrollment in the county school district is less than 1,000, the offices of school trustees shall be filled as provided [in NRS 386.160.] by law for school districts having pupil enrollments of that size.

Sec. 37. NRS 386.190 is hereby amended to read as follows:

386.190 1. [At the general election in 1958, if] If the certificate of the superintendent of public instruction filed with the county clerk states that the pupil enrollment during the preceding school year in a county school district was 1,000 or more, and the board of trustees of the [county school] district is composed of five [elected] members elected as provided in NRS 386.160, based upon a previous pupil enrollment of less than 1,000, then at the next succeeding general election one additional trustee who resides at the county seat shall be elected for a term of 4 years, and one additional trustee who resides in the county but not at the county seat shall be elected for a term of [4] 2 years.

2. Thereafter, while continued pupil enrollment in the county school district is 1,000 or more, the offices of school trustees shall be filled as provided [in NRS 386.120.] by law for school districts having pupil enrollments of that size.

Sec. 38. NRS 386.200 is hereby amended to read as follows:

386.200 1. [Notwithstanding the provisions of NRS 386.160 and 386.170, or any other section of this Title of NRS, the] The trustees of a county school district may be elected from school trustee election areas in the alternate manner [hereinafter] provided in this section.

2. Within 30 days prior to May 1 of any year in which a general election is to be held in the state, 10 percent or more of the registered voters of a county school district other than Clark or Washoe may file a written petition with the board of county commissioners of the county praying for the creation of school trustee election areas within the county school district in the manner provided in this section. The petition shall specify with particularity the school trustee election areas proposed to be created, the number of trustees to be elected from each such area, and the manner of their nomination and election. The number of school trustee election areas proposed shall not exceed the number of trustees authorized by law for the particular county school district . [pursuant to NRS 386.120.] The description of the proposed school trustee election areas need not be given by metes and bounds or by legal subdivisions, but shall be

sufficient to enable a person to ascertain what territory is proposed to be included within a particular school trustee election area. The signatures to the petition need not all be appended to one paper, but each signer must add to his name his place of residence, giving the street and number whenever practicable. One of the signers of each paper shall make oath, before an officer competent to administer oaths, that each signature to the paper appended is the genuine signature of the person whose name it purports to be.

3. Immediately after the receipt of the petition, the board of county commissioners shall fix a date for a public hearing to be held during the month of May, and shall give notice thereof by publication at least once in a newspaper published in the county, or if no such newspaper is published therein then in a newspaper published in the State of Nevada and having a general circulation in the county. The costs of publication of such notice shall be a proper charge against the county school district fund.

4. If, as a result of the public hearing, the board of county commissioners finds that the creation of school trustee election areas within the county school district is desirable, the board of county commissioners shall, by resolution regularly adopted prior to June 1, divide the county school district into the number of school trustee election areas specified in the petition, designate them by number and define their boundaries. The territory comprising each school trustee election area shall be contiguous. The resolution shall further set forth the number of trustees to be elected from each school trustee election area and the manner of their nomination and election.

5. Prior to June 1 and immediately following the adoption of the resolution creating school trustee election areas within a county school district, the clerk of the board of county commissioners shall transmit a certified copy of the resolution to the superintendent of public instruction.

6. Upon the creation of school trustee election areas within a county school district the terms of office of all trustees then in office [shall] expire on the 1st Monday of January thereafter next following a general election. At the general election held following the creation of school trustee election areas within a county school district, school trustees to represent the odd-numbered school trustee election areas shall be elected for terms of 4 years and school trustees to represent the even-numbered school trustee election areas shall be elected for terms of 2 years. Thereafter, at each general election, the offices of school trustees shall be filled for terms of 4 years in the order in which the terms of office expire.

7. A candidate for the office of trustee of a county school district in which school trustee election areas have been created shall be a qualified elector and shall be a resident of the school trustee election area which he seeks to represent.

8. The board of county commissioners may by resolution change the boundaries of school trustee election areas or the manner of nomination or election of school trustees after:

(a) Holding a public hearing of which notice shall be given as provided in subsection 3; and

(b) Receiving, at such hearing or by resolution, the consent of the board of trustees of the school district.

9. If the [certificate of the] superintendent of public instruction [, filed with] certifies to the county clerk [in compliance with the provisions of NRS 386.150, states] that the pupil enrollment during the preceding school year in a county school district was less than 1,000, and the board of trustees of the county school district is composed of seven elected members based upon a previous pupil enrollment of 1,000 or more, then the board of county commissioners shall alter such school trustee election areas or change the number of trustees to be elected from such areas, or the manner of their nomination and election, as may be necessary to provide for reduction of the membership of the board of trustees of the county school board from seven to five members, and only five school trustees shall thereafter be nominated and elected at the forthcoming elections.

10. If the [certificate of the] superintendent of public instruction [, filed with] certifies to the county clerk [in compliance with the provisions of NRS 386.150, states] that the pupil enrollment during the preceding school year in a county school district was 1,000 or more, and the board of trustees of the county school district is composed of five elected members based upon a previous pupil enrollment of less than 1,000, then the board of county commissioners shall alter such school trustee election areas or change the number of trustees to be elected from such areas, or the manner of their nomination and election, as may be necessary to provide for increasing the membership of the board of trustees of the county school district from five to seven members, and two additional school trustees shall thereafter be nominated and elected at the forthcoming elections.

Sec. 39. NRS 386.310 is hereby amended to read as follows:

386.310 1. On the date fixed by its rules for the first meeting in January following a general election, the board of trustees shall meet and organize by:

(a) Electing one of its members as president.

(b) Electing one of its members as clerk, or by selecting some other qualified person as clerk.

(c) Electing additional officers as may be deemed necessary.

2. A record of the organization of the board of trustees [shall] must be entered in the minutes, together with the amount of salary to be paid to the clerk.

3. Immediately after the organization of the board of trustees, the clerk shall file the names of the president, the clerk and the members of the board of trustees with the [state] department [of education] and the county auditor of the county whose boundaries are conterminous with the boundaries of the county school district.

Sec. 40. NRS 386.320 is hereby amended to read as follows:

386.320 1. If the [average daily attendance of pupils between the ages of 6 years and 17 years attending school] total pupil enrollment in the school district for the immediately preceding school year is less than 1,000:

(a) The clerk and president of the board of trustees may each receive a salary of \$20 for each board of trustees meeting they attend, not to exceed \$40 a month.

(b) The other trustees may each receive a salary of \$15 for each board of trustees meeting they attend, not to exceed \$30 a month.

(c) The board of trustees may hire a stenographer to take the minutes of the meetings of the board of trustees, and such stenographer may be paid a reasonable fee for each meeting attended.

2. If the [average daily attendance of pupils between the ages of 6 years and 17 years attending school] total pupil enrollment in the school district for the immediately preceding school year is 1,000 or more:

(a) The clerk and president of the board of trustees may each receive a salary of \$40 for each board of trustees meeting they attend, not to exceed \$160 a month.

(b) The other trustees may each receive a salary of \$35 for each board of trustees meeting they attend, not to exceed \$140 a month.

(c) The board of trustees may hire a stenographer to take the minutes of the meetings of the board of trustees; and such stenographer may be paid a reasonable fee for each meeting attended.

Sec. 41. NRS 386.345 is hereby amended to read as follows:

386.345 1. The board of trustees of a school district may:

(a) Acquire and maintain membership in county, state and national school board associations and pay dues to such associations.

(b) [Notwithstanding any limitations contained in NRS 386.290, pay] Pay the travel expenses and per diem allowances of trustees at the same rate authorized by law for state officers when the trustees attend county, state or national school board association meetings.

2. Claims for dues, travel expenses and per diem allowances authorized in subsection 1 shall be presented and allowed as provided by law for other claims against the school district.

Sec. 42. NRS 386.365 is hereby amended to read as follows:

386.365 1. Except as provided in subsection 3, each board of trustees in any county having a population of 100,000 or more as determined by the last preceding national census of the Bureau of the Census of the United States Department of Commerce shall give 30 days' notice of its intention to adopt, repeal or amend a policy or regulation of the board concerning any of the subjects set forth in subsection 4. The notice [shall:] must:

(a) Include a description of the subject or subjects involved and [shall] must state the time and place of the meeting at which the matter will be considered by the board; and

(b) Be mailed to the following persons from each of the schools affected:

- (1) The principal;
- (2) The president of the parent-teacher association or similar body; and
- (3) The president of the classroom teachers' organization or other collective bargaining agent.

flush A copy of the notice and of the terms of each proposed policy or regulation, or change in a policy or regulation, [shall] must be made available for inspection by the public in the office of the superintendent of schools of the school district at least 30 days before its adoption.

2. All persons interested in a proposed policy or regulation or change in a policy or regulation [shall] must be afforded a reasonable opportunity to submit data, views or arguments, orally or in writing. The board of trustees shall consider all written and oral submissions respecting the proposal or change before taking final action.

3. Emergency policies may be adopted by the board upon its own finding that an emergency exists.

4. This section applies to policies and regulations concerning:

- (a) Attendance rules;
- (b) Zoning;
- (c) Grading;
- (d) District staffing patterns;
- (e) Curriculum and program;
- (f) Pupil discipline; and
- (g) Personnel, except with respect to dismissals and refusals to

reemploy covered by contracts entered into as a result of the Local Government Employee-Management Relations Act, as provided in [chapter 391 of NRS.] NRS 391.3116.

Sec. 43. NRS 386.370 is hereby amended to read as follows:

386.370 Annually, on or before July 1 [,] and at such other times as the superintendent of public instruction may require, each board of trustees shall make or cause to be made a report to the superintendent of public instruction, in the manner and form [and on the blanks] prescribed by [the superintendent of public instruction.] him.

Sec. 44. NRS 386.380 is hereby amended to read as follows:

386.380 Every member of a board of trustees of a school district [shall have power to administer:

1. Oaths or affirmations of office to teachers.
2. All other] may administer oaths and affirmations relating to public schools.

Comments: See NRS 391.080(3).

Sec. 45. NRS 386.410 is hereby amended to read as follows:

386.410 [In addition to other duties imposed by law concerning school districts, each district attorney of a county whose boundaries

are conterminous with the boundaries of a county school district shall, when required, give his written opinion without fee to the board of trustees of the county school district on matters relating to the duties of the board.] The board of trustees of a school district may employ private legal counsel when the board determines that such employment is necessary.

Comments: Source is NRS 391.100(3). See also section 217 of this act.

Sec. 46. Chapter 387 of NRS is hereby amended by adding thereto the provisions set forth as sections 47 to 49, inclusive, of this act.

Sec. 47. As used in NRS 387.121 to 387.126, inclusive, section 48 of this act and this section:

1. "Average daily attendance--highest 3 months" means the average daily attendance of pupils enrolled in programs of instruction of a school district during the 3 months of highest average daily attendance of the school year.

2. "Enrollment" means the count of pupils enrolled in and scheduled to attend programs of instruction of a school district at a specified time during the school year.

3. "Special education program unit" means an organized instructional unit which includes full-time services of certificated personnel providing a program of instruction in accordance with minimum standards prescribed by the state board.

Comments: See NRS 387.122(1)(a) and 387.123.

Sec. 48. 1. The basic support guarantee for any special education program unit maintained and operated during a period of less than 9 school months is in the same proportion to the amount established by law for that school year as the period during which such program unit actually was maintained and operated is to 9 school months.

2. Any unused allocations for special education program units may be reallocated to other school districts by the superintendent of public instruction. In such reallocation, first priority must be given to special education programs with statewide implications, and second priority must be given to special education programs maintained and operated by school districts whose allocation is less than or equal to the amount provided by law. If there are more unused allocations than necessary to cover programs of first and second priority but not enough to cover all remaining special education programs eligible for payment from reallocations, then payment for such remaining programs must be prorated. If there are more unused allocations than necessary to cover programs of first priority but not enough to cover all programs of second

priority, then payment for programs of second priority must be prorated. If unused allocations are not enough to cover all programs of first priority, then payment for programs of first priority must be prorated.

3. A school district may, after receiving the approval of the superintendent of public instruction, contract with any person, state agency or legal entity to provide a special education program unit for handicapped pupils of the district.

Comments: Source is NRS 387.122.

Sec. 49. In addition to the requirements of NRS 354.596, not later than 30 days prior to the time of filing its tentative budget, each board of trustees of a school district shall submit, simultaneously to the superintendent of public instruction and the department of taxation, a report showing the estimated number of persons to be employed whose salaries will be paid from amounts to be included in its tentative and final budgets for the ensuing fiscal year. The report must be made on forms prescribed by the superintendent of public instruction and must include, without limitation:

1. A schedule showing, according to account and fund classification, the estimated number of persons to be employed who are fully funded thereby;

2. A schedule showing, according to classification, the estimated number of persons to be employed who are funded by more than one account or fund; and

3. The projected salary schedule for the next fiscal year.

Comments: Source is NRS 391.100(4).

Sec. 50. NRS 387.040 is hereby amended to read as follows:

387.040 The state treasurer shall pay over all public school [moneys] money received by him only on warrants of the state controller issued:

1. Upon the orders of the superintendent of public instruction [under the seal of the state board of education,] in favor of county treasurers; or

flush 2. Upon orders of the state board of [education,] finance, for purposes of investment as provided in NRS 387.010, which orders, duly endorsed, [shall be] are valid vouchers in the hands of the state controller for the disbursement of public school [moneys.] money.

Sec. 51. NRS 387.050 is hereby amended to read as follows:

387.050 1. The State of Nevada accepts the provisions of, and [each] all of the [funds] money provided by, the [Act of Congress entitled "An act to provide for the promotion of vocational education; to provide for cooperation with the States in

the promotion of such education in agriculture and the trades and industries; to provide cooperation with the States in the preparation of teachers in vocational subjects; and to appropriate money and regulate its expenditure," known as the Smith-Hughes Vocational Education Act, and approved February 23, 1917, and any amendments thereof or supplements thereto.

2. The State of Nevada accepts the provisions of, and each of the funds provided by, the Act of Congress entitled "An act to provide for the further development of vocational education in the several states and territories," known as the Vocational Education Act of 1946, approved June 8, 1936, and amended August 1, 1946,] Vocational Education Act of 1963, and any amendments thereof or supplements thereto.

[3.] 2. In addition to the provisions of [subsections 1 and 2,] subsection 1, the state board for vocational education [is authorized to] may accept and [direct] adopt regulations or establish policies for the disbursement of [funds] money appropriated by any Act of Congress and apportioned to the State of Nevada for use in connection with the vocational education program.

[4.] 3. In accepting the benefits of the Acts of Congress referred to in subsections [1, 2 and 3,] 1 and 2, the State of Nevada agrees to comply with all of their provisions and to observe all of their requirements.

[5.] 4. The state treasurer is designated [and appointed] custodian of all [moneys] money received by the State of Nevada from the appropriations made by the Acts of Congress referred to in subsections [1, 2 and 3,] 1 and 2, and he [is authorized to] may receive and provide for the proper custody [of the same] thereof and [to] make disbursements therefrom in the manner provided in the acts and for the purposes therein specified [.] on warrants of the state controller issued upon the order of the executive officer of the state board for vocational education.

[6. Upon] 5. On warrants of the state controller issued upon the order of the executive officer of the state board for vocational education [.] pursuant to regulations or policies of the board, the state treasurer shall also pay out any [moneys] money appropriated by the State of Nevada for the purpose of carrying out the provisions of this section.

Sec. 52. NRS 387.067 is hereby amended to read as follows:

387.067 1. The state board of education [is hereby authorized to] may accept and [direct] adopt regulations or establish policies for the disbursement of [funds] money appropriated and apportioned to the State of Nevada or the school districts of the State of Nevada under the Elementary and Secondary Education Act of 1965.

2. The [state board of education] superintendent of public instruction shall deposit such [funds] money with the state treasurer, who shall make disbursements therefrom [upon the direction of the state board of education in the same manner as other claims against the state are paid.] on warrants of the state controller issued upon the order of the superintendent of public instruction.

3. The state board of education and any school district within the state may, within the limits provided in this section, make such applications and agreements and give such assurances to the Federal Government and conduct such programs as may be required as a condition precedent to receipt of [funds] money under the Elementary and Secondary Education Act of 1965. Neither the state board of education nor a school district may enter into an agreement or give an assurance which requires the state or a school district to provide [funds] money above the amount appropriated or otherwise lawfully available for such purpose.

Sec. 53. NRS 387.070 is hereby amended to read as follows:

387.070 As used in NRS 387.070 to [387.111,] 387.105, inclusive:

1. "School" means any public [elementary school and any public high] school.

2. "School lunch program" means a program under which lunches are served by any public school in this state on a nonprofit basis to children in attendance, including any such program under which a [public] school receives assistance out of funds appropriated by the Congress of the United States.

Sec. 54. NRS 387.075 is hereby amended to read as follows:

387.075 1. The state board of education may accept and [direct] adopt regulations or establish policies for the disbursement of [funds] money appropriated by any Act of Congress and apportioned to the State of Nevada for use in connection with school lunch programs.

2. The [state board of education] superintendent of public instruction shall deposit with the state treasurer all money received from the Federal Government or from other sources for school lunch programs. The state treasurer shall make disbursements for such programs [upon the direction of the state board of education in the same manner as other claims against the state are paid.] on warrants of the state controller issued upon the order of the superintendent of public instruction.

Sec. 55. NRS 387.080 is hereby amended to read as follows:

387.080 1. The state board of education may [:

1. Enter] enter into agreements with any agency of the Federal Government, with any board of trustees of a school district, or with any other agency or person, and establish policies and prescribe [such] regulations, [employ] authorize the employment of such personnel, and take such other action as it may deem necessary to provide for the establishment, maintenance, operation and expansion of any school lunch program.

2. [Direct the disbursement of] The state treasurer shall disburse federal and state [funds in accordance with any applicable provisions of federal-state law.] money designated for a school lunch program on warrants of the state controller issued upon the order of the superintendent of public instruction pursuant to regulations or policies of the board.

3. The superintendent of public instruction may:

(a) Give technical advice and assistance to any board of trustees of a school district in connection with the establishment and operation of any school lunch program.

[4.] (b) Assist in training personnel engaged in the operation of any school lunch program.

Sec. 56. NRS 387.090 is hereby amended to read as follows:

387.090 Boards of trustees of school districts [are authorized:] may:

1. [To operate] Operate or provide for the operation of school lunch programs in the public schools under their jurisdiction.

2. [To use] Use therefor [funds] money disbursed to them under the provisions of NRS 387.070 to [387.111,] 387.105, inclusive, gifts, donations and other [funds] money received from the sale of school lunches under such programs.

3. [To deposit] Deposit such [funds] money in one or more accounts in a bank or banks within the state.

4. [To contract] Contract with respect to food, services, supplies, equipment and facilities for the operation of such programs.

Sec. 57. NRS 387.100 is hereby amended to read as follows:

387.100 The state board of education [is authorized,] may, to the extent that [funds are] money is available for that purpose, and in cooperation with other appropriate agencies and organizations:

1. [To conduct] Conduct studies of methods of improving and expanding school lunch programs and promoting nutritional education in the public schools.

2. [To conduct] Conduct appraisals of the nutritive benefits of school lunch programs.

[3. To report its findings and recommendations, from time to time, to the governor.]

Sec. 58. NRS 387.105 is hereby amended to read as follows:

387.105 To enable the state board of education to provide for the establishment, maintenance, operation and expansion of school lunch programs, [including the cost of supervisors' and clerical salaries, office supplies and equipment, travel and per diem allowances, postage and express, telephone, telegraph and printing, funds] money shall be provided by legislative appropriation from the general fund as a budgeted part of the appropriation for the support of the [state] department, [of education,] and shall be paid out on claims as other claims against the state are paid.

Sec. 59. NRS 387.122 is hereby amended to read as follows:

387.122 [1.] For making the apportionments of the state distributive school fund required [to be made pursuant to] by the provisions of [Title 34 of NRS,] this Title, the basic support

guarantee per pupil for each school district and the basic support guarantee for each special education program unit maintained and operated during at least 9 months of a school year are established by law for each school year . [, contingent upon the following limitations:

(a) As used in this section, "special education program unit" means an organized instructional unit which includes full-time services of certificated personnel providing a program of instruction in accordance with minimum standards prescribed by the state board of education.

(b) Support guarantee for any special education program unit maintained and operated during a period of less than 9 school months shall be in the same proportion to the amount established by law for that school year as the period during which such program unit actually was maintained and operated is to 9 school months.

2. Any unused allocations for special education program units may be reallocated to other county school districts by the state department of education. In such reallocation, first priority shall be given to special education programs with statewide implications, and second priority shall be given to special education programs maintained and operated by school districts whose allocation is less than or equal to the amount provided by law. If there are more unused allocations than necessary to cover programs of first and second priority but not enough to cover all remaining special education programs eligible for payment from reallocations, then payment for such remaining programs shall be prorated. If there are more unused allocations than necessary to cover programs of first priority, but not enough to cover all programs of second priority, then payment for programs of second priority shall be prorated. If unused allocations are not enough to cover all programs of first priority, then payment for programs of first priority shall be prorated.

3. A school district may, after receiving the approval of the state department of education, contract with any person, state agency or legal entity to provide a special education program unit for handicapped pupils of the district.]

Comments: See sections 47(3) and 48 of this act.

Sec. 60. 387.123 is hereby amended to read as follows:

387.123 1. ["Enrollment" means the] The count of pupils for apportionment purposes includes all those who are enrolled in [and scheduled to attend] programs of instruction [in the public schools] of the school district for:

(a) Pupils in the kindergarten department.

(b) Pupils in grades 1 to 12, inclusive.

(c) Handicapped minors receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive.

(d) Children detained in detention homes and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550 to [388.580,] 388.570, inclusive.

(e) Part-time pupils enrolled in classes and taking courses necessary to receive a high school diploma.

2. ["Average daily attendance--full term" means the average daily attendance of pupils enrolled in the public schools during the school year.

3. "Average daily attendance--highest 3 months" means the average daily attendance of pupils enrolled in the public schools during the 3 months of highest average daily attendance of the school year.

4.] The state board of education shall establish uniform [rules to be used] regulations for counting enrollment and [in] calculating the average daily attendance of pupils. [In calculating average daily attendance of pupils, no pupil specified in paragraphs (a), (b), (c) and (d) of subsection 1 shall be counted more than once.] In establishing such [rules] regulations for the public schools, the state board : [of education:]

(a) Shall divide the school year into 10 school months, each containing 20 or fewer school days.

(b) May divide the pupils in grades 1 to 12, inclusive, into categories composed respectively of those enrolled in elementary schools and those enrolled in secondary schools.

(c) Shall [select the three highest monthly attendance quotients] calculate average daily attendance by selecting the average daily attendance--highest 3 months for each category of pupils, as established by subsection 1 or pursuant to paragraph (b) of this subsection, in each school.

[5.] (d) Shall prohibit counting of any pupil specified in paragraph (a), (b), (c) or (d) of subsection 1 more than once.

3. The state board of education shall establish by regulation the maximum pupil-teacher ratio in each grade, and for each subject matter wherever different subjects are taught in separate classes, for each school district of the state which is consistent with:

(a) The maintenance of an acceptable standard of instruction;

(b) The conditions prevailing in such school district with respect to the number and distribution of pupils in each grade; and

flush
(c) Methods of instruction used, which may include educational television, team teaching or new teaching systems or techniques. If the superintendent of public instruction finds that any school district is maintaining one or more classes whose pupil-teacher ratio exceeds the applicable maximum, and unless he finds that the board of trustees of the school district has made every reasonable effort in good faith to comply with the applicable standard, he shall, with the approval of the state board , [of education shall] reduce the [average daily attendance] count of pupils for apportionment purposes by the percentage which the

number of pupils attending such classes is of the total number of pupils in the district, and [may] the state board may direct him to withhold the quarterly apportionment entirely.

Comments: See section 47(1) and (2) of this act.

Sec. 61. NRS 387.1233 is hereby amended to read as follows:
387.1233 1. Except as otherwise provided in subsection 2, basic support of each school district [shall] must be computed by:

(a) Multiplying the basic support guarantee per pupil established for that school district for that school year by the sum of:

(1) Six-tenths the count of pupils enrolled in the kindergarten department on the last day of the first school month of the school year.

(2) The count of pupils enrolled in grades 1 to 12, inclusive, on the last day of the first school month of the school year.

(3) The count of handicapped minors receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive, on the last day of the first school month of the school year.

(4) The count of children detained in detention homes and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550 to [388.580,] 388.570, inclusive, on the last day of the first school month of the school year.

(5) One-fourth the average daily attendance--highest 3 months of part-time pupils enrolled in classes and taking courses necessary to receive a high school diploma.

(b) Multiplying the number of special education program units maintained and operated by the amount per program established for that school year.

(c) Adding the amounts computed in paragraphs (a) and (b).

2. If the sum of the counts prescribed in subparagraphs (1) to (4), inclusive, of paragraph (a) of subsection 1 is less than the sum similarly obtained for the immediately preceding school year, the larger sum [shall] must be used in computing basic support.

3. Pupils who are excused from attendance at examinations or have completed their work in accordance with the rules of the board of trustees shall be credited with attendance during that period.

Sec. 62. NRS 387.1235 is hereby amended to read as follows:
387.1235 Local funds available are the sum of:

1. The amount computed by multiplying .007 times the assessed valuation of the school district as certified by the department of taxation for the [concurrent] current school year; and

2. The proceeds of the local school support tax imposed by chapter 374 of NRS. The department of taxation shall furnish an

estimate of such proceeds to the [state board of education] superintendent of public instruction on or before July 15 for the fiscal year then begun, and the [state board of education] superintendent shall adjust the final apportionment of the [concurrent] current school year to reflect any difference between such estimate and actual receipts.

Sec. 63. NRS 387.124 is hereby amended to read as follows:

387.124 1. On or before August 1, November 1, February 1 and May 1 of each year, the state controller shall render to the superintendent of public instruction a statement of the [moneys] money in the state treasury subject to distribution to the several school districts of the state as provided in this section.

2. Immediately after the state controller has made his quarterly report, the [state board of education] superintendent shall apportion the state distributive school fund among the several county school districts in amounts approximating one-fourth of their respective yearly apportionments. Apportionment computed on a yearly basis equals the difference between the basic support and the local funds available or 10 percent of basic support, whichever is greater.

Sec. 64. NRS 387.126 is hereby amended to read as follows:

387.126 The superintendent of public instruction may in his discretion and shall when so directed by the state board of education verify by independent audit or other suitable examination [:

1. The] the reports of enrollment and daily attendance submitted by any school district for [the purpose of computing its average daily attendance; and

2. The number of pupils attending each class in any school district.] apportionment purposes.

Sec. 65. NRS 387.170 is hereby amended to read as follows:

387.170 1. There is hereby created in each county treasury a fund to be designated as the county school district fund, except as otherwise provided in subsection [3.] 2.

2. [Immediately after March 2, 1956, each county treasurer shall transfer to the county school district fund all public school moneys held by him and remaining to the credit of the several school districts and educational districts abolished by NRS 386.020, the areas of which are included within the county school district, and all public school moneys held by him and remaining to the credit of the county school fund, the county aid to district high school fund, and any other unapportioned county fund established for the support of the public schools. Any moneys so transferred from an existing school district building reserve fund shall be expended only in the manner provided in NRS 387.290.

3.] In counties with a population of less than 20,000, as determined by the last preceding national census of the Bureau of

the Census of the United States Department of Commerce, all [moneys] money received by the county treasurer under the provisions of NRS 387.175 may be transferred to a separate account established and administered by the board of trustees of the county school district under the provisions of NRS 354.603.

Sec. 66. NRS 387.175 is hereby amended to read as follows:

387.175 The county school district fund [shall be] is composed of:

1. All local taxes for the maintenance and operation of kindergartens, elementary schools and high schools.
2. All [moneys] money received from the Federal Government for the maintenance and operation of public schools.
3. Apportionments by the state as provided in NRS 387.124.
4. [All moneys transferred in compliance with the provisions of NRS 387.170.
- 5.] Any other receipts, including gifts, for the operation and maintenance of the public schools in the county school district.

Sec. 67. NRS 387.185 is hereby amended to read as follows:

387.185 1. All school [moneys] money due each county school district [shall] must be paid over by the state treasurer to the county treasurer on August 1, November 1, February 1 and May 1 of each year or as soon thereafter as the county treasurer may apply for [the same,] it, upon the warrant of the state controller drawn in conformity with the apportionment of the [state board of education] superintendent of public instruction as provided in NRS 387.124.

2. No county school district [shall] may receive any portion of the public school [moneys] money unless that school district [shall have] has complied with the provisions of this Title [of NRS and the rules and regulations of the state board of education.] and regulations adopted pursuant thereto.

Sec. 68. NRS 387.290 is hereby amended to read as follows:

387.290 1. With the approval of the state board of finance, the board of trustees of any school district may accumulate a fund for a period of time not to exceed 10 years for the purpose of constructing or making additions to an elementary school, a junior high school or a high school, by the levy of an annual special tax not to exceed 35 cents on each \$100 of assessed valuation of taxable property within the school district. Any levy of an annual special tax authorized by this section shall be included within the tax levy authorized by paragraph (b) of subsection 2 of NRS 387.195.

2. All [moneys] money collected from such special tax shall be placed in a fund with the county treasurer holding the county school district fund to be designated as the school district building reserve fund.

3. No [moneys] money in the fund at the end of the fiscal year [shall] may revert to the county school district fund, nor [shall] may such [moneys] money be a surplus for any other purpose than those specified and for which the levies were made.

[4. All moneys in a building reserve fund of a school district or educational district abolished by NRS 386.020 and transferred to the county school district fund pursuant to the provisions of NRS 387.170 shall, after March 2, 1956, be expended only for the purpose of constructing or making additions to elementary schools, junior high schools or high schools within the area which formerly constituted the school district or educational district abolished by NRS 386.020 wherein the annual special tax was levied and collected.]

Sec. 69. NRS 387.310 is hereby amended to read as follows:

387.310 1. Except as provided by NRS 387.307 and subject to the direction of the board of trustees, the clerk of the board shall draw all orders for the payment of [moneys] money belonging to the school district.

2. The orders shall be listed on cumulative voucher sheets and a copy presented to each of the members of the board of trustees present at the meeting and mailed to any absent member; and, when the orders have been approved by a majority of the board of trustees, and the cumulative voucher sheets have been signed by the president and the clerk of the board of trustees, or by a majority of the members of the board of trustees, such orders [shall be] are valid vouchers in the hands of the county auditor for him to issue warrants on the county treasurer to be paid out of the funds belonging to such school district.

3. No order in favor of the board of trustees or any member thereof, except for salaries as authorized by NRS 386.320, authorized travel expenses and subsistence of trustees or for services of any trustee as clerk of the board, [shall] may be drawn.

4. No order for salary for any teacher may be drawn unless such teacher is included in the directory of teachers supplied to the clerk of the board of trustees under the provisions of [NRS 385.-012.] section 108 of this act.

Sec. 70. NRS 387.315 is hereby amended to read as follows:

387.315 1. Every order drawn by the clerk of the board of trustees of a school district [shall] must be accompanied by an itemized statement of the purpose or purposes for which the order is issued, and a true copy of an itemized invoice drawn by the person, association, firm or corporation in whose favor the order is drawn. The statement and a true copy of the invoice [shall] must be filed in the office of the county auditor and [shall be] is subject to inspection by the superintendent of public instruction. Statements and invoices shall be kept on file until ordered destroyed by the [state board of education.] superintendent.

2. No order for the payment of money of any school district [shall] may be issued by the clerk of the board of trustees unless there [shall be] is in the county treasury, to the credit of the school district, a sum of money equal to the full amount for which the order is issued, and [which sum is] available for the purpose of the order.

3. If the clerk of any board of trustees [shall draw] draws any order for the payment of school [moneys] money in violation of law, the members of the board of trustees [shall be] are jointly and severally liable for the amount of the order.

Sec. 71. NRS 387.320 is hereby amended to read as follows:

387.320 1. During [the quarter of the school year beginning January 1, 1956, and in] each quarter of each school year, [thereafter,] the clerk of the board of trustees of a county school district shall cause to be published a list of expenditures of the county school district made during the previous quarter school year. The published list of expenditures shall be in the form prescribed by the [state board of education.] superintendent of public instruction.

2. The publication required by subsection 1 shall be printed in some newspaper published and of general circulation in the county the boundaries of which are conterminous with the boundaries of the county school district.

3. The newspaper described in subsection 2 must possess the qualifications prescribed in chapter 238 of NRS.

4. If no qualified newspaper is published within a county, then the required publication shall be printed in some qualified newspaper printed in the State of Nevada and having a general circulation within the county.

Sec. 72. NRS 387.340 is hereby amended to read as follows:

387.340 1. When the board of trustees of a county school district [deems] finds it necessary to incur any bonded indebtedness authorized by NRS 387.335 to [387.525,] 387.510, inclusive, by issuing the negotiable coupon bonds of the county school district, the board of trustees, after compliance with the provisions of NRS 293.481, shall, by a resolution adopted and entered in its minutes:

(a) Find the necessity of and state the purpose or purposes for incurring the bonded indebtedness.

(b) Determine the maximum amount of bonds to be issued.

(c) Call an election for submission of the question whether the negotiable coupon bonds of the county school district should be issued and sold to raise money for the purpose or purposes stated.

(d) Designate whether the election [shall] will be consolidated with the next general election, or [shall] will be a special election which the board of trustees is authorized to call. For the purposes of NRS 387.335 to [387.525,] 387.510, inclusive, the term "general election" includes a primary election.

(e) Fix the date of the election.

2. The resolution adopted by the board of trustees pursuant to the provisions of subsection 1 shall fix a date for the election which will:

(a) Allow sufficient time for the electors of the county school district to register to vote pursuant to the provisions of the election laws of this state; and

(b) Allow sufficient time for the county clerk to perform the duties required of him by the election laws of this state.

3. Prior to the adoption of any such resolution the clerk of the board of trustees shall notify, in writing, the board of county commissioners of the county whose boundaries are coterminous with the boundaries of the county school district of the intention of such board of trustees to consider [any] such resolution.

Sec. 73. NRS 387.355 is hereby amended to read as follows:

387.355 1. Any election called pursuant to NRS 387.335 to [387.525,] 387.510, inclusive, may be consolidated with a general election.

2. If the election is consolidated with the general election, the notice need not set forth the places of holding the election, but may instead state that the places of holding the election shall be the same as those provided for the general election.

Sec. 74. NRS 387.380 is hereby amended to read as follows:

387.380 Notwithstanding any other provision of NRS 387.335 to [387.525,] 387.510, inclusive, at any school bond election ballots or votes may be cast, registered, recorded and counted by means of voting machines, as provided in the election laws of this state.

Sec. 75. NRS 387.400 is hereby amended to read as follows:

387.400 [1.] The total bonded indebtedness of a county school district shall at no time exceed an amount equal to 15 percent of the total of the last assessed valuation of taxable property (excluding motor vehicles) situated within the county school district . [less an amount equal to any total outstanding bonded indebtedness of the school districts and educational districts abolished by NRS 386.020 whose areas are now within the county school district.

2. In computing the limitation of the total bonded indebtedness of a county school district the outstanding bonded indebtedness of the school districts and educational districts abolished by NRS 386.020 expressly assumed by the county school district by a vote of the electors as provided in NRS 387.520 shall be deemed to constitute bonded indebtedness of the county school district.]

Sec. 76. NRS 387.405 is hereby amended to read as follows:

387.405 For any project or purpose authorized in NRS 387.335 the board of trustees of a county school district, at any time or from time to time, in the name and on behalf of the district, may issue general obligation bonds, payable from taxes, subject to the provisions of NRS 350.001 to 350.006, inclusive, and 387.335 to [387.525, inclusive, as from time to time amended.] 387.510, inclusive.

Sec. 77. NRS 387.410 is hereby amended to read as follows:

387.410 Subject to the provisions of NRS 387.335 to [387.525,] 387.510, inclusive, for any school facilities authorized therein , the board [, as it may determine from time to time,] may, on the

behalf and in the name of the district, borrow money [,] or otherwise become obligated, and evidence such obligations by the issuance of bonds and other district securities constituting its general obligations . [, and in] In connection with any such project [or] for school facilities, the board [may] shall otherwise proceed as provided in the Local Government Securities Law . [, as from time to time amended.]

Sec. 78. NRS 387.470 is hereby amended to read as follows:

387.470 1. Subject to the provisions of subsection 2, the board of trustees of a county school district may divide the principal amount of any issue authorized at any election into two or more series and fix different dates for the bonds of each series. The bonds of any one series may be made payable at different times from those of any other series. If the bonds of any authorized issue are divided into series, the maturity of each respective series [shall] must comply with the provisions of NRS 387.335 to [387.525,] 387.510, inclusive. For the purpose of computing the maturity of each series the term "date of the bonds" shall be deemed to be the date of the bonds of each series respectively.

2. No county school district bonds [shall] may be issued or sold by the board of trustees after the expiration of 6 years from the date of the election authorizing such issue.

Sec. 79. Chapter 388 of NRS is hereby amended by adding thereto a new section which shall read as follows:

1. The state board of education shall provide leadership for Indian education programs by establishing the position of special consultant on Indian education.

2. The special consultant on Indian education must be an Indian who holds a degree in education from an accredited institution of higher learning and has at least 3 years of experience as a teacher or school administrator. An advanced degree in education may be substituted for 1 year of the required experience.

3. The special consultant shall work within the department and with the Indian tribes in establishing programs and curricula designed to meet the special educational needs of Indians in this state.

Comments: Source is NRS 385.465.

Sec. 80. NRS 388.030 is hereby amended to read as follows:

388.030 [Whenever the] The board of trustees of a school district [shall deem it necessary, the board shall] may divide the public schools within the school district into kindergarten, elementary, high school and other permissible departments, and shall employ competent and legally qualified teachers for the instruction of the different departments [; provided:

1. That such] , if:

1. The division into departments [shall be] is in accordance with the state courses of study and [all rules and] regulations of the state [department] board of education; and

2. [That there shall be] There is money for all such departments; if not, then the division [shall] must be in the order in which the departments are named in this section, excepting the kindergarten department, which [shall] must not be considered as taking precedence over the elementary or high school departments.

Sec. 81. NRS 388.080 is hereby amended to read as follows:

388.080 1. Except as otherwise provided in subsection 2, the public school year [shall commence] commences on the 1st day of July and [shall end] ends on the last day of June.

2. After notification to the [state department of education] superintendent of public instruction that an extended school year program will be operative, any county school district may request extension of the school year beyond the last day of June for each year of such program.

Sec. 82. NRS 388.110 is hereby amended to read as follows:

388.110 No school [shall] may be kept open on any day declared to be a legal holiday pursuant to NRS 236.015, except that any board of trustees of a school district may elect to keep school open on October 31 [(Nevada Day)] (or other day observed as Nevada Day) and observe such holiday with appropriate exercises.

Sec. 83. NRS 388.340 is hereby amended to read as follows:

388.340 1. The superintendent of public instruction shall serve as executive officer of the state board for vocational education.

2. The executive officer shall:

(a) [With the advice and consent of] Employ personnel for such positions as are approved by the state board for vocational education [, designate such assistants as may be] and necessary to carry out properly the provisions of this Title [of NRS.] relating to vocational education.

(b) Carry into effect such [rules and] regulations as the state board for vocational education may require.

(c) Maintain an office for the board . [at the state capital.]

(d) Keep all records of the board in the office of the board.

Comments: This section clarifies that the executive officer of the state board for vocational education is responsible for administering policies established by the board. The relationship between the executive officer and the board is analogous to the relationship between the superintendent of public instruction and the state board of education.

Sec. 84. NRS 388.360 is hereby amended to read as follows:

388.360 The state board for vocational education [shall have authority:] may:

1. [To cooperate] Cooperate with any federal agency, board or department designated to administer the Acts of Congress apportioning federal vocational education [funds] money to the State of Nevada.

2. [To administer] Establish policies and adopt regulations for the administration of any legislation enacted pursuant thereto by the State of Nevada.

3. [To administer the funds] Establish policies and adopt regulations for the administration of money provided by the Federal Government and the State of Nevada for the promotion, extension and improvement of vocational education in agricultural subjects, trade and industrial subjects, home economics subjects, distributive occupation subjects, practical nursing subjects, vocational guidance services and other subjects which may be included in the vocational education program in the State of Nevada.

4. [To] Establish policies or regulations and formulate plans for the promotion of vocational education in such subjects as are an essential and integral part of the public school system of education in the State of Nevada.

5. [To] Establish policies to provide for the preparation of teachers of such subjects.

6. [Within the limits of the provisions of chapter 284 of NRS, to fix the compensation of] Approve positions for such officials and assistants as may be necessary to administer the federal act and provisions of this Title [of NRS] enacted pursuant thereto for the State of Nevada.

7. [To pay such compensation and other necessary expenses of administration and travel from appropriated funds.

8. To] Direct its executive officer to make studies and investigations relating to vocational education . [in such subjects.

9. To] 8. Establish policies to promote and aid in the establishment by local communities of schools, departments or classes giving training in [such] vocational subjects.

[10. To cooperate] 9. Cooperate with local communities in the maintenance of such schools, departments or classes.

[11. To prescribe] 10. Prescribe qualifications for the teachers, directors and supervisors of [such] vocational subjects.

[12. To provide] 11. Provide for the certification of such teachers, directors and supervisors.

[13. To] 12. Establish policies or regulations to cooperate in the maintenance of classes supported and controlled by the public for the preparation of the teachers, directors and supervisors of [such] vocational subjects, or [to] maintain such classes under its own direction and control.

[14. To establish and determine by general regulations]

13. Establish by regulation the qualifications [to be possessed by] required for persons engaged in the training of vocational teachers.

Comments: The list of powers of the state board of vocational education is revised to reflect that the board is responsible for establishing policies and the executive officer is responsible for carrying them out. The board approves personnel

positions but the executive officer employs the persons to fill them.

Sec. 85. NRS 388.365 is hereby amended to read as follows:

388.365 1. The state board for vocational education may accept gifts of [moneys] money from public and private sources, if the purpose of the gift specified by the donor is approved by the board and is within the scope of the board's powers and duties, and such [funds shall] money must be deposited in a permanent fund in the state treasury designated as the vocational education gift fund.

2. [The board may expend money from the vocational education gift fund in accordance with the terms of any gift or bequest.

3.] The [moneys] money available in the vocational education gift fund [shall] must be used only for the purpose specified by the donor, within the limits of subsection 1 . [, and any] The board may adopt regulations or establish policies for the disbursement of money from the fund in accordance with the terms of the gift or bequest on warrants of the state controller issued upon the orders of the executive officer of the state board for vocational education. Any expenditures pursuant to this section may include matching state and federal [funds] money available for vocational education.

[4.] 3. If all or part of the [funds] money accepted by the board from a donor [are] is not expended prior to the end of the fiscal year in which the gift was accepted, such remaining balance of the amount donated [shall] must remain in the vocational education gift fund until needed for the purpose specified by the donor, within the limits of subsection 1.

Sec. 86. NRS 388.370 is hereby amended to read as follows:

388.370 The executive officer of the state board for vocational education shall make a report biennially to the [legislature setting forth:

1. The condition of vocational education in the State of Nevada.

2. A list of the schools to which federal and state aid has been given.

3. A detailed statement of the expenditures of the federal funds and state funds provided in NRS 388.390.] governor.

Comments: See NRS 345.070 et seq.

Sec. 87. NRS 388.390 is hereby amended to read as follows:

388.390 Whenever any board of trustees of a school district has organized a vocational school or classes in accordance with [rules and] regulations adopted by the state board for vocational education, which vocational school or classes have been approved by the executive officer of the state board for vocational education, the school district [shall be] is entitled to share in federal and state [funds] money available for the promotion of vocational

education in [such amounts as shall be] the amount determined [and approved] by the executive officer of the state board for vocational education [.], in accordance with the regulations and policies of the board.

Sec. 88. NRS 388.400 is hereby amended to read as follows:

388.400 1. The [moneys] money for vocational education, which consists of agricultural education, trade and industrial education, home economics education, distributive education, practical nursing education, and such other phases of vocational education as the state board for vocational education may approve for adoption in Nevada schools, shall be provided for and raised in the manner specified in NRS 387.050 and 388.330 to 388.400, inclusive.

2. The state treasurer [shall be] is custodian of such [moneys, which shall be used and administered under the authority] money and he shall make disbursements therefrom on warrants of the state controller issued upon the order of the executive officer of the state board for vocational education.

Sec. 89. NRS 388.450 is hereby amended to read as follows:

388.450 1. The legislature declares that the basic support guarantee [as expressed in NRS 387.122] for each special education program unit established by law for each school year establishes financial resources sufficient to insure a reasonably equal educational opportunity to handicapped minors residing in Nevada.

2. Subject to the provisions of NRS 388.440 to 388.520, inclusive, the board of trustees of a school district shall make such special provisions as may be necessary for the education of handicapped minors.

3. The board of trustees of a school district shall establish uniform [rules of] criteria governing eligibility for instruction under the special education programs provided for by NRS 388.440 to 388.520, inclusive. The [rules and regulations shall be] criteria are subject to such standards as may be prescribed by the state [department] board of education.

Sec. 90. NRS 388.470 is hereby amended to read as follows:

388.470 1. Before any child is placed in a special program for handicapped children:

(a) A consultation [shall] must be held with his parents or guardian.

(b) An examination [shall] must be conducted for the purpose of finding the extent to which the child deviates from normal growth and development patterns . [, such] The examination [to] must be conducted in accordance with standards prescribed by the state [department] board of education.

2. A psychiatrist may be consulted in any specific case when the board of trustees of a school district deems it necessary.

Sec. 91. NRS 388.520 is hereby amended to read as follows:

388.520 1. The state [department] board of education shall prescribe minimum standards for the special education of handicapped minors.

2. Prescribed minimum standards [shall] must include standards for programs of instruction or special services maintained for the purpose of serving minors [with the following handicapping conditions:] who:

- (a) [Aurally] Are aurally handicapped.
- (b) [Visually] Are visually handicapped.
- (c) [Physically] Are physically handicapped.
- (d) [Speech handicapped.] Have speech handicaps.
- (e) [Mentally] Are mentally handicapped.
- (f) [Educationally handicapped, including appropriate sub-emphasis when related to emotional disturbance.
- (g) Multiple handicapped, including appropriate subemphasis for] Are educationally handicapped, and these standards must also give appropriate consideration to emotional disturbances related to the educational handicaps.
- (g) Have multiple handicaps, and these standards must give appropriate consideration to each of the handicapping conditions.
- (h) [Academically] Are academically talented.
- (i) [Learning] Have learning disabilities.

3. No apportionment of state funds [shall] may be made [by the superintendent of public instruction] to any school district for the instruction of handicapped minors until the program of instruction maintained therein for such handicapped minors is approved by the [state department of education] superintendent of public instruction as meeting the prescribed minimum standards.

Sec. 92. NRS 388.570 is hereby amended to read as follows:

388.570 [As required by subsection 4 of NRS 387.123, the]

1. The state board of education shall establish [rules and] regulations for the computation of enrollment and average daily attendance of children detained in detention homes and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550 to [388.580,] 388.570, inclusive.

2. Boards of trustees of school districts providing such instruction shall report to the superintendent of public instruction at such times and in such manner as he prescribes.

Comments: Source of subsection 2 is NRS 388.580.

Sec. 93. NRS 388.595 is hereby amended to read as follows:

388.595 The state [department] board of education shall provide leadership for the environmental education program by [appointing an] establishing the position of environmental education consultant . [, who shall be in the classified service of the state and an employee of the state department of education, whose] His responsibilities [shall] include : [but not be limited to the following:]

1. Coordinating the efforts of the various disciplines within the educational system that are concerned with environmental education.

2. Developing and distributing instructional materials for use in environmental education.
3. Developing programs of in-service teacher training in environmental education.
4. Coordinating the efforts of private organizations, local school districts and governmental agencies that are concerned with environmental education.

Sec. 94. Chapter 389 of NRS is hereby amended by adding thereto a new section which shall read as follows:

1. The automobile driver education program is hereby established for the purpose of assisting school districts in this state which establish and maintain automobile driver education classes. Money for the automobile driver education program shall be provided by direct legislative appropriation.

2. The state board of education may direct the superintendent of public instruction to make semiannual apportionments, payable on or before February 1 and July 1 of each year, to the several school districts. The semiannual apportionment made on or before February 1 shall be made on the basis of \$15 times the number of estimated pupil completions in the district during the current school year, which shall be estimated by the superintendent. The semiannual apportionment made on or before July 1 shall be made on the basis of \$35 times the actual number of pupil completions in the district during the current year, less any amount previously apportioned to the district for estimated pupil completions during the current school year.

3. If the money available for the automobile driver education program is not sufficient to make full current school year apportionments, so determined under subsection 2, apportionment payments to the various school districts shall be prorated so that each school district is apportioned the same amount per pupil completion, such amount to be derived by dividing the total money available by the total number of completions during the current school year.

4. Money received by school districts for the automobile driver education program must not be expended for the purchase or repair of motor vehicles or the purchase or repair of automobile driver education training equipment.

Comments: Source is NRS 387.033.

Sec. 95. NRS 389.010 is hereby amended to read as follows:

389.010 Boards of trustees of school districts shall enforce in schools the courses of study prescribed and adopted by the [proper authority.] state board of education.

Sec. 96. NRS 389.020 is hereby amended to read as follows:

389.020 1. In all public [and private] schools, the Nevada girls training center, and the Nevada youth training center, instruction [shall] must be given in American government, including but not limited to the essentials of the Constitution of the

United States, the constitution of the State of Nevada, the origin and history of the constitutions and the study of and devotion to American institutions and ideals.

2. The instruction required in subsection 1 [shall] must be given during at least 1 year of the elementary school grades and for a period of at least 1 year in all high schools.

Comments: See NRS 394.150.

Sec. 97. NRS 389.030 is hereby amended to read as follows:

389.030 American history, including the history of the State of Nevada [shall] must be taught in all of the public [and private] schools in the State of Nevada for a period of at least 1 year.

Sec. 98. NRS 389.035 is hereby amended to read as follows:

389.035 No [student] pupil in any public [or private] high school, the Nevada girls training center or the Nevada youth training center [shall] may receive a certificate or diploma of graduation without having passed a course in American government and American history as required by NRS 389.020 and 389.030.

Comments: See NRS 394.150.

Sec. 99. NRS 389.090 is hereby amended to read as follows:

389.090 1. The state board of education shall adopt [rules and] regulations governing the establishment, conduct and scope of automobile driver education in the public schools of this state.

2. The aims and purposes of automobile driver education [shall be] are to develop the knowledge, attitudes, habits and skills necessary for the safe operation of motor vehicles.

3. The board of trustees of a school district may establish and maintain automobile driver education classes during regular semesters and summer sessions and during the regular school day and at times other than during the regular school day for:

(a) Pupils enrolled in the regular full-time day high schools in the school district.

(b) Pupils enrolled in summer classes conducted in high schools in the school district.

4. A board of trustees maintaining courses in automobile driver education shall insure against any liability arising out of the use of motor vehicles in connection with such courses. The cost of such insurance shall be paid from available school district funds.

5. Automobile driver education shall be [conducted by] provided by boards of trustees of school districts in accordance with regulations of the state board of education and [boards of trustees and shall] may not be duplicated by any other agency, department, commission or officer of the State of Nevada.

Sec. 100. NRS 389.100 is hereby amended to read as follows:

389.100 1. The legislature finds as facts:

(a) That the successful completion of an approved automobile driver education course by a pupil offers a direct financial benefit to his parents or other responsible adult through the reduction of insurance premiums.

(b) That the imposition of a fee, not in excess of the actual cost of providing the special equipment required, as a prerequisite to an elective course in driver education, does not violate the requirements of article 11 of the constitution of the State of Nevada.

2. The board of trustees of any school district [is authorized to] may establish a laboratory fee to be charged each pupil enrolling for an automobile driver education course, which [shall] must not exceed the difference per pupil between the actual cost of providing the course and the amount anticipated under [NRS 387.-033,] section 94 of this act, or \$35, whichever is less.

Sec. 101. NRS 389.130 is hereby amended to read as follows:

389.130 1. Each school district shall investigate the feasibility of programs of outdoor environmental education and camping for its students.

2. Such investigations [shall] must be coordinated with the [Nevada advisory committee for environmental education and with the state department of education.] superintendent of public instruction.

Sec. 102. NRS 390.010 is hereby amended to read as follows:

390.010 1. The state textbook commission, consisting of the superintendent of public instruction or his designee and eight members appointed by the governor, is hereby created within the [state] department of education.

2. The governor shall appoint:

- (a) Four members from Clark County;
- (b) Two members from Washoe County; and
- (c) Two members from the remainder of the state.

Sec. 103. NRS 390.020 is hereby amended to read as follows:

390.020 The members of the commission appointed by the governor [shall] must be persons certified by the [state department of education] superintendent of public instruction as having been actively engaged in school teaching or administration in a school district of this state for at least 4 years prior to their appointment.

Sec. 104. NRS 390.060 is hereby amended to read as follows:

390.060 1. The commission shall elect one of its members as president of the commission, to serve a 2-year term.

2. The [state board of education may employ a textbook consultant, who may] superintendent of public instruction shall designate a member of the staff of the department to serve as

secretary of the commission. [The state board of education shall defined his other duties.]

Sec. 105. NRS 390.090 is hereby amended to read as follows:

390.090 1. The commission shall provide in its rules of procedure for the times and places of holding its regular meetings.

2. At the request or with the consent of a majority of the members, the secretary may call a special meeting whenever there is important business to justify the call.

3. [All meetings of the commission shall be public. The secretary shall keep a full and correct record of all proceedings, which record shall be open to public inspection.

4.] Minutes of the meetings [shall be prepared and] must be distributed to members of the commission and to each county school superintendent.

Comments: See ch. 241 of NRS.

Sec. 106. NRS 390.230 is hereby amended to read as follows:

390.230 1. The textbooks adopted by the state board of education [shall] must be used in the public schools in the state and no other books [shall] may be used as basic textbooks.

2. This section [shall not be interpreted in such a manner as to] does not prohibit:

(a) The continued use of such textbooks previously approved until they become unserviceable.

(b) The use of supplemental textbooks purchased by a school district with the approval of the superintendent of public instruction.

(c) After approval by the commission, the temporary use of textbooks for tryout purposes.

3. Any school officer or teacher who [shall violate] violates the provisions of this chapter , [or not follow] the rules [and regulations] of the commission or the regulations of the state board relating to use of textbooks shall be punished by a fine of not more than \$100.

4. All superintendents, principals, teachers and school officers are charged with the execution of this section.

Sec. 107. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 108 to 110, inclusive, of this act.

Sec. 108. The superintendent of public instruction shall file with the clerk of the board of trustees of each local school district a directory of all teachers and other educational personnel who hold certificates entitling them to draw salaries from the county school district fund, and shall advise the clerk from time to time of any changes or additions to the directory.

Comments: Source is NRS 385.012.

Sec. 109. The superintendent of public instruction may suspend, for a time not to exceed 1 year, the certificate of any teacher or other certificated employee who has an unexcused absence from any educational conference he is required to attend.

Comments: Source is NRS 385.265(1).

Sec. 110. A hearing officer selected by the superintendent of public instruction from the hearing officer list shall hear and make recommendations in cases of demotion, dismissal or nonreemployment based on grounds contained in paragraphs (b), (f), (g), (h), (m) and (p) of subsection 1 of NRS 391.312.

Comments: Source is NRS 391.3161(3).

Sec. 111. NRS 391.010 is hereby amended to read as follows:
391.010 1. There are the following kinds of [teachers'] certificates for teachers and other educational personnel in this state:

- (a) Elementary certificates.
- (b) Secondary certificates.
- (c) Special certificates.

2. An elementary certificate authorizes the holder [thereof] to teach in any elementary school in the state.

3. A secondary certificate authorizes [a teacher] the holder to teach in his major or minor field of preparation or in both fields in any secondary school. He may teach only in these fields unless an exception is approved in a manner provided by regulations of the state board of education.

4. A special certificate authorizes [a teacher] the holder to teach [in any] or perform other educational functions in a school or program [named] as designated in the certificate.

Comments: This section and other revisions throughout the recodification bill recognize that certification applies to other educational personnel in addition to teachers.

Sec. 112. NRS 391.020 is hereby amended to read as follows:
391.020 1. All [teachers'] certificates for teachers and other educational personnel are granted by the [state board of education. The state board of education] superintendent of public instruction. He may issue certificates to all qualified persons under the regulations of the state board of education.

2. Every applicant for a certificate shall submit with his application a complete set of his fingerprints and written permission authorizing the [state board of education] superintendent to forward such fingerprints to the Federal Bureau of Investigation

for its report. The superintendent may issue a provisional certificate pending receipt of such report if he determines that the applicant is otherwise qualified.

3. Upon receipt of the report referred to in subsection 2 and a determination by the [state board of education] superintendent that the applicant is qualified, a certificate [shall] must be issued to the applicant.

Sec. 113. NRS 391.040 is hereby amended to read as follows:

391.040 1. The state board of education may fix fees of not less than \$3 for the issuance and renewal of certificates. Fees for issuing duplicate certificates are the same as for issuing the originals.

2. The [moneys] money received from the fees [collected under the provisions of NRS 391.010 to 391.050, inclusive,] shall be paid into the state general fund.

Sec. 114. NRS 391.060 is hereby amended to read as follows:

391.060 1. Except as provided in NRS 391.070, it [shall be] is unlawful for:

(a) The superintendent of public instruction to issue a certificate to, or a board of trustees of a school district to employ, any teacher, instructor, principal or superintendent of schools who is not a citizen of the United States or a person who has filed a valid declaration to become a citizen or valid petition for naturalization, or who is not a lawful permanent resident of the United States.

(b) The state controller or any county auditor to issue any warrant to any teacher, instructor, principal or superintendent of schools who is not a citizen of the United States or a person who has filed a valid declaration to become a citizen or valid petition for naturalization, or who is not a lawful permanent resident of the United States.

2. Any person [violating] who violates any of the provisions of this section [shall be] is guilty of a misdemeanor.

Sec. 115. NRS 391.070 is hereby amended to read as follows:

391.070 Nothing in NRS 391.060 or in any other law [shall be construed to prohibit] prohibits the employment, by [the superintendent of public instruction or] a board of trustees of a school district, of any teacher or instructor authorized to teach in the United States under the teacher exchange programs authorized by laws of the Congress of the United States.

Sec. 116. NRS 391.080 is hereby amended to read as follows:

391.080 1. Each teacher or other certificated employee employed in this state whose compensation is payable out of [the] public [funds,] money, except teachers employed pursuant to the provisions of NRS 391.070, [shall] must take and subscribe to the constitutional oath of office before entering upon the discharge of his duties.

2. The oath of office, when taken and subscribed, [shall be filed in the office of the state] must be filed with the department of education.

3. The superintendent of public instruction, deputy and associate superintendents of public instruction [,] and other members of the professional staff of the department designated by the superintendent, members of boards of trustees of school districts, superintendents of schools, principals of schools and notaries public [are empowered to] may administer the oath of office to teachers [,] and other certificated employees.

Comments: Partial source is NRS 385.420.

Sec. 117. NRS 391.090 is hereby amended to read as follows:

391.090 1. Any person who is:

(a) Granted a certificate to teach or perform other educational functions in the public schools of Nevada; or

(b) [Granted a renewal of his certificate; or

(c)] Charged with the duty at the Nevada youth training center or the Nevada girls training center of giving instruction in the Constitution of the United States and the constitution of the State of Nevada,

flush [shall be required to] must show, by examination or credentials showing college, university or normal school study, satisfactory evidence of adequate knowledge of the origin, history, provisions and principles of the Constitution of the United States and the constitution of the State of Nevada.

2. The [state board of education] superintendent of public instruction may grant a reasonable time for compliance with the terms of this section.

Sec. 118. NRS 391.100 is hereby amended to read as follows:

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

2. The board of trustees of a school district:

(a) May employ teacher aides and other auxiliary, nonprofessional personnel to assist certificated personnel in the instruction or supervision of children, either in the classroom or at any other place in the school or on the grounds thereof. Such non-certificated personnel shall be given direct supervision by certificated personnel in all duties which are instructional in nature but may perform duties which are not primarily instructional in nature without a certificated person in attendance.

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

3. [Notwithstanding the provisions of NRS 252.110, the board of trustees of a school district may employ independent legal counsel when such employment is deemed necessary by the board.

4. Notwithstanding the provisions of NRS 354.596, not later than 30 days prior to the time of filing its tentative budget, each board of school trustees of a school district shall submit,

or cause to be submitted simultaneously, to the state department of education and the Nevada tax commission a report showing the estimated number of persons to be employed whose salaries will be paid from amounts to be included in its tentative and final budgets for the ensuing fiscal year. The report shall be made on forms prescribed by the state department of education and shall include, but shall not be limited to:

(a) A schedule showing the estimated number of persons to be employed by account and fund classification and fully funded thereby; and

(b) A schedule showing the estimated number of persons to be employed by classification who are funded by more than one account or fund.

(c) The projected salary schedule for the next fiscal year.] The board of trustees of a school district may employ or appoint persons to serve as security officers. Security officers are peace officers as defined in NRS 169.125. The provisions of this subsection do not constitute such security officers as police officers for the purposes of NRS 286.510.

Comments: Source of last subsection is NRS 391.275(1). See sections 45 and 49 of this act.

Sec. 119. NRS 391.110 is hereby amended to read as follows:

391.110 1. The board of trustees of a school district [is authorized to:] may:

(a) Employ any person [regularly] certificated for the position of administrator to serve as the superintendent of schools of the school district. In school districts having 7,000 or more [students,] pupils, the superintendent of schools [shall] must hold at least a master's degree in school administration or education.

(b) Define his powers and fix his duties.

(c) Fix his salary.

2. No superintendent of schools [shall] may be employed for more than a term of 1 year unless he [shall have] has first served 2 years satisfactorily as a teacher or administrator in the school district. If he has served 2 years satisfactorily in the school district as a certificated teacher or administrator he may be employed for a term of not to exceed 4 years.

3. A superintendent of schools may be dismissed at any time for cause.

4. A superintendent of schools [is authorized to administer:

(a) Teachers' oaths or affirmations of office.

(b) All other] may administer oaths or affirmations relating to public schools.

Sec. 120. NRS 391.120 is hereby amended to read as follows:

391.120 1. Boards of trustees of the school districts in this state [shall have the power to] may employ legally qualified teachers [, to] and other certificated personnel and may determine

[the salary to be paid each teacher,] their salaries and the length of the term of school for which [teachers shall be] they are employed. These conditions and any other conditions agreed upon by the parties shall be embodied in a written contract, or notice of reemployment, to be approved by the board of trustees and accepted and signed by the [teacher.] employee. A copy of the contract or notice of reemployment, properly written, [shall] must be delivered to each teacher or other certificated employee not later than the opening of the term of school.

2. A board of trustees [shall not have the right to] may not employ teachers or other certificated personnel for any school year commencing after the expiration of the time for which any member of the board of trustees was elected or appointed.

3. It [shall be] is unlawful for the board of trustees of any school district to employ any teacher who is not legally qualified to teach all the grades which [such] the teacher is engaged to teach.

4. Notice of the employment of a person [shall] as a teacher or other certificated employee must be given to the [state] department [of education upon a form supplied by such department] in the form prescribed by the superintendent of public instruction before [a teacher] the employee may start to perform under the terms of the contract.

Sec. 121. NRS 391.150 is hereby amended to read as follows:

391.150 1. Boards of trustees of school districts in this state may pay toward the salaries of [legally qualified] teachers and other employees the public [moneys] money apportioned to school districts for that purpose, by giving them orders therefor on the county auditor.

2. Boards of trustees may:

(a) Deduct from [teachers' salaries,] the salary of any teacher or other employee, upon the written request of the [teachers,] teacher or other employee, money for the payment of premiums on insurance of any kind;

(b) Reduce or withhold increases in the [salaries of teachers or other qualified employees,] salary of any teacher or other employee, upon the written request of the teacher or other employee, by or in an amount sufficient to purchase an annuity [contracts] contract pursuant to the provisions of NRS 391.380; and

(c) Reduce or withhold from the [salaries of teachers and other qualified employees,] salary of any teacher or other employee, upon the written request of the teacher or employee, an amount specified in the request to be held by the trustees pursuant to a deferred compensation agreement between the trustees and the teacher or other employee.

Sec. 122. NRS 391.160 is hereby amended to read as follows:

391.160 The salaries of teachers and other employees shall be determined by the character of the service required. In no school

district shall there be any discrimination against female [teachers] employees in the matter of salary.

Sec. 123. NRS 391.170 is hereby amended to read as follows:

391.170 A teacher or other employee for whom certification is required is not entitled to receive any portion of [the] public school [moneys] money as compensation for services rendered unless:

1. [The teacher] He is legally employed by the board of trustees of the school district in which he is teaching [.] or performing other educational functions.

2. [The teacher] He has a [teacher's] certificate authorizing him to teach or perform other educational functions at the level and in the field for which he is employed, issued in accordance with law and in full force at the time the services are rendered.

[3. The teacher has made a full, true and correct report, in the form and manner prescribed by the state board of education, to the superintendent of public instruction and to the board of trustees.]

Sec. 124. NRS 391.190 is hereby amended to read as follows:

391.190 It [shall be] is unlawful for a board of trustees of any school district to order the payment of [teachers'] salaries of teachers or other certificated personnel in advance of the time when earned.

Sec. 125. NRS 391.200 is hereby amended to read as follows:

391.200 The salaries of the teachers and other certificated personnel in a school district as determined by the contracts between the teachers and other certificated employees and the board of trustees [shall be] are prior claims upon the school district fund.

Sec. 126. NRS 391.210 is hereby amended to read as follows:

391.210 The board of trustees of a school district may direct the administrators, principals , [and] teachers and other certificated personnel employed by them to exercise such powers and authority in the schools as the board of trustees has under this Title of NRS.

Sec. 127. NRS 391.230 is hereby amended to read as follows:

391.230 1. Upon the opening of any public school in this state, every teacher and other certificated employee therein shall file with the superintendent of the county school district a Nevada [teacher's] certificate entitling the holder to teach or perform other educational functions in the school in which he will be employed, and any other report that the superintendent of public instruction [shall required.] requires.

2. The superintendent of the county school district shall acknowledge the receipt of each [teacher's] certificate and shall make a proper record [of the same] thereof in his office. The [teacher's] certificate shall remain on file and shall be safely kept in the office of the superintendent of the county school district.

Sec. 128. NRS 391.240 is hereby amended to read as follows:

391.240 Each teacher in the public schools shall [:

1. Keep] keep a true, full and correct [record] register of all pupils attending such school as required by the board of trustees of the school district in accordance with the [registers] regulations prescribed by the superintendent of public instruction.

[2. Make other reports of such records at such times and to such school officers as the superintendent of public instruction shall designate.]

Sec. 129. NRS 391.275 is hereby amended to read as follows:

391.275 [1. The board of trustees of a school district may employ or appoint personnel as security officers and, in carrying out the duties, such personnel are peace officers as defined in NRS 169.125. The provisions of this subsection shall not constitute such security officers as police officers for the purposes of NRS 286.510.

2.] The jurisdiction of each security [officers shall extend] officer of a school district extends to all school property, buildings and facilities within the school district, for the purpose of:

[(a)] 1. Protecting school district personnel, pupils, or real or personal property; or

[(b)] 2. Cooperating with local law enforcement agencies in matters relating to personnel, pupils or real or personal property of the school district.

Comments: See section 118 of this act.

Sec. 130. NRS 391.280 is hereby amended to read as follows:

391.280 [All teachers,] Every teacher or other certificated employee, without loss of salary for the time employed, shall [be required to] attend the [teachers'] educational conferences held in the school [districts in which they may be teaching, unless they shall be] district in which he is employed unless excused for good cause by the superintendent of schools [in the school district in which they are employed.] of the district.

Sec. 131. NRS 391.290 is hereby amended to read as follows:

391.290 1. Whenever an educational conference is called by the [state department of education for a school district or for the state,] superintendent of public instruction, the board of trustees of a school district whose school administrators and teachers are required to attend the educational conference shall, unless such school administrators or teachers are excused for cause by [legally authorized authority] the superintendent of schools of the district from attendance:

(a) Pay the actual necessary transportation expenses of school administrators and teachers of the school district to and from the educational conference.

(b) Pay the actual necessary living expenses of school administrators and teachers of the school district while attending the educational conference.

2. Expenses shall be paid out of the school district fund and claims therefor shall not exceed the statutory rate fixed for state officers.

Sec. 132. NRS 391.311 is hereby amended to read as follows:

391.311 [The following terms, whenever used or referred to] As used in NRS 391.312 to [391.3196, inclusive, have the following meaning] 391.3197, inclusive, unless a different meaning clearly appears in the context:

1. "Administrator" means any certificated employee the majority of whose working time is devoted to service as a superintendent, supervisor, principal or vice principal in a school district.

2. "Board" means the board of trustees of the school district wherein a [teacher] certificated employee affected by NRS 391.311 to [391.3196,] 391.3197, inclusive, is employed.

3. "Demotion" means demotion of an administrator.

4. "Postprobationary teacher" means a teacher who has completed [3] three consecutive probationary teacher contracts in a Nevada school district and is employed for a 4th consecutive year.

5. "Probationary teacher" means a teacher in the first [3] three consecutive contract years of employment in a school district, including any authorized leave of absence during that period.

6. "Superintendent" means the superintendent of a school district or the person acting as such.

7. "Teacher" means a certificated employee the majority of whose working time is devoted to the rendering of direct educational service to students of a school district.

Sec. 133. NRS 391.3115 is hereby amended to read as follows:

391.3115 1. The demotion, suspension, dismissal and nonreemployment provisions of NRS 391.311 to 391.3197, inclusive, do not apply to:

[1.] (a) Substitute teachers; or

[2.] (b) Adult education teachers . [;

3. Certificated employees who are employed in positions fully funded by a federal or private categorical grant. Any such employee shall be employed only for the duration of the grant, but during such period of employment, the employee shall receive credit toward his postprobationary status and shall not be dismissed, suspended or demoted except as otherwise provided in NRS 391.311 to 391.3197, inclusive.

4. Certificated employees who are employed on temporary contracts in place of certificated employees on authorized leaves of absence; but during such period of employment, the temporary employee shall receive credit toward his postprobationary status and shall not be dismissed, suspended or demoted except as otherwise provided in NRS 391.311 to 391.3197, inclusive.]

2. A certificated employee who is employed in a position fully funded by a federal or private categorical grant or to replace another certificated employee during that employee's leave of absence is employed only for the duration of the grant or leave, but is entitled to credit for that time in fulfilling any period of probation and during that time the provisions of NRS 391.311 to 391.3197, inclusive, for demotion, suspension or dismissal apply to him.

Sec. 134. NRS 391.3116 is hereby amended to read as follows:
391.3116 The provisions of NRS 391.311 to 391.3197, inclusive, do not apply to a teacher or other certificated employee who has entered into a contract with the board as a result of the Local Government Employee-Management Relations Act, if [such] the contract [provides] contains separate provisions relating to the board's right to dismiss or refuse to reemploy [such teachers.] the employee.

Sec. 135. NRS 391.3125 is hereby amended to read as follows:
391.3125 1. It is the intent of the legislature that a uniform system be developed for objective evaluation of [teacher] teachers and certificated school support personnel in each school district.
2. Each board of school trustees, following consultation and involvement of elected representatives of teacher personnel or their designees, shall develop an objective evaluation policy which may include self, student, administrative or peer evaluation or any combination thereof. In like manner, counselors, librarians and other certificated school support personnel shall be evaluated on forms developed specifically for their respective specialties. A copy of the evaluation policy adopted by the board of trustees shall be filed with the [state board] department of education.
3. Each probationary teacher shall be evaluated in writing at least twice each year. The first evaluation shall take place no later than 60 school days after the teacher enters service under the contract and the second shall take place no later than March 1.
4. Each postprobationary teacher shall be evaluated at least once each year.
5. The evaluation of a probationary teacher or a postprobationary teacher shall, if necessary, include recommendations for improvements in teaching performance. A reasonable effort shall be made to assist the teacher to correct deficiencies noted in the evaluation. The teacher shall receive a copy of each evaluation not later than 15 days after the evaluation. A copy of the evaluation and the teacher's response shall become a permanent attachment to the teacher's personnel file.

Sec. 136. NRS 391.3127 is hereby amended to read as follows:
391.3127 1. Each board of school trustees, following consultation and involvement of elected representatives of administrative personnel or their designated representatives, shall develop an

objective evaluation policy which may include self, student, administrative or peer evaluation or any combination thereof. A copy of the evaluation policy adopted by the board of trustees shall be filed with the [state board] department of education.

2. Each administrator shall be evaluated in writing at least once a year.

Sec. 137. NRS 391.3161 is hereby amended to read as follows:

391.3161 1. There is hereby created a hearing officer list which shall consist of not less than 50 Nevada resident attorneys at law, including retired judges. [Hearing officers on the list shall be appointed by the] The state board of education [following nomination] shall make appointments to the hearing officer list after nominations have been made by the State Bar of Nevada and the Nevada Trial Lawyers Association.

2. [Hearing officers shall be appointed] Each appointment to the list is for a term of 2 years or until resignation or removal for cause by the state board of education. Vacancies shall be filled [as necessary following the procedure set forth in subsection 1.

3. A hearing officer shall conduct hearings in cases of demotion, dismissal or nonreemployment based on grounds contained in paragraphs (b), (f), (g), (h), (m) and (p) of subsection 1 of NRS 391.312.] in the same manner as original appointments.

Comments: See section 110 of this act.

Sec. 138. NRS 391.3165 is hereby amended to read as follows:

391.3165 A hearing commission composed of [3] three members shall hear and make recommendations in cases of demotion, dismissal or nonreemployment based on grounds contained in paragraphs (a), (c), (d), (e), (i), (j), (k), (l), (n) and (o) of subsection 1 of NRS 391.312.

1. One member of [such] the commission shall be selected by the board, one member shall be selected by the certificated employee [,] who is the subject of the hearing, and the third member, who shall act as chairman, shall be selected by the superintendent of public instruction from the [state department of education] hearing officer list.

2. [The two education members shall be selected as needed to hear individual cases as set forth in this section.

3.] The members appointed respectively by the board and the certificated employee [shall] must have at least 4 years' experience in the field of education.

[4. If a request is made to the state superintendent of public instruction for appointment of a hearing officer, the state superintendent, within 10 days from the receipt of such request, shall designate seven attorneys on the hearing list.] They shall be selected as needed to hear individual cases.

Comments: See sections 139 and 140 of this act.

Sec. 139. NRS 391.3191 is hereby amended to read as follows:

391.3191 1. Each request for appointment of a person from the hearing officer list to serve as a hearing officer or chairman of a hearing commission shall be submitted to the superintendent of public instruction.

2. The certificated employee and the superintendent may each challenge not more than five members of the hearing officer list, and the superintendent of public instruction shall not appoint any challenged person.

Comments: Source of subsection 1 is NRS 391.3165.

Sec. 140. NRS 391.31915 is hereby amended to read as follows:

391.31915 1. [After appointment of the list, the] Within 10 days from receipt of the request for a hearing officer or chairman of a hearing commission the superintendent of public instruction shall designate:

(a) Seven persons if the hearing is to be before a hearing officer; or

flash (b) Five persons if a hearing commission is required, from among the remaining members of the hearing officer list.

2. The certificated employee and superintendent [are entitled:] may:

(a) [To] If the hearing is to be before a hearing officer, challenge peremptorily one of the [list] seven at a time, alternately, until only one remains, who shall serve as hearing officer for the hearing. The superintendent and certificated employee shall draw lots to determine first choice to [challenge a member of the list.] exercise a challenge.

(b) [To] If a hearing commission is required, challenge peremptorily the [hearing officer appointed to a hearing commission when such commission is required, in which case:] five persons designated, in the following manner:

(1) The superintendent and certificated employee [shall] each have two peremptory challenges.

(2) The superintendent and certificated employee may exercise their two challenges until they have exhausted their right to challenge or waive their right to [such] challenge.

[2.] 3. The state [department of education shall prepare a procedure] board shall prescribe procedures for exercising challenges to the hearing officer and hearing commission chairman and set time limits in which the challenges may be exercised by the certificated employee and superintendent.

Comments: Partial source of subsection 1 is NRS 391.3165.

Sec. 141. NRS 391.3192 is hereby amended to read as follows:

391.3192 1. As soon as possible after the time of his or its designation, the hearing officer or hearing commission shall hold

a hearing to determine whether the grounds for the recommendation are substantiated.

2. The [state department of education] superintendent of public instruction shall furnish the hearing officer or hearing commission with any assistance which is reasonably required to conduct the hearing, and the hearing officer or hearing commission may require witnesses to give testimony under oath and produce evidence relevant to [its] the investigation.

3. The certificated employee and superintendent are entitled to be heard, to be represented by counsel and to call witnesses in their behalf.

4. The hearing officer or person serving as chairman of the hearing commission shall be reimbursed reasonable actual expenses and is entitled to receive a salary of not more than \$150 per day for actual time served.

5. If requested by the hearing officer [,] or hearing commission, an official transcript shall be made.

[5.] 6. The board and the certificated employee [shall be] are equally responsible for the expense and salary of the hearing officer or chairman of the hearing commission and the official transcript . [when requested by the hearing officer.

6.] 7. The [appointed] commission members [shall] appointed respectively by the board and the certificated employee do not forfeit any salary or employment benefits for performing their duties as commission members.

[7.] 8. The state board of education shall develop a set of uniform standards and procedures to be used in such a hearing. The technical rules of evidence [shall] do not apply.

Sec. 142. NRS 391.3193 is hereby amended to read as follows:

391.3193 1. Except as provided in subsection 3, within 30 days from the time of the designation, the hearing officer or hearing commission shall complete the hearing and shall prepare and file a written report with the superintendent and the certificated employee involved.

2. The report shall contain an outline of the scope of the hearing , findings of fact and conclusions of law, and recommend a course of action to be taken by the board.

3. If it appears that the report cannot be prepared within 30 days, the certificated employee and the superintendent shall be so notified prior to the end of such period, and the hearing officer or hearing commission may take the time necessary not exceeding 40 days from the time of the designation to file the written report and recommendation.

4. The certificated employee and the superintendent or his designee may mutually agree to waive any of the time limits applicable to the hearing procedure . [under NRS 391.311 to 391.3196, inclusive.]

Sec. 143. NRS 391.3194 is hereby amended to read as follows:

391.3194 1. Within 5 days after the superintendent receives the report of the hearing officer or hearing commission, he shall

either withdraw the recommendation to demote, dismiss or not reemploy the certificated employee or file his recommendation with the board.

2. At the next regular board meeting after the receipt of the recommendation of the superintendent, the board shall either accept or reject the hearing officer's or hearing commission's recommendation and notify the [teacher] certificated employee in writing of its decision.

3. The board may, prior to making a decision, refer the report back to the hearing officer or hearing commission for further evidence and recommendations. The hearing officer or hearing commission shall have 15 days to complete the report and file it with the board and mail a copy to the superintendent and certificated employee.

4. The certificated employee or board may appeal the decision to a district court within the time limits and [as provided in chapter 233B of NRS.] in the manner provided by law for appeals of administrative decisions of state agencies.

Sec. 144. NRS 391.3196 is hereby amended to read as follows:

391.3196 1. On or before April 1 of each year, the board of trustees shall notify certificated employees [,] in their employ, in writing, by certified mail or by delivery of [a certificated] the employee's contract, [to the certificated employees in their employ,] concerning their reemployment for the ensuing year. If the board, or the person designated by it, fails to notify a certificated employee who has been employed by a school district of his status for the ensuing year, the employee shall be deemed to be reemployed for the ensuing year.

2. This section does not apply to any certificated employee who has been recommended to be demoted, dismissed or not reemployed if such proceedings have commenced and no final decision has been made by the board.

3. Any certificated employee who is reemployed pursuant to subsection 1 shall by April 10 notify the board of trustees in writing of his acceptance of employment. Failure on the part of the employee to notify the board of acceptance within the specified time limit [shall be] is conclusive evidence of the employee's rejection of the contract.

4. If the certificated employees are represented by a recognized employee organization [pursuant to chapter 288 of NRS,] and negotiation has been commenced pursuant to NRS 288.180, then the provisions of subsections 1, 2 and 3 [shall] do not apply except for nonreemployment procedures and prior to April 10 of each year the employees shall notify the board in writing, on forms provided by the board, of their intention to accept reemployment. Any agreement negotiated by the recognized employee organization and the board [shall become] becomes a part of the contract of employment between the board and the employee. The board of trustees shall mail contracts, by certified mail with return receipts requested, to each employee to be reemployed at his last-known address or shall deliver such contract in person to each employee, obtaining a receipt therefor.

Failure on the part of the employee to notify the board of acceptance within 10 days after receipt of such contract [shall be] is conclusive evidence of the employee's rejection of the contract.

Sec. 145. NRS 391.320 is hereby amended to read as follows:

391.320 1. The state board of education may suspend or revoke the certificate [or diploma] of any teacher for any cause specified by law.

2. The superintendent of public instruction may suspend, after 10 days' notice and a hearing, the certificate of any teacher for any of the causes for which a certificate may be revoked by the state board.

Comments: Source is NRS 385.265.

Sec. 146. NRS 391.330 is hereby amended to read as follows:

391.330 The state board of education may suspend or revoke any [state diploma or any] state certificate of any teacher or administrator, after notice and an opportunity for hearing before the state board, [of education,] for:

1. Immoral or unprofessional conduct.
2. Evident unfitness for service.
3. Physical or mental incapacity which renders such teacher or administrator unfit for service.
4. Conviction of a felony or crime involving moral turpitude.
5. Conviction of a sex offense under NRS 200.366, 200.368, 201.190, 201.220, 201.230 or 207.260 in which a student enrolled in a school of a Nevada public school district was the victim.
6. Knowingly advocating the overthrow of the Federal Government or of the State of Nevada by force, violence or unlawful means.
7. Persistent defiance of or refusal to obey the [rules and] regulations of the state board of education, or the [rules and] regulations of the superintendent of public instruction, defining and governing the duties of teachers and administrators.

Sec. 147. NRS 391.350 is hereby amended to read as follows:

391.350 1. [If any] Any teacher or other certificated employee employed by any board of trustees of a school district for a specified time who fails to comply with the provisions of his contract without the written consent of the board of trustees [, the teacher] is guilty of unprofessional conduct. If [such teacher's] the failure to comply with the provisions of [his] the contract is the result of [his] the having subsequently executed an employment contract with another board of trustees of a school district in this state without the written consent of the board of trustees first employing him, the second such contract is void.

2. Upon receiving formal complaint from the board of trustees, substantiated by conclusive evidence of such failure, the state board of education may suspend or revoke the certificate of the teacher after notice and opportunity for a hearing.

3. [State] The superintendent of public instruction shall notify state education agencies in other states [shall be notified] of any revocation for the reasons set forth in this section.

Sec. 148. NRS 391.355 is hereby amended to read as follows:

391.355 1. The state board of education, with the assistance of the attorney general, shall develop and the board shall adopt rules of procedure for the conduct of hearings involving suspension or revocation of [teachers' or administrators' certificates, which shall be adopted and promulgated by the state board of education.] certificates of teachers, administrators and other educational personnel.

2. The rules of procedure [shall] must provide for boards of trustees of school districts or the superintendent of public instruction or his designee to bring charges, when cause exists.

3. The state board of education may issue subpoenas to compel the attendance of witnesses and the production of books, records, documents or other pertinent information to be used as evidence in hearings for suspension or revocation of [teachers' or administrators'] certificates.

4. A hearing officer, qualified under NRS 391.3161 and selected according to the provisions of NRS 391.3191 and 391.31915 shall conduct the hearing and report findings of fact and conclusions of law, along with recommendations, to the state board of education. The state board may accept or reject the recommendations or refer the report [back] to the hearing officer for further evidence and recommendation, and shall notify the teacher, [or] administrator or other certificated person in writing of its decision.

Sec. 149. NRS 392.010 is hereby amended to read as follows:

392.010 1. The board of trustees of any school district may, with the approval of the [state department of education:] superintendent of public instruction:

(a) Admit to the school or schools of the school district any pupil or pupils living in an adjoining school district within this state or in an adjoining state when the school district of residence in the adjoining state adjoins the receiving Nevada school district; or

(b) Pay tuition for pupils residing in the school district but who attend school in an adjoining school district within this state or in an adjoining state when the receiving district in the adjoining state adjoins the school district of Nevada residence.

2. With the approval of the [state department of education] superintendent of public instruction an agreement shall be entered into between the board of trustees of the school district in which the pupil or pupils reside and the board of trustees of the school district in which the pupil or pupils attend school, providing for the payment of such tuition as may be agreed upon, but transportation costs [shall] must be paid by the board of trustees of the school district in which the pupil or pupils reside:

(a) If any are incurred in transporting a pupil or pupils to an adjoining school district within the state; and

(b) If any are incurred in transporting a pupil or pupils to an adjoining state, [subject to the provisions of NRS 392.350.] as provided by the agreement.

3. In addition to the provisions for the payment of tuition and transportation costs for pupils admitted to an adjoining school district as provided in subsection 2, the agreement may contain provisions for the payment of reasonable amounts of money to defray the cost of operation, maintenance and depreciation of capital improvements which can be allocated to such pupils.

Sec. 150. NRS 392.080 is hereby amended to read as follows:

392.080 Attendance required by the provisions of NRS 392.040 shall be excused when the [state department of education] superintendent of public instruction has determined that the child's residence is located at such distance from the nearest public school as to render attendance unsafe or impractical, and the child's parent or guardian has notified the board of trustees to that effect in writing.

Sec. 151. NRS 392.110 is hereby amended to read as follows:

392.110 1. Any [student] child between the ages of 14 and 17 years who has completed the work of the first eight grades may be excused from full-time school attendance and may be permitted to enter proper employment or apprenticeship, by the written authority of the board of trustees excusing the [student] child from such attendance. The board's written authority shall state the reason or reasons for such excuse.

2. In all such cases no employer or other person shall employ or contract for the services or time of such [student] child until the [student] child presents a written permit therefor from the attendance officer or board of trustees. The permit shall be kept on file by the employer, and upon the termination of employment shall be returned by the employer to the board of trustees or other authority issuing it.

Sec. 152. NRS 392.160 is hereby amended to read as follows:

392.160 1. Any peace officer, the attendance officer, or any other school officer shall, during school hours, arrest without warrant any child between the ages of 7 and 17 years who has been reported to him by the teacher, superintendent of schools or other school officer as an absentee from instruction upon which he is lawfully required to attend.

2. During school hours, the arresting officer shall forthwith deliver the child arrested to the [teacher.] superintendent of schools, principal or other school officer at the child's school of attendance. After school hours, he shall deliver the child to the parent, guardian or other person having control or charge of the child.

Sec. 153. NRS 392.300 is hereby amended to read as follows:

392.300 1. As provided in this Title , [of NRS,] the board of trustees of any school district may, in its complete discretion,

furnish transportation for all resident children of school age in the school district attending public school [:] , including pupils assigned to special schools or programs for handicapped minors:

(a) Who are not excused from school attendance by the provisions of this Title ; [of NRS;] and

(b) Who reside within the school district at such a distance from the school as to make transportation necessary and desirable.

2. The board of trustees may:

(a) Establish bus routes.

(b) Make regulations governing the conduct of pupils while being transported.

(c) For the safety of pupils being transported, govern the conduct of drivers by making and enforcing regulations not inconsistent with regulations [made by] of the state board of education or with law.

Comments: See NRS 388.510.

Sec. 154. NRS 392.320 is hereby amended to read as follows:

392.320 1. As used in this section, "vehicles" means the school buses, station wagons, automobiles and other motor or mechanically propelled vehicles [or either or any of them,] required by the school district for the transportation of pupils.

2. The board of trustees of a school district shall use transportation funds of the school district for:

(a) The purchase, rent, hire and use of vehicles, and for necessary equipment, supplies and articles therefor.

(b) Necessary repairs of vehicles to keep them in safe and workable condition.

(c) The employment and compensation of capable and reliable drivers of vehicles and other employees necessary for the transportation of pupils and other authorized persons.

(d) Insuring vehicles owned, rented, hired, used or operated by or under the direction or supervision of the board of trustees. Such insurance shall:

(1) Be of such an amount as the board of trustees may be able to obtain and [which] the regulations of the state board of education [may deem] require as sufficient to protect the board of trustees, the pupils being transported, and their parents, guardians or legal representatives from loss or damage resulting from acts covered by the insurance.

(2) Especially insure against loss and damage resulting from or on account of injury or death of any pupil being transported, caused by collision or any accident during the operation of any such vehicle.

Sec. 155. NRS 392.330 is hereby amended to read as follows:

392.330 1. In addition to the purposes authorized by NRS 392.320, a board of trustees may use transportation funds of the school district for arranging and paying for transportation by

motor vehicles or otherwise, by contract or such other arrangement as the board [shall find] finds most economical, expedient and feasible and for the best interests of the school district.

2. Such transportation may be arranged and contracted for by a board of trustees with:

(a) Any railroad company, bus company, or other licensed common carrier holding a certificate of public convenience and necessity issued by the public service commission of Nevada.

(b) The owners and operators of private automobiles or other private motor vehicles, including parents of pupils who attend school and are entitled to transportation. When required by the board of trustees, every such private automobile or other private motor vehicle regularly transporting pupils shall be insured in the amount required by regulation of the state board of education against the loss and damage described in subsection 2 of NRS 392.-320.

Sec. 156. NRS 392.340 is hereby amended to read as follows:

392.340 Nothing in [NRS 392.320 and 392.330 shall be construed to admit or assume] this chapter admits or assumes any tort liability to any pupil or the parent or guardian thereof for injury or death resulting from transportation furnished such pupil [under the provisions of NRS 392.300 to 392.410, inclusive,] by the board of trustees of a school district, unless such liability is specifically assumed by law.

Sec. 157. NRS 392.350 is hereby amended to read as follows:

392.350 1. When the daily transportation of a pupil is not practical or economical, the board of trustees, in lieu of furnishing transportation, may pay to the parents or guardian of the pupil an amount of money not to exceed \$6 per school attendance day to assist the parents or guardian in defraying the cost of board, lodging and other subsistence expenses of the pupil in a city or town, having a public school, in this state or in an adjoining state. If such public school is in an adjoining county, or in an adjoining state, costs [for tuition and transportation or] for tuition and subsistence [may] shall be fixed by agreement between the boards of trustees of the school district in which the pupil resides and the school district in which the pupil attends school.

2. Payment of money in lieu of furnishing transportation may be made only if:

(a) The guardian or parents have been residents in the area for a period of time set by the board of trustees; and

(b) The [state department of education approves.] superintendent of public instruction determines that the arrangements comply with regulations of the state board of education.

Sec. 158. NRS 392.370 is hereby amended to read as follows:

392.370 A board of trustees of a school district [shall have the power to] may authorize the use of school buses to transport

teachers, school administrators and other school employees to educational conferences [authorized] convened by the state board of education.

Sec. 159. NRS 392.380 is hereby amended to read as follows:

392.380 1. No person may be employed by a board of trustees of a school district as a driver of a school bus, station wagon, automobile or other motor vehicle, or mechanically or self-propelled vehicle of any kind which transports pupils to and from school or any other place in connection with school activities unless:

(a) He is of good, reputable and sober character.

(b) He is competent and qualified by experience and disposition to operate the particular type of vehicle in a safe and dependable manner.

(c) He is licensed under the laws of this state to operate the particular type of vehicle.

2. A board of trustees may employ a pupil attending a school under the supervision of the board as a driver when he possesses the qualifications stated in subsection 1 and his guardian or parents first consent to his employment. The board of trustees may arrange or contract, in writing, with the pupil, and with his parents or guardian [of the pupil] if he is under the age of 18 years, for his services as a driver upon such terms, conditions and provisions and for such compensation as the board deems most economical and for the best interests of the school district, pupils and other persons.

Sec. 160. NRS 392.465 is hereby amended to read as follows:

392.465 1. The legislature declares:

(a) That the use of corporal punishment is to be discouraged in the public schools, and only after all other methods of discipline have proven ineffective should a pupil be administered corporal punishment.

(b) That judgment and discretion are to be used in all punishment, corporal and otherwise, and maximum use should be made of available school counseling and psychological services.

2. Subject to the limitations contained in this section, the board of trustees of every school district shall adopt [rules and] regulations authorizing teachers, principals and other certificated personnel to administer reasonable corporal or other punishment to pupils when such action is deemed an appropriate corrective measure.

3. Parents and guardians shall be notified before, or as soon as possible after, corporal punishment is administered.

4. No corporal punishment [shall] may be administered on or about the head or face of any pupil, but this limitation shall not prohibit any teacher, principal or other certificated person from defending himself if attacked by a pupil.

[5. Nothing contained in this section shall be construed or interpreted to indicate that the teachers, principals and other

certificated personnel have not heretofore had the authority and the right to administer reasonable corporal or other punishment to pupils.]

Sec. 161. NRS 392.480 is hereby amended to read as follows:

392.480 1. It is unlawful for any person to disturb the peace of any public school by using vile or indecent language, or by threatening or assaulting any pupil or teacher within the building or grounds of the school. For the purposes of this subsection, the grounds of every public school shall extend to a distance of 50 yards in all directions from the school building. Any person who violates any of the provisions of this subsection shall be guilty of a misdemeanor.

2. It is unlawful for any person maliciously and purposely in any manner to interfere with or disturb any persons peaceably assembled within a public schoolhouse [.] for school district purposes. Any person who violates any of the provisions of this subsection shall be guilty of a misdemeanor.

Sec. 162. NRS 393.020 is hereby amended to read as follows:

393.020 1. The board of trustees of a school district [shall have the power to] may insure for a reasonable amount the schoolhouses, furniture and school apparatus with some company authorized by law to transact business in the State of Nevada, and [to] may comply with the conditions of the insurance policies.

2. [Any] Except as provided in subsection 3, any money received by a school district from insurance as payment for property loss shall be deposited with the county treasurer in a special fund to the credit of the school district, and may be expended in the manner provided by law for the repair, rebuilding or replacement of the property damaged or destroyed, without special budget provisions for such expenditure . [, or, if such]

3. If the repair, rebuilding or replacement of the property damaged or destroyed is not in the best interest of the district, as determined by the board of trustees, [such moneys] the insurance proceeds may be transferred from [such] the special fund to the school district buildings and sites fund. This [section] subsection does not apply where, in order to obtain the maximum insurance proceeds, the insurance contract requires that the school improvement be reconstructed on the same site.

Sec. 163. NRS 393.0711 is hereby amended to read as follows:

393.0711 No such use [shall] may be inconsistent with or interfere with the use and occupancy of the buildings or grounds for school purposes . [or interfere with the regular conduct of school work.]

Sec. 164. NRS 393.0717 is hereby amended to read as follows:

393.0717 1. The board of trustees of the school district shall make all necessary [rules and] regulations for the [conduct of] use of school buildings and grounds for civic meetings [, for

such] and recreational activities , [as are provided for in NRS 393.071 to 393.0719, inclusive,] and for the aid, assistance and encouragement of [such] recreational activities.

2. The use of any school buildings or grounds for any meeting or recreational activity is subject to such reasonable regulations as the board of trustees prescribes.

Comments: Source of subsection 2 is NRS 393.0716.

Sec. 165. NRS 393.100 is hereby amended to read as follows:

393.100 [1.] The board of trustees of a school district shall keep the public school buildings, teacherages, dormitories, dining halls, gymnasiums, stadiums and all other buildings in its charge in such repair as is necessary for the comfort and health of pupils and teachers.

[2. If the board of trustees neglects to make necessary repairs, the state department of education shall cause necessary repairs, not to exceed \$500, to be made, and shall pay for the same by drawing its order upon the county auditor on the funds of the school district. The county auditor shall draw his warrant upon the county treasurer in payment of the order.]

Sec. 166. NRS 393.130 is hereby amended to read as follows:

393.130 [After] When the board of trustees of a school district has twice followed the procedure for notice calling for bids [,] for the construction, repair or alteration of or an addition to a school building, as provided in chapter 332 of NRS, [has twice been followed,] if no satisfactory bid is received, the board [of trustees] may receive proposals , and enter into a contract on the basis of such proposals , [for the construction or repair of, alteration of or addition to the school building] on a cost-plus-a-fee basis, without further notice calling for bids.

Sec. 167. NRS 393.155 is hereby amended to read as follows:

393.155 [Notwithstanding the provisions of any other law, on or after July 1, 1967,] The board of trustees of any school district in this state may expend [moneys] money available for school construction to make necessary improvements, including [but not limited to] without limitation sidewalks, curbs, gutters, street lights, fire hydrants, water and sewer lines, street paving and drainage for flood control, which are not located [off the premises] on the property of the school district but are necessary or appropriate to the school construction undertaken.

Sec. 168. NRS 393.200 is hereby amended to read as follows:

393.200 [1.] The board of trustees of a school district shall provide a suitable flag of the United States for each schoolhouse in the school district. The flag shall be hoisted on the schoolhouse or flagpole on all days when school is in session.

[2. The board of trustees is authorized and directed to cause the flags to be paid for out of any school money in the school district fund.

3. If the board of trustees of a school district shall fail or neglect to provide a flag, the state department of education shall provide the school with a flag and shall cause the same to be installed upon the schoolhouse or flagpole provided therefor, and shall pay the expenses therefor by drawing its order upon the county auditor. The county auditor shall draw his warrant upon the county treasurer in payment of the order.]

Sec. 169. NRS 393.210 is hereby amended to read as follows:

393.210 1. All public printing required by the various school districts of this state shall be placed with some bona fide newspaper or bona fide commercial printing establishment within the school district requiring the [same; but if there if no] printing, if such a newspaper or printing establishment exists within the district.

2. If one or more bona fide [newspaper] newspapers or bona fide commercial printing [establishment] establishments exist within the school district but none is adequately equipped to do such printing, then the printing so required shall be placed through [the] a local bona fide newspaper or bona fide commercial printing establishment.

[2. Nothing in this section shall be construed as requiring] This subsection does not require school districts to pay to the local bona fide newspaper or bona fide commercial printing establishment any commission on such printing, but the commission must be paid by the printing establishment doing the printing.

3. [Except as otherwise authorized in subsection 5, printing] Printing required by school districts shall be done within the state [.] , except that school district bonds and other evidences of indebtedness may be printed outside the state.

4. [The provisions of this section are contingent upon] Printing is required to be placed as provided in this section only if satisfactory services [being] are rendered by all such printing establishments and reasonable charges are made therefor. Reasonable charges [shall mean a charge] are charges not in excess of the amount necessary to be paid for similar work in other printing establishments.

[5. Nothing in this section shall be construed as prohibiting the printing of school district bonds and other evidences of indebtedness outside the state.]

Sec. 170. NRS 393.240 is hereby amended to read as follows:

393.240 1. Except as provided in subsection 5 and NRS 393.3251 to 393.3255, inclusive, when the board of trustees proposes to sell or lease any real property, the board shall appoint one appraiser. A second appraiser shall be appointed by the [state department of education.] superintendent of public instruction.

2. The appraisers shall make a report to the board of trustees of their findings and determinations of the cash market value of the property proposed to be sold, or the rental value of the property proposed to be leased.

3. No sale or lease of real property shall be made for less than the value fixed by the appraisers.

4. The compensation of the appraisers shall be fixed by the board of trustees, and shall be a legal charge against the school district fund.

5. The board of trustees may sell real property without independent appraisal where the property is reasonably determined by the board to have a fair market value of \$5,000 or less.

Sec. 171. NRS 393.328 is hereby amended to read as follows:

393.328 1. When the board of trustees proposes to exchange real property, the board shall appoint one appraiser. The owner of the other real property proposed to be exchanged shall appoint one appraiser. A third appraiser shall be appointed by the [state department of education.] superintendent of public instruction.

2. The appraisers shall make a report to the board of trustees of their findings and determinations of the cash market value of the real properties proposed to be exchanged.

3. The exchange of real property shall be made only at the values fixed by the appraisers. If the real properties sought to be exchanged are not of equal value, the owner of the parcel of real property of lesser value shall pay in money to the owner of the parcel of real property of greater value the difference.

4. The compensation of the appraisers shall be fixed by the board of trustees, and shall be a legal charge against the school district.

Sec. 172. Chapter 394 of NRS is hereby amended by adding thereto a new section which shall read as follows:

"Superintendent" means the superintendent of public instruction.

Sec. 173. NRS 394.005 is hereby amended to read as follows:

394.005 As used in this chapter, the words and terms in NRS 394.005 to 394.103, inclusive, and section 172 of this act, have the meanings ascribed to them in [such] those sections.

Sec. 174. NRS 394.057 is hereby amended to read as follows:

394.057 ["Grant"] "Granting" includes awarding, selling, conferring, bestowing or giving.

Sec. 175. NRS 394.160 is hereby amended to read as follows:

394.160 1. Any person who is charged with the duty, in a private school, college or university in this state, of giving instruction in the Constitution of the United States and the constitution of the State of Nevada [shall be required to] must show, by examination or credentials showing college, university or normal school study, satisfactory evidence of adequate knowledge

of the origin, history, provisions and principles of the Constitution of the United States and the constitution of the State of Nevada.

2. The [state board of education] superintendent may grant a reasonable time for compliance with the terms of this section.

Sec. 176. NRS 394.180 is hereby amended to read as follows:

394.180 1. It is unlawful for any person:

(a) Willfully and maliciously to injure, mark or deface any private schoolhouse, its fixtures, books or appurtenances; [or]

(b) To commit any nuisance in any private schoolhouse; [or]

(c) To loiter on or near the school grounds; [or]

(d) Purposely and maliciously to commit any trespass upon the grounds attached to a private schoolhouse, or any fixtures placed thereon, or any enclosure or sidewalk about the same; or

(e) In any manner maliciously and purposely to interfere with or disturb any persons peaceably assembled within a private schoolhouse [.] for school purposes.

2. Any person violating any of the provisions of subsection 1 [shall be] is guilty of a public offense, as prescribed in NRS 193.155, proportionate to the value of the property damaged or destroyed and in no event less than a misdemeanor.

Sec. 177. NRS 394.192 is hereby amended to read as follows:

394.192 1. Within 3 months after any child is enrolled in a private school within this state for the first time, his parents or guardian shall submit to the governing body of such private school a certificate or certificates stating that the child has been immunized and has received or is in the process of receiving proper boosters for such immunization or is in the process of being immunized for the following diseases:

(a) Diphtheria;

(b) Tetanus;

(c) Pertussis if the child is under 6 years of age;

(d) Poliomyelitis;

(e) Rubella; [and]

(f) Rubeola; and

(g) Such other diseases as the [board of trustees] local board of health or the state board of health may determine.

2. The certificate or certificates required in subsection 1 [shall] must show that such required immunization vaccines and boosters were given, and [shall] must bear the signature of the licensed physician or registered nurse who administered such vaccines or boosters. If records are not available from a licensed physician or registered nurse, a sworn statement from the parent or guardian [shall suffice.] suffices.

Comments: Compare NRS 392.435.

Sec. 178. NRS 394.221 is hereby amended to read as follows:

394.221 1. The [department, under the direction and control of the board, shall administer the provisions] board shall:

(a) Adopt regulations governing the administration of the Private Elementary and Secondary Education Authorization Act . [in addition to any other duties prescribed by law.

2. The department, with the approval of the board, shall:

(a)] (b) Establish minimum criteria, in conformity with NRS 394.241, which applicants for a license or agent's permit [shall] must meet before a license or permit is issued. The criteria [shall] must be sufficient to effectuate the purposes of the Private Elementary and Secondary Education Authorization Act but not unreasonably hinder legitimate educational innovation.

[(b)] 2. The superintendent shall administer the provisions of the Private Elementary and Secondary Education Authorization Act in accordance with the regulations of the board. He shall:

(a) Receive, investigate as necessary and act upon applications for licenses and agents' permits.

[(c)] (b) Maintain a list of agents and private elementary and secondary education institutions authorized to operate in this state. The list shall be available for the information of the public.

[(d) Receive, and maintain as a permanent file, copies of academic records in conformity with NRS 394.341.]

Comments: See section 190 of this act.

Sec. 179. NRS 394.231 is hereby amended to read as follows:

394.231 The [department, with the approval of the board,] superintendent may:

1. Request from any other department, division, board, bureau, commission or other agency of the state, and the latter agency shall provide, any information which it possesses that will enable the [department] superintendent to exercise properly [its] his powers and perform [its] his duties under the Private Elementary and Secondary Education Authorization Act.

2. [Negotiate] With the approval of the board, negotiate and enter into interstate reciprocity agreements with similar agencies in other states, if in [the] his judgment [of the department] such agreements are or will be helpful in effectuating the purposes of the Private Elementary and Secondary Education Authorization Act, but nothing contained in any such reciprocity agreement may limit the [department's] powers, duties and responsibilities of the superintendent independently to investigate or act upon any application for a license to operate or any application for renewal of a license to operate an elementary or secondary educational institution, or an application for issuance or renewal of any agent's permit, or to enforce any provision of the Private Elementary and Secondary Education Authorization Act, or any regulations promulgated under it.

3. Investigate, on [its] his own initiative or in response to any complaint lodged with [it,] him, any person subject to, or reasonably believed by the [department] superintendent to be

subject to, [its] his jurisdiction, and in connection with an investigation:

(a) Subpena any persons, books, records or documents pertaining to the investigation;

(b) Require answers in writing under oath to questions propounded by the [department;] superintendent; and

(c) Administer an oath or affirmation to any person.

flush A subpoena issued by the [department] superintendent may be enforced by any district court of this state.

4. Exercise other powers implied but not enumerated in this section but in conformity with the provisions of the Private Elementary and Secondary Education Authorization Act which are necessary in order to carry out its provisions.

Sec. 180. NRS 394.241 is hereby amended to read as follows:

394.241 1. An elementary or secondary educational institution must be maintained and operated, or a new institution must demonstrate that it can be maintained and operated, in compliance with the following minimum standards:

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

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

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

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

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

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

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

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

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

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

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

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

2. Accreditation by national or regional accrediting agencies recognized by the United States Office of Education may be accepted [by the board] as evidence of compliance with the minimum standards established under this section. Accreditation by a recognized, specialized accrediting agency may be accepted as evidence of such compliance only as to the portion or program of an institution accredited by such agency if the institution as a whole is not accredited.

Sec. 181. NRS 394.251 is hereby amended to read as follows:

394.251 1. Each elementary or secondary educational institution desiring to operate in this state [shall] must apply to the [department] superintendent upon forms [to be] provided by the department. The application [shall] must be accompanied by [a] the catalog or brochure published or proposed to be published by the institution. [, containing the information specified in paragraph (d) of subsection 1 of NRS 394.241, including information required by regulations of the board.] The application [shall] must also be accompanied by evidence of the required surety bond and payment of the fees [as specified in NRS 394.331.] required by law.

2. After [receipt] review of the application and any further information required by the [board,] superintendent, and an investigation of the applicant if [the board considers it] necessary, the [board] superintendent shall either grant or deny a license to operate to the applicant.

3. The license shall state in clear and conspicuous manner at least the following information:

(a) The date of issuance, effective date and term of the license.

(b) The correct name and address of the institution licensed to operate.

(c) The authority for approval and conditions of operation.

(d) Any limitation of the authorization, as considered necessary by the [board.] superintendent.

4. The term for which authorization is given shall not exceed 2 years. A provisional license may be issued for a shorter period of time if the [board] superintendent finds that the applicant has not fully complied with the standards established under NRS 394.241.

5. The license shall be issued to the owner or governing body of the applicant institution and is nontransferable. If a change in ownership of the institution occurs, the new owner or governing body must, within 10 days after the change in ownership, apply for a new license, and if it fails to do so, the institution's license shall terminate. Application for a new license by reason of change in ownership of the institution is, for purposes of NRS 394.281, an application for renewal of the institution's license.

6. At least 60 days prior to the expiration of a license, the institution [shall] must complete and file with the [department] superintendent an application form for renewal of its license. The renewal application shall be reviewed and acted upon as provided in this section.

7. An institution not yet in operation when its application for a license is filed may not begin operation until the license is issued. An institution in operation when its application for a license is filed may continue operation until its application is acted upon, [by the board,] and thereafter its authority to operate is governed by the action of the [department.] superintendent.

Sec. 182. NRS 394.261 is hereby amended to read as follows:

394.261 1. Each person desiring to solicit or perform the services of an agent in this state [shall] must apply to the [department] superintendent upon forms provided by the department. The application [shall] must be accompanied by evidence of the good reputation and character of the applicant, in a form prescribed by the [department,] superintendent, and [shall] state the institution which the applicant intends to represent. An agent representing more than one institution must obtain a separate agent's permit for each institution represented, except that when an agent represents institutions having a common ownership only one agent's permit is required with respect to the institutions. If any institution which the applicant intends to represent does not have a license to operate in this state, the application [shall] must be accompanied by the information required of institutions making application for a license. The application for an agent's permit [shall] must also be accompanied by evidence of [a] the required surety bond and payment of the fees required by [NRS 394.331.] law.

2. After review of the application and any further information submitted by the applicant as required by regulations of the board, and any investigation of the applicant which the [board] superintendent considers appropriate, the [board] superintendent shall grant or deny an agent's permit to the applicant.

3. The agent's permit shall state in a clear and conspicuous manner at least the following information:

- (a) The date of issuance, effective date and term of the permit.
- (b) The correct name and address of the agent.
- (c) The institutions which the agent is authorized to represent.

4. An agent's permit shall not be issued for a term of more than 1 year.

5. At least 30 days prior to the expiration of an agent's permit, the agent [shall] must complete and file with the [department] superintendent an application for renewal of the permit. The renewal application shall be reviewed and acted upon as provided in this section.

Sec. 183. NRS 394.271 is hereby amended to read as follows:

394.271 1. At the time application is made for an agent's permit, a license to operate or a license renewal, the [department] superintendent shall require the elementary or secondary educational institution making the application to file [with the department] a good and sufficient surety bond in the sum of not less than \$5,000. The bond [shall] must be executed by the applicant as principal and by a surety company qualified and authorized to do business in this state. The bond [shall] must be made payable to the State of Nevada and be conditioned to provide indemnification to any [student,] pupil, enrollee or his parent or guardian determined to have suffered damage as a result of any act by any elementary or secondary educational institution or [their] its agent which is a violation of the Private Elementary and Secondary Education Authorization Act, and the bonding company shall pay any final, nonappealable judgment of any court of this state that has jurisdiction, upon receipt of written notice of final judgment. The bond may be continuous but, regardless of the duration of the bond, the aggregate liability of the surety [shall] does not exceed the penal sum of the bond.

2. The surety bond [to be filed in accordance with this section shall] must cover the period of the license or the agent's permit, as appropriate, except when a surety is released.

3. A surety on any bond filed under this section may be released after the surety gives 30 days' written notice to the [department,] superintendent, but the release [shall] does not discharge or otherwise affect any claim filed by a [student,] pupil, enrollee or his parent or guardian for damage resulting from any act of the elementary or secondary educational institution or agent which is alleged to have occurred while the bond was in effect, nor for an institution's closing operations during the term for which tuition had been paid while the bond was in force.

4. A license or an agent's permit [shall be] is suspended by operation of law when the institution or agent is no longer covered by a surety bond as required by this section; but the [department] superintendent shall give the institution or agent, or both, at least 30 days' written notice prior to the release of the surety that the license or permit will be suspended by operation of law until another surety bond is filed in the same manner and amount as the bond being terminated.

Sec. 184. NRS 394.281 is hereby amended to read as follows:

394.281 1. If the [board,] superintendent, upon review and consideration of an application for a license or for an agent's

permit, or a renewal of a license or agent's permit, determines that the applicant fails to meet the criteria for granting the application, [the board] he shall notify the applicant by certified mail setting forth the reasons for the denial of the application.

2. The [department] superintendent may grant to an applicant for renewal an extension of time to eliminate the reasons recited in the denial letter if:

(a) The applicant has demonstrated [to the department its or] his desire to meet the criteria; and

(b) The [department] superintendent reasonably believes that the applicant can correct the deficiencies within the extension period.

3. If the [board] superintendent denies an application for an agent's permit, or an application for renewal, [it] he shall notify the institution which the agent represented or sought to represent, setting forth the reasons for the denial . [in accordance with the department's records.]

Sec. 185. NRS 394.291 is hereby amended to read as follows:

394.291 Any person aggrieved by [a decision of the board denying] the denial or revocation of a license to operate or an agent's permit, or the placement of conditions on the license to operate or agent's permit, is entitled to a hearing before the board if the aggrieved person submits a written request for a hearing within 10 days from receipt of the [board's] letter of denial [.] , revocation or placement of conditions. If no request is submitted within the prescribed period the decision of the superintendent is final.

Sec. 186. NRS 394.301 is hereby amended to read as follows:

394.301 1. [A] The superintendent may revoke or make conditional a license to operate or an agent's permit [may be revoked or made conditional] after its issuance if [the department] he reasonably believes that the holder of the license or permit has violated the Private Elementary and Secondary Education Authorization Act or any regulations adopted under it. Prior to the revocation or imposition of conditions, the [department] superintendent shall notify the holder by certified mail of facts or conduct which warrant the impending action and advise the holder that if a hearing is desired it must be requested within 10 days of receipt of the [department's] notice letter.

2. If an agent's permit is revoked or conditions imposed, the [department] superintendent shall, by certified mail, notify the institutions which the agent represented in addition to the agent and any other parties to any hearing.

Sec. 187. NRS 394.311 is hereby amended to read as follows:

394.311 1. Any person claiming damage either individually or as a representative of a class of complainants as a result of any act by an elementary or secondary educational institution or its

agent, or both, which is a violation of the Private Elementary and Secondary Education Authorization Act or regulations promulgated under it, may file with the [department] superintendent a verified complaint against the institution, its agent or both. The complaint shall set forth the alleged violation and contain other information as required by regulations of the board. A complaint may also be filed [with the board] by the superintendent [of public instruction or] on his own motion or by the attorney general.

2. The [department] superintendent shall investigate any verified complaint and may, at [its] his discretion, attempt to effectuate a settlement by persuasion and conciliation. The [department] superintendent may consider a complaint after 10 days' written notice by certified mail to the institution or to the agent, or both, as appropriate, giving notice of a time and place for a hearing.

3. If, after consideration of all evidence presented at a hearing, the [board] superintendent finds that an elementary or secondary educational institution or its agent, or both, has engaged in any act which violates the Private Elementary and Secondary Education Authorization Act or regulations promulgated under it, the [board] superintendent shall issue and serve upon the institution or agent or both, an order to cease and desist from such act. The [board] superintendent may also, as appropriate, based on [its] his own investigation or the evidence adduced at the hearing, or both, institute an action to revoke an institution's license or an agent's permit.

Sec. 188. NRS 394.321 is hereby amended to read as follows:

394.321 If the [board] superintendent determines that irreparable injury would result from [the implementation of its decision, it] putting into immediate effect any final action or penalty imposed under the Private Elementary and Secondary Education Authorization Act, he shall postpone the effective date of [its] the action pending [judicial] review.

Sec. 189. NRS 394.331 is hereby amended to read as follows:

394.331 All fees collected pursuant to the provisions of the Private Elementary and Secondary Education Authorization Act shall be deposited in the state treasury to the credit of the general fund, and no fees so collected are subject to refund. The fees to be collected by the [department shall] superintendent, must accompany an application for a license to operate or an agent's permit, in accordance with the following schedule:

1. The initial application fee for an elementary or secondary educational institution is \$50.
2. The renewal fee for an elementary or secondary educational institution is \$50.
3. The initial fee for an agent's permit is \$5.
4. The renewal fee for an agent's permit is \$5.

Sec. 190. NRS 394.341 is hereby amended to read as follows:

394.341 1. If any elementary or secondary educational institution operating in this state proposes to discontinue its operation, the chief administrative officer of the institution, by whatever title designated, shall file with the [department] superintendent original or true copies of all academic records of the institution as specified by the [department.] superintendent. The records shall include, as a minimum, academic information customarily required by schools when considering [students] pupils for transfer or advanced study; and, as a separate document, the academic record of each former [student.] pupil.

2. If it appears to the [department] superintendent that academic records of an institution discontinuing its operations are in danger of being destroyed, secreted, mislaid or otherwise made unavailable, [to the department,] the [department] superintendent may seek a court order permitting the seizure of such records.

3. The [department shall] superintendent shall receive and maintain a permanent file of such records coming into [its] his possession.

Sec. 191. NRS 394.351 is hereby amended to read as follows:

394.351 It is unlawful for any person, alone or in concert with others, to:

1. Operate in this state an elementary or secondary educational institution not exempted from the provisions of the Private Elementary and Secondary Education Authorization Act, unless the institution has a currently valid license to operate.

2. Offer, as or through an agent, enrollment or instruction in, or educational credentials from, an elementary or secondary educational institution not exempted from the provisions of the Private Elementary and Secondary Education Authorization Act, whether the institution is within or outside this state, unless the agent is a natural person and has a currently valid agent's permit, except that the [department may, with the approval of the board,] board may adopt regulations to permit a person to disseminate legitimate public information without a permit.

3. Instruct or educate, or offer to instruct or educate (including advertising or soliciting for such purpose), enroll or offer to enroll, or contract with any person for such purpose, or award any educational credential, or contract with any institution or party to perform any such act in this state, whether the person is located within or outside this state, unless such person complies with the minimum standards set forth in NRS 394.241 and the regulations adopted by the board.

4. Use the terms "kindergarten," "elementary," "middle school," "junior high school," "high school" or "secondary" without authorization to do so from the superintendent in accordance with regulations of the board.

5. Grant, or offer to grant, educational credentials, without a currently valid license to operate . [from the board.]

Sec. 192. NRS 394.371 is hereby amended to read as follows:

394.371 The following kinds of education and institutions are exempted from the provisions of the Postsecondary Educational Authorization Act:

1. Institutions exclusively offering instruction at any level from preschool through the twelfth grade.
2. Education sponsored by a bona fide trade, business, professional or fraternal organization, so recognized by the administrator in accordance with regulations of the commission, solely for the organization's membership, or offered on a no-fee basis.
3. Education solely avocational or recreational in nature, as determined by the administrator in accordance with regulations of the commission, and institutions offering such education exclusively.
4. Education offered by eleemosynary institutions, organizations or agencies, so recognized by the administrator in accordance with regulations of the commission, if such education is not advertised or promoted as leading toward educational credentials.
5. Postsecondary educational institutions established, operated and governed by this state or its political subdivisions.
6. Schools licensed under other provisions of Nevada law.
7. Flying schools certificated by the Federal Aviation Administration.

Sec. 193. NRS 394.411 is hereby amended to read as follows:

394.411 1. The commission shall adopt regulations governing the administration of the Postsecondary Educational Authorization Act and may adopt such other regulations, not inconsistent with the constitution and laws of this state, as are proper or necessary for the execution of the powers and duties conferred upon it by law.

2. The administrator shall administer the provisions of the Postsecondary Educational Authorization Act [, subject to the direction and control] in accordance with the regulations of the commission. [The commission shall approve all regulations pursuant to the Postsecondary Educational Authorization Act.]

Comments: The division of responsibility between the commission on postsecondary institutional authorization and its administrator is basically the same as provided for the state board of education and the superintendent of public instruction. The commission establishes policy and the administrator is responsible for administration. This and subsequent sections contain revisions to clarify the relationship.

Sec. 194. NRS 394.421 is hereby amended to read as follows:

394.421 1. The [administrator, with the approval of the commission, shall:

1. Establish] commission shall establish minimum criteria in conformity with NRS 394.450, including quality of education,

ethical and business practices, health and safety, and fiscal responsibility, which applicants for a license to operate, or for an agent's permit, [shall] must meet before the license or permit may be issued and to continue the license or permit in effect. The criteria [to be developed] shall be sufficient to effectuate the purposes of the Postsecondary Educational Authorization Act, but not unreasonably hinder legitimate [education] educational innovation.

2. The administrator shall:

(a) Receive, investigate as necessary [,] and act upon applications for a license to operate postsecondary educational institutions and applications for agents' permits.

[3.] (b) Maintain a list of postsecondary educational institutions licensed and agents permitted to operate in this state. The list [shall] must be available for the information of the public.

[4. Receive and maintain as a permanent file, copies of academic records in conformity with NRS 394.550.

5.] (c) Direct the technical and administrative activities of the commission.

[6. Perform any lawful acts considered necessary or desirable to carry out the provisions and purposes of the Postsecondary Educational Authorization Act.]

Comments: See NRS 394.430(3) and section 207 of this act.

Sec. 195. NRS 394.430 is hereby amended to read as follows:

394.430 The administrator [, with the approval of the commission,] may:

1. [Negotiate] With the approval of the commission, negotiate and enter into interstate reciprocity agreements with similar agencies in other states, if in [the] his judgment [of the commission] the agreements are or will be helpful in effectuating the purposes of the Postsecondary Educational Authorization Act, but nothing contained in any reciprocity agreement may limit the [commission's] powers, duties and responsibilities of the administrator independently to investigate or act upon any application for a license to operate a postsecondary educational institution, or an application for issuance or renewal of any agent's permit, or with respect to the enforcement of any provision of the Postsecondary Educational Authorization Act, or any regulation promulgated under it.

2. Investigate, on [the commission's] his own initiative or in response to any complaint lodged with [it,] him, any person subject to, or reasonably believed by the [commission] administrator to be subject to, its jurisdiction and in connection with an investigation:

(a) Subpena any persons, books, records or documents pertaining to the investigation;

(b) Require answers in writing under oath to questions propounded by the [commission;] administrator; and

(c) Administer an oath or affirmation to any person.

flush A subpoena issued by the [commission] administrator may be enforced by any district court of this state.

3. Exercise other powers implied but not enumerated in this section but in conformity with the provisions of the Postsecondary Educational Authorization Act which are necessary in order to carry out its provisions.

Sec. 196. NRS 394.440 is hereby amended to read as follows:

394.440 The administrator may request from any department, division, board, bureau, commission or other agency of the state, and the latter agency shall provide, any information which it possesses that will enable [the commission] him to exercise properly [its] his powers and perform [its] his duties under the Postsecondary Educational Authorization Act.

Sec. 197. NRS 394.450 is hereby amended to read as follows:

394.450 1. A postsecondary educational institution must be maintained and operated, or a new institution must demonstrate that it can be maintained and operated, in compliance with the following minimum standards:

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

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

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

(d) The institution provides students and other interested persons with a catalog or brochure containing information describing the programs offered, program objectives, length of program, schedule of tuition, fees and all other charges and expenses necessary for completion of the course of study, cancellation and refund policies, and other material facts concerning the institution and the program or course of instruction as are likely to affect the decision of the student to enroll therein, together with any other disclosures specified by the [commission] administrator or defined in the regulations of the commission, and [that] the information is provided to prospective students prior to enrollment.

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

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

(g) The institution is maintained and operated in compliance with all pertinent local ordinances and state laws, including

regulations adopted pursuant thereto, relative to the safety and health of all persons upon the premises.

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

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

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

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

(l) The institution has a fair and equitable cancellation and refund policy which [shall provide] provides students who cancel their enrollments during the first 25 percent of the course with a refund equal to 50 percent of the total tuition fee, or a proportionate amount of such total fee if the withdrawing student has not paid the total fee. Such institutions may, but [shall not be] are not required to, refund a greater percentage of the tuition fee or provide refunds for students who withdraw after completing more than the first 25 percent of the course.

(m) In the case of a degree-granting institution, [that] it complies with the requirements of NRS 394.630.

2. Accreditation by national or regional accrediting agencies recognized by the United States Office of Education may be accepted [by the commission] as evidence of compliance with the minimum standards established under subsection 1, or the [commission] administrator may require further evidence and make further investigation as in [its judgment] his judgment or the judgment of the commission may be necessary. Accreditation by a recognized, specialized accrediting agency may be accepted as evidence of such compliance only as to the portion or program of an institution accredited by the agency if the institution as a whole is not accredited.

Sec. 198. NRS 394.460 is hereby amended to read as follows:

394.460 1. Each postsecondary educational institution desiring to operate in this state [shall] must apply to the [commission,] administrator, upon forms [to be] provided by the [commission.] administrator. The application [shall] must be accompanied by [a] the catalog or brochure published or proposed to be published by the institution . [containing the information specified in paragraph (d) of subsection 1 of NRS 394.450, including information required by regulations of the commission.] The application [shall] must also be accompanied by evidence of the required surety bond and payment of the fees [specified in NRS 394.540.] required by law.

2. After review of the application and any other information required by the [commission] administrator and an investigation of the applicant, if necessary, the commission shall grant or deny a license to the applicant.

3. The license [shall] must state in clear and conspicuous manner at least the following information:

- (a) The date of issuance, effective date and term of the license.
- (b) The correct name and address of the institution.
- (c) The authority for approval and conditions of operation.
- (d) Any limitation considered necessary by the commission.

4. The term for which the license is given [shall] must not exceed 2 years. A provisional license may be issued for a shorter period of time, and may include limitations considered necessary by the commission, if the [commission] administrator finds that the applicant has not fully complied with the standards established under NRS 394.450.

5. The license to operate [shall] must be issued to the owner or governing body of the applicant institution and is nontransferable. If a change in ownership of the institution occurs, the new owner or governing body must, within 10 days after the change in ownership, apply for a new license and if it fails to do so, the institution's license terminates. Application for a new license by reason of change in ownership of the institution is, for purposes of NRS 394.490, an application for a license renewal.

6. At least 60 days prior to the expiration of a license to operate, the institution [shall] must complete and file with the [commission] administrator an application form for renewal of its license. The renewal application shall be reviewed and acted upon [as] by the administrator in the manner provided in this section.

Comments: The commission retains the power to grant or deny a license to operate. Renewals are the responsibility of the administrator.

Sec. 199. NRS 394.470 is hereby amended to read as follows:

394.470 1. Each person desiring to solicit or perform the services of an agent in this state [shall] must apply to the [commission] administrator upon forms provided by the [commission.] administrator. The application [shall] must be accompanied by evidence of the good reputation and character of the applicant, in a form prescribed by the [commission,] administrator, and [shall] must state the institution which the applicant intends to represent. An agent representing more than one institution must obtain a separate agent's permit for each institution represented, except that when an agent represents institutions having a common ownership, only one agent's permit is required with respect to the institutions. If any institution which the applicant intends to represent does not have a license to operate in this state, the application [shall] must be accompanied by the information required of institutions making application for a license. The application for an agent's permit [shall] must also be accompanied by evidence of [a] the required surety bond [as required by this act,] and payment of the fees required by [NRS 394.540.] law.

2. After review of the application and other information submitted by the applicant, as required by regulation of the commis-

sion, and any investigation of the applicant which the administrator considers appropriate, the [commission] administrator shall grant or deny an agent's permit to the applicant.

3. The agent's permit [shall] must state in a clear and conspicuous manner at least the following information:

- (a) The date of issuance, effective date and term of the permit.
- (b) The correct name and address of the agent.
- (c) The institutions which the agent is authorized to represent.

4. An agent's permit [shall] must not be issued for a term of more than 1 year.

5. At least 30 days prior to the expiration of an agent's permit, the agent [shall] must complete and file with the [commission] administrator an application for renewal of the permit.

[The] The administrator shall review and act upon the renewal application [shall be reviewed and acted upon] as provided in this section [.] for an original application.

Comments: Agents' permits are entirely the responsibility of the administrator.

Sec. 200. NRS 394.480 is hereby amended to read as follows:

394.480 1. At the time application is made for an agent's permit, a license to operate or for a license renewal, the [commission] administrator shall require the postsecondary educational institution making the application to file [with the commission] a surety bond in the sum of not less than \$5,000. The bond [shall] must be executed by the applicant as principal and by a surety company as surety. The bond [shall] must be payable to the State of Nevada and [shall] must be conditioned to provide indemnification to any student, enrollee or his parent or guardian, determined by a final judgment to have suffered damage as a result of any act by the postsecondary educational institution which is a violation of the Postsecondary Educational Authorization Act. The bonding company shall provide indemnification upon receipt of written notice of such judgment. The bond may be continuous, but regardless of the duration of the bond the aggregate liability of the surety [shall] does not exceed the penal sum of the bond.

2. The surety bond [to be filed in accordance with this section shall] must cover the period of the license to operate or the agent's permit, as appropriate, except when a surety is released.

3. A surety or any bond filed under this section may be released after the surety gives 30 days' written notice to the [commission,] administrator, but the release [shall] does not discharge or otherwise affect any claim filed by a student, enrollee or his parent or guardian for damage resulting from any act of the postsecondary institution or agent alleged to have occurred while the bond was in effect, nor for an institution's ceasing operations during the term for which tuition [has] had been paid while the bond was in force.

4. A license or an agent's permit [shall be] is suspended by

operation of law when the institution or agent is no longer covered by a surety bond as required by this section; but the [commission] administrator shall give the institution or agent, or both, at least 30 days' written notice prior to the release of the surety, to the effect that the license or permit will be suspended by operation of law until another surety bond is filed in the same manner and amount as the bond being terminated.

Sec. 201. NRS 394.490 is hereby amended to read as follows:

394.490 1. If the commission, upon review and consideration of an application for a license to operate, or the administrator, upon review and consideration of an application for an agent's permit [,] or for renewal of a license or agent's permit, determines that the applicant fails to meet the criteria for granting the application, the [commission] administrator shall notify the applicant by certified mail, setting forth the reasons for the denial of the application.

2. The [commission] administrator may grant to an applicant for renewal an extension of time to eliminate the reasons recited in the denial letter if:

(a) The applicant has demonstrated [to the commission its or] his desire to meet the criteria; and

(b) The [commission] administrator reasonably believes that the applicant can correct the deficiencies within the extension period.

3. If the [commission] administrator denies an application for [a license or] an agent's permit, or an application for renewal, [it] he shall notify the institution which the agent represented or sought to represent, setting forth the reasons for the denial [in accordance with the commission's records.]

Sec. 202. NRS 394.500 is hereby amended to read as follows:

394.500 Any person aggrieved by [a decision of the commission denying] the denial of a license or an agent's permit, or by the placement of conditions on the license or agent's permit, is entitled to a hearing before the commission, if the aggrieved person submits a written request for a hearing within 10 days from the receipt of the [commission's] letter of denial [.] or placement of conditions. If no request is submitted within the prescribed period the [decision] denial or placement of conditions is final.

Sec. 203. NRS 394.510 is hereby amended to read as follows:

394.510 1. [A license or an agent's permit may be revoked or made] The commission may revoke a license, or make it conditional after its issuance, if the commission reasonably believes that the holder [of the license or permit] has violated the Postsecondary Educational Authorization Act or regulations adopted [hereunder.] under it.

2. The administrator may revoke an agent's permit, or make it conditional after its issuance, if he reasonably believes that the holder has violated the Postsecondary Educational Authorization Act or regulations adopted under it.

3. Prior to any revocation or imposition of conditions [, the commission] pursuant to subsection 1 or 2, the administrator shall notify the holder by certified mail of facts or conduct which warrant the impending action [, setting forth the basis for the commission's actions and advising] and advise the holder that if a hearing is desired it must be requested within 10 days of receipt of the [commission's] notice letter. If no hearing is requested within the prescribed period the [commission's decision is] action becomes final.

[2.] 4. If an agent's permit is revoked or conditions imposed, the [commission] administrator shall notify, by certified mail, the institution which the agent represented in addition to the agent and any other parties to any hearing.

Comments: The commission retains the power to revoke a license to operate but the administrator may revoke an agent's permit.

Sec. 204. NRS 394.520 is hereby amended to read as follows:

394.520 1. Any person claiming damage, either individually or as a representative of a class of complainants, as a result of any act by a postsecondary educational institution or its agent, or both, which is a violation of the Postsecondary Educational Authorization Act or regulations promulgated under it, may file with the [commission] administrator a verified complaint against the institution, its agent or both. The complaint [shall] must set forth the alleged violation and contain other information as required by regulations of the commission. A complaint may also be filed by a commissioner or the attorney general . [with the commission.]

2. The [commission] administrator shall investigate any verified complaint and may, at [its] his discretion, attempt to effectuate a settlement by persuasion and conciliation. The commission may consider a complaint after 10 days' written notice by certified mail to the institution or to the agent, or both, as appropriate, giving notice of a time and place for a hearing.

3. If, after consideration of all the evidence presented at a hearing, the commission finds that a postsecondary educational institution or its agent, or both, has engaged in any act which violates the Postsecondary Educational Authorization Act or the regulations promulgated under it, the commission shall issue and the administrator shall serve upon the institution or agent, or both, an order to cease and desist from such act. The commission may also, as appropriate, based on [its own] the administrator's investigation and the evidence adduced at the hearing, or either of them, institute [an action] proceedings to revoke an institution's license or recommend that the administrator institute proceedings to revoke an agent's permit.

Sec. 205. NRS 394.530 is hereby amended to read as follows:

394.530 If the commission with respect to its actions or the

administrator with respect to his actions determines that irreparable injury would result from [the implementation of its decision, it] putting into immediate effect a final action or penalty imposed under the Postsecondary Educational Authorization Act, the commission or administrator, as appropriate, shall postpone the effective date of [its] the action pending review.

Sec. 206. NRS 394.540 is hereby amended to read as follows:

394.540 1. All fees collected pursuant to the provisions of the Postsecondary Educational Authorization Act [shall] must be deposited in the state treasury to the credit of the general fund, and no fees so collected are subject to refund. The fees, to be collected by the [commission shall] administrator, must accompany an application for a license to operate or an agent's permit.

2. The commission shall, by regulation, adopt a fee schedule which may not exceed the following:

(a) The initial application fee or renewal fee for a postsecondary educational institution..... \$250

(b) The initial fee or renewal fee for an agent's permit..... 30

Sec. 207. NRS 394.550 is hereby amended to read as follows:

394.550 If any postsecondary educational institution operating in this state proposes to discontinue its operation, the chief administrative officer of the institution shall file with the [commission] administrator original or true copies of all academic records of the institution specified by regulations of the commission. The records [shall] must include, as a minimum, academic information customarily required by colleges when considering students for transfer or advanced study; and, as a separate document, the academic record of each former student. If it appears to the [commission] administrator that academic records of an institution discontinuing its operations are in danger of being destroyed, secreted, mislaid or otherwise made unavailable to the commission, the [commission] administrator may seek a court order permitting the seizure of such records. The [commission shall] administrator shall receive and maintain a file of such records in [its] his possession.

Sec. 208. NRS 394.560 is hereby amended to read as follows:

394.560 It is unlawful for any person, alone or in concert with others, to:

1. Operate in this state a postsecondary educational institution not exempted from the provisions of the Postsecondary Educational Authorization Act, unless the institution has a currently valid license to operate.

2. Offer, as or through an agent enrollment or instruction in, or the granting of educational credentials from, a postsecondary educational institution not exempted from the provisions of the Postsecondary Educational Authorization Act, whether the institution is within or outside this state, unless the agent is a natural

person and has a currently valid permit, except that the commission may promulgate regulations to permit the rendering of legitimate public information services without a permit.

3. Instruct or educate, or offer to instruct or educate (including advertising or soliciting for such purpose), enroll or offer to enroll, contract or offer to contract with any person for such purpose, or award any educational credential, or contract with any institution or party to perform any act in this state, whether the person is located within or outside this state, unless such person complies with the minimum standards set forth in NRS 394.450, and regulations adopted by the commission.

4. Use the term "university" or "college" without authorization from the administrator in accordance with regulations of the commission.

5. Grant, or offer to grant, educational credentials without a currently valid license . [from the commission.]

Sec. 209. NRS 394.580 is hereby amended to read as follows:

394.580 1. Any elementary, secondary or postsecondary educational institution not exempt from the provisions of this chapter, whether or not a resident of or having a place of business in this state, which instructs or educates, or offers to instruct or educate, enrolls or offers to enroll, contracts or offers to contract, to provide instructional or educational services in this state, whether the instruction or services are provided in person or by correspondence, to a resident of this state, or which offers to award or awards any educational credentials to a resident of this state, thereby submits [the institution, and, if a natural person his personal representative,] to the jurisdiction of the courts of this state, concerning any cause of action arising from violation of any section of this chapter. If the institution is a natural person, he thereby submits himself or his personal representative to such jurisdiction.

2. Service of process upon any institution subject to the jurisdiction of the courts of this state may be made by personally serving the summons upon the defendant within or outside this state, in the manner prescribed by the Nevada Rules of Civil Procedure, with the same effect as if the summons had been personally served within this state.

3. This section does not limit the right to serve any process as prescribed by the Nevada Rules of Civil Procedure.

Sec. 210. NRS 395.030 is hereby amended to read as follows:

395.030 1. An adult handicapped person eligible to receive benefits under this chapter or a parent, guardian or other person having the care, custody or control of a handicapped person who is eligible [to receive benefits under this chapter] may file an application for those benefits with the board of trustees of the county school district in which the handicapped person is a resident. The application [shall] must contain the applicant's sworn statement that he is eligible to receive the benefits provided by

this chapter and that to the best of his knowledge a special education program for his particular handicap and grade or level of education is not available within his school district.

2. If the board of trustees is satisfied that the statements contained in the application are true, the board shall certify that an appropriate special education program is not available in the county school district in which the handicapped person is a resident and transmit the application to the superintendent of public instruction.

Sec. 211. NRS 395.050 is hereby amended to read as follows:

395.050 1. When arrangements for the education and care of the handicapped person have been completed by the superintendent of public instruction, he shall advise the board of trustees of the county school district to make provision, at the expense of the school district, for transporting the handicapped person to a place designated by the superintendent. The superintendent shall make necessary arrangements for transporting the handicapped person from the designated place to the institution, foster home or other residential facility and return to the designated place at the expense of the state.

2. Except as provided in subsection 3, the expenses for education and care of the handicapped person [shall] must be paid by the state.

3. An adult handicapped person eligible to receive benefits under this chapter or a parent, guardian or other person having the care, custody or control of a handicapped person [:] who is eligible:

(a) May enter into a contract with the superintendent of public instruction to pay a share of the cost of education and care of such handicapped person.

(b) Is liable for all medical expenses which are incurred while such handicapped person is receiving educational benefits.

Sec. 212. NRS 21.090 is hereby amended to read as follows:

21.090 1. The following property is exempt from execution, except as herein otherwise specifically provided:

(a) Private libraries not to exceed \$500 in value, and all family pictures and keepsakes.

(b) Necessary household goods, appliances, furniture, home and yard equipment, not to exceed \$1,000 in value, belonging to the judgment debtor to be selected by him.

(c) Farm trucks, farm stock, farm tools, farm equipment, supplies and seed not to exceed \$1,500 in value, belonging to the judgment debtor to be selected by him.

(d) Professional libraries, office equipment, office supplies and the tools, instruments and materials used to carry on the trade of the judgment debtor for the support of himself and his family not to exceed \$1,500 in value.

(e) The cabin or dwelling of a miner or prospector, not to exceed \$500 in value; also, his cars, implements and appliances

necessary for carrying on any mining operations not to exceed \$500 in value; also, his mining claim actually worked by him, not exceeding \$1,000 in value.

(f) One vehicle if the judgment debtor's equity does not exceed \$1,000 or the creditor is paid an amount equal to any excess above that equity.

(g) Poultry not exceeding in value \$75.

(h) For any pay period, 75 percent of the disposable earnings of a judgment debtor during such period, or the amount by which his disposable earnings for each week of such period exceed 30 times the minimum hourly wage prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938 and in effect at the time the earnings are payable, whichever is greater. The exemption provided in this paragraph does not apply in the case of any order of a court of competent jurisdiction for the support of any person, any order of a court of bankruptcy or of any debt due for any state or federal tax. As used in this paragraph, "disposable earnings" means that part of the earnings of a judgment debtor remaining after the deduction from those earnings of any amounts required by law, to be withheld.

(i) All fire engines, hooks and ladders, with the carts, trucks and carriages, hose, buckets, implements and apparatus thereunto appertaining, and all furniture and uniforms of any fire company or department organized under the laws of this state.

(j) All arms, uniforms and accouterments required by law to be kept by any person, and also one gun, to be selected by the debtor.

(k) All courthouses, jails, public offices and buildings, lots, grounds and personal property, the fixtures, furniture, books, papers and appurtenances belonging and pertaining to the courthouse, jail and public offices belonging to any county of this state, [and] all cemeteries, public squares, parks and places, public buildings, town halls, markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by such town or city to health, ornament or public use, or for the use of any fire or military company organized under the laws of this state [.] and all lots, buildings and other school property owned by a school district and devoted to public school purposes.

(l) All moneys, benefits, privileges or immunities accruing or in any manner growing out of any life insurance, if the annual premium paid does not exceed \$500, and if they exceed that sum a like exemption shall exist which shall bear the same proportion to the moneys, benefits, privileges and immunities so accruing or growing out of such insurance that the \$500 bears to the whole annual premium paid.

(m) The homestead as provided for by law.

(n) The dwelling of the judgment debtor occupied as a home for himself and family, not exceeding \$25,000 in value, where the dwelling is situate upon lands not owned by him.

2. No article, however, or species of property mentioned in this section is exempt from execution issued upon a judgment to

recover for its price, or upon a judgment of foreclosure of a mortgage or other lien thereon.

Comments: Source is NRS 393.040.

Sec. 213. NRS 49.290 is hereby amended to read as follows:

49.290 1. As used in this section, "counselor" means a person who is regularly employed by a public or private school in this state as a counselor, psychologist or psychological examiner for the purpose of counseling pupils, and who holds a valid certificate issued by the [state department of education pursuant to the provisions of NRS 391.010 to 391.050, inclusive,] superintendent of public instruction authorizing the holder [thereof] to engage in pupil counseling.

2. Except for communications relating to any criminal offense the punishment for which is death or life imprisonment, communications by a pupil to a counselor in the course of counseling or psychological examination are privileged communications, and a counselor shall not, without the consent of the pupil, be examined as a witness concerning any such communication in any civil or criminal action to which such pupil is a party.

Sec. 214. NRS 49.291 is hereby amended to read as follows:

49.291 1. As used in this section, "teacher" means a person who is regularly employed by a public or private school in this state as a teacher or administrator and who holds a valid certificate issued by the [state department of education pursuant to the provisions of NRS 391.010 to 391.050, inclusive.] superintendent of public instruction authorizing the holder to teach or perform administrative functions in schools.

2. Communications by a pupil to a teacher concerning the pupil's possession or use of drugs or alcoholic beverages made while the teacher was counseling or attempting to counsel such pupil are privileged communications and the teacher shall not, without the consent of the pupil, be examined as a witness concerning any such communication in any civil or criminal action to which the pupil is a party.

Sec. 215. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

- (a) The governor.
- (b) The department of prisons.
- (c) The University of Nevada System.
- (d) The department of the military.
- (e) The state gaming control board.
- (f) The Nevada gaming commission.
- (g) The state board of parole commissioners.
- (h) The welfare division of the department of human resources.
- (i) The state board of examiners acting pursuant to chapter 217 of NRS.

2. The [state board] department of education is subject to the provisions of this chapter for the purpose of regulation-making but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the distribution of regulations by and the judicial review of decisions of the employment security department;

(b) Chapters 616 and 617 of NRS for the determination of contested claims; and

(c) Chapters 704 and 706 of NRS for the judicial review of decisions of the public service commission of Nevada, *flush* prevail over the general provisions of this chapter.

4. The provisions of this chapter do not apply to any order for immediate action, including but not limited to quarantine and the treatment or cleansing of infected or infested animals, object or premises, made under the authority of the state board of agriculture, the state board of health, the state board of sheep commissioners or any other agency of this state in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control.

Sec. 216. NRS 251.040 is hereby amended to read as follows:

251.040 1. In addition to the requirements of NRS 251.030, the county auditor shall notify the clerk of the board of trustees of the county school district and send at the same time a duplicate of the report to the superintendent of public instruction, at the beginning of each month, showing the amount of funds left to the credit of the district at the beginning of the previous month, new funds credited during the previous month and the source thereof, the total of disbursements allowed by warrants during the previous month, and the balance to the credit of the district at the beginning of the month in which the report is rendered.

2. The report [shall] must be in such form as the [state board of education] superintendent of public instruction may prescribe.

Sec. 217. NRS 252.110 is hereby amended to read as follows:

252.110 The district attorney shall:

1. Draw all indictments, when required by the grand jury.

2. Defend all suits brought against his county.

3. Prosecute all recognizances forfeited in the district court and all actions for the recovery of debts, fines, penalties and forfeitures accruing to his county.

4. [Draw] Except with respect to matters for which the board of trustees of the school district has employed private counsel, draw all legal papers, give his written opinion when required on matters relating to the duties of the board of trustees and transact the legal business of the [county] school district whose boundaries are coterminous with the boundaries of his county, and perform such other legal duties as may be required of him by the board of trustees . [of the county school district.]

5. Bring all actions on behalf of the county for abatement of nuisances pursuant to order of the board of county commissioners

or, in the discretion of the district attorney, pursuant to an ordinance of the county as provided by NRS 244.360, subsection 6, including actions for injunction, as well as for recovery of compensatory and exemplary damages and costs of suit.

6. Perform such other duties as may be required of him by law.

Comments: Source is NRS 386.410. See also NRS 391.100(3).

Sec. 218. NRS 350.704 is hereby amended to read as follows:

350.704 1. Bonds of any [school district or other] municipality abolished by [NRS 386.020 or any other] law may be refunded under the provisions hereof. Whether or not the bonds of the abolished municipality have been assumed by any successor municipality prior to the issuance of the refunding bonds, the refunding bonds [shall] must be authorized by the governing body of each successor municipality in which is situated all or any part of the area of the abolished municipality.

2. If the obligation of the abolished municipality evidenced by its outstanding bonds has not been assumed wholly or in part by a successor municipality prior to the authorization of the issuance of the refunding bonds, the refunding bonds shall be issued in the name of the abolished municipality and shall evidence the same character of obligations as evidenced by the refunded bonds.

3. To the extent any obligation evidenced by the refunded bonds has been so assumed by a successor municipality, the refunding bonds shall be authorized to be issued in the name of the successor municipality which shall reevidence such assumed obligation and shall evidence the same character of obligation as evidenced by such obligation as assumed by the successor municipality, subject to the limitations and other provisions in NRS 350.674 and 350.700.

Sec. 219. NRS 355.150 is hereby amended to read as follows:

355.150 1. Before making any investment in the bonds and other securities designated in NRS 355.140, the Nevada industrial commission, the state board of finance, [the state board of education,] or other board, commission or agency of the state, contemplating the making of any such investments shall make due and diligent inquiry as to:

(a) Whether the bonds of such federal agencies are actually underwritten or payment thereof is guaranteed by the United States.

(b) The financial standing and responsibility of the state or states, county or counties, incorporated cities, irrigation districts, drainage districts, school districts, and general improvement districts in the bonds or securities of which such investments are contemplated or are to be made.

(c) Whether such bonds and other securities are valid and duly authorized and issued, and the proceedings incident thereto have been fully complied with.

(d) The financial standing and responsibility of the person or persons, company or companies, corporation or corporations to whom or to which such loans are contemplated.

(e) The value of the lands so mortgaged.

2. Such commission, board or other state agency shall require the attorney general:

(a) To give his legal opinion in writing as to:

(1) The validity of any laws under which such bonds or securities are issued and authorized and in which such investments are contemplated.

(2) The validity of such bonds or other securities.

(b) To examine and pass upon and to give his official opinion in writing upon the title and abstract of title or title insurance of all agricultural lands so mortgaged to secure such loans.

3. Unless such commission, board or other state agency is satisfied from such inquiry and opinion that the bonds of such federal agencies are underwritten or payment thereof guaranteed by the United States and of the financial standing and responsibility of the state, county, incorporated city or district issuing such bonds, then such commission, board or other state agency shall not invest such funds therein; but if satisfied as to the same, such commission, board or other state agency may, at its option, so invest such funds in such bonds.

Sec. 220. NRS 361.065 is hereby amended to read as follows:

361.065 All [public schoolhouses, with lots appurtenant thereto,] lots, buildings and other school property owned by any legally created school district within the state [shall be] and devoted to public school purposes are exempt from taxation.

Comments: Source is NRS 393.040.

Sec. 221. NRS 361.455 is hereby amended to read as follows:

361.455 1. Subsequent to the approval of the final budgets for the various local governments as defined in NRS 354.474 and their submission to the department, for examination and approval, the Nevada tax commission shall certify to the board of county commissioners of each of the several counties the combined tax rate necessary to produce the amount of revenue required by the approved budgets, and shall certify such combined rate, to each of the boards of county commissioners.

2. Immediately upon adoption of the final budgets, if the combined tax rate together with the established state tax rate exceeds the constitutional tax rate limit, the chairman of the board of county commissioners in each county concerned shall call a meeting of the governing boards of each of the local governments within such county for the purpose of establishing a combined tax rate that conforms to the constitutional limitations. The chairman shall convene the meeting no later than April 14 of each year.

3. The governing boards of the local governments shall meet in public session and the county clerk shall keep appropriate records, pursuant to regulations of the department, of all proceedings. The costs of taking and preparing the record of the proceedings,

including the costs of transcribing and summarizing tape recordings, shall be borne by the county and participating incorporated cities in proportion to the final tax rate as certified by the department. The chairman of the board of county commissioners or his designee shall preside at such meeting. The governing boards shall explore areas of mutual concern so as to agree upon a combined tax rate that does not exceed the constitutional limit. That portion of the proposed tax rate of the county school district for the operation and maintenance of public schools composed of the mandatory tax levy specified in paragraph (a) of subsection 2 of NRS 387.195 and the recommended tax levy to be made pursuant to paragraph (b) of subsection 2 of NRS 387.195 may not be reduced by action of the governing boards in order to establish a combined tax rate conforming to constitutional limitations; but that portion of the proposed tax rate of the county school district specified for debt service requirements pursuant to paragraph (c) of subsection 2 of NRS 387.195 is subject to a rate adjustment by action of the governing boards pursuant to this section [.] if the budget of the school district provides another source of money from which the debt service requirement must be met.

4. The governing boards shall determine final decisions by a unanimous vote of all entities present and qualified to vote, as defined in this subsection. No ballot may be cast on behalf of any governing board unless a majority of such individual board is present. A majority vote of all members of each governing board is necessary to determine the ballot cast for that entity. All ballots must be cast not later than the day following the day the meeting is convened. The district attorney shall be the legal advisor for such proceedings.

5. The county clerk shall immediately thereafter advise the department of the results of the ballots cast and the tax rates set for local governments concerned. If the ballots for the entities present at the meeting in such county are not unanimous, the county clerk shall transmit all records of the proceedings to the department within 5 days after the meeting.

6. If a unanimous vote is not obtained and the combined rate in any county together with the established state tax rate exceeds the constitutional tax rate limit, the department shall examine the record of the discussions and the budgets of all local governments concerned. On May 1 or, if May 1 falls on a Saturday or Sunday, on the Monday next following, the Nevada tax commission shall meet to set the tax rates for the next succeeding year for all local governments so examined. In setting such tax rates for the next succeeding year the Nevada tax commission shall not reduce that portion of the proposed tax rate of the county school district for the operation and maintenance of public schools composed of the mandatory tax levy specified in paragraph (a) of subsection 2 of NRS 387.195 and the recommended tax levy to be made pursuant to paragraph (b) of subsection 2 of NRS 387.195.

7. Any local government affected by a rate adjustment, made in accordance with the provisions of this section, which necessitates

a budget revision shall file a copy of its revised budget by June 30 next after the approval and certification of the rate by the Nevada tax commission.

8. A copy of the certificate of the Nevada tax commission sent to the board of county commissioners shall be forwarded to the county auditor.

Comments: This section contains an amendment designed to cure the defect in the provision of NRS 361.455 which governs adjustments in the proposed tax rate of a school district for debt service. The present provision probably would not withstand a constitutional challenge based on impairment of contracts.

Sec. 222. NRS 385.011, 385.012, 385.070, 385.120, 385.130, 385.140, 385.260, 385.265, 385.270, 385.350, 385.370, 385.390, 385.420, 385.430, 385.440, 385.450, 385.460, 385.465, 386.-020, 387.033, 387.095, 387.111, 387.145, 387.150, 387.155, 387.-160, 387.165, 387.190, 387.515, 387.520, 387.525, 388.010, 388.510, 388.580, 391.025, 391.030, 391.050, 391.140, 391.220, 391.250, 391.360, 391.370, 392.310, 393.040, 393.060, 393.0716, 393.-150, 394.031, 394.195, 394.197 and 394.401 are hereby repealed.

Comments: Disposition of many of the sections repealed by section 222 is given below.

NRS

385.011: See NRS 387.123.
385.012: See section 108 of this act.
385.070: See NRS 241.035.
385.120: See section 26 of this act.
385.130: See NRS 385.210.
385.140: See section 23 of this act.
385.260: See last subsection of section 6 of this act.
385.265: See sections 109 and 145 of this act.
385.270: See section 3 of this act.
385.420: See section 116 of this act.
385.460: See section 3 of this act.
385.465: See section 79 of this act.
386.020: See section 223 of this act.
387.033: See section 94 of this act.
387.111: See sections 5 and 32 of this act.
387.515: See section 223 of this act.
387.525: See section 223 of this act.
388.010: See section 2 of this act.
388.510: See section 153 of this act.
388.580: See section 92 of this act.
391.140: See NRS 281.210.
391.220: See NRS 391.080.
391.360: See section 223 of this act.
391.370: See section 223 of this act.
393.040: See sections 212 and 220 of this act.

393.0716: See sections 163 and 164 of this act.
393.150: See NRS 393.080.
394.031: See section 2 of this act.
394.195: See NRS 392.441.
394.197: See NRS 392.445.

Sec. 223. The repeal of NRS 386.020, 387.515, 387.525, 391.360 and 391.370 does not impair any outstanding right or obligation, and any such right or obligation may be enforced, without limitation of other means, in any manner provided in those sections as if they had not been repealed.

Sec. 224. The term of the superintendent of public instruction incumbent on the effective date of this act shall be deemed to have begun on April 1, 1978, and a new term shall begin on April 1, 1981.

Comments: See section 18 of this act.

Sec. 225. The legislative counsel shall, in preparing the supplement to Nevada Revised Statutes with respect to any section which is not amended by this act or is further amended or added by another act if reference is made to the department of education by its former name as the state department of education, substitute the new name.