

*Study of Public Elementary and
Secondary Education*



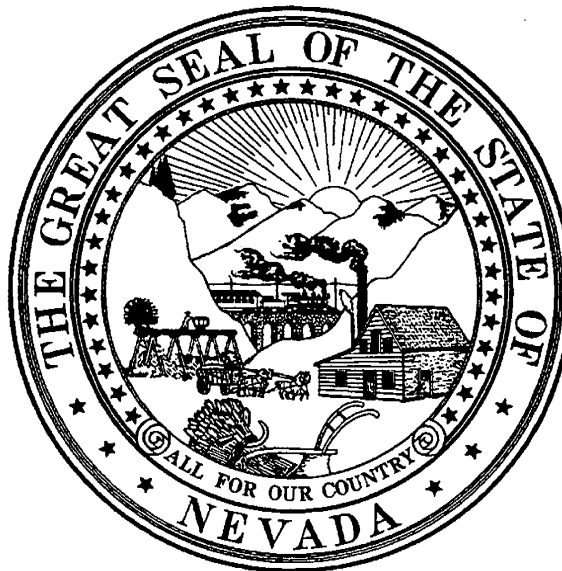
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**LEGISLATIVE COMMISSION'S
SUBCOMMITTEE TO STUDY PUBLIC ELEMENTARY
AND SECONDARY EDUCATION IN NEVADA**

(SENATE CONCURRENT RESOLUTION NO. 52)



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ACRONYMS USED IN REPORT

AAAS	American Association for the Advancement of Science
BDR	Bill Draft Request
CSSO	Chief State School Officer
DSA	Distributive School Account
ECS	Education Commission of the States
ESL	English as a Second Language
FY	Fiscal Year
GASB	Governmental Accounting Standards Board
GED	General Education Development [certificate]
G&T	Gifted and Talented
IDEA	Federal Individual With Disabilities Act
IFC	Interim Finance Committee
LCB	Legislative Counsel Bureau
L.E.P.	Limited Proficiency in English
LSST	Local School Support Tax
NASC	The Northwest Association of Schools and Colleges
NESIC	National Education Standards and Improvement Council
NRS	<i>Nevada Revised Statutes</i>
NSEA	Nevada State Education Association
PTA	Parent Teachers Association

SBOE	State Board of Education
SDOE	State Department of Education
UCCSN	University and Community College System of Nevada
UNLV	University of Nevada, Las Vegas
UNR	University of Nevada, Reno
USDA	United States Department of Agriculture
USDOE	United States Department of Education

SUMMARY OF RECOMMENDATIONS

1. Require, within statute, that all donated equipment or funds raised by outside groups (such as Parent Teacher Association fund-raisers, booster contributions, business partnership donations, and so on) for expenditure or use directly benefiting students be accounted for by the school district as a condition of acceptance. **(BDR 34-266)**
2. Require, by statute, that the State Department of Education include in its calculations of expenditures per pupil all categorical funds expended by the various districts. Further, require that the Department make a report concerning per pupil expenditures each year, on or before December 1, to the Directors of the Department of Administration and the Legislative Counsel Bureau. **(BDR 34-267)**
3. Amend statutes to require school districts to reserve for expenditure in the succeeding year collections of the tax on net proceeds of minerals. Under current practice, districts must expend the money in the year it is received. **(BDR 34-271)**
4. Adopt a resolution, to be transmitted to the Budget Division in the Department of Administration, recommending that school district ending fund balances, or projections of such balances, be excluded from consideration as a revenue source in the State's budget process. **(BDR R-275)**
5. Amend the statutes to provide a fiscal incentive within the Nevada Plan to encourage schools to prevent dropouts. Such an incentive would increase the apportionment of state money to school districts whose percentage of pupils dropping out of high school is small. Basic support would be increased by an additional .5 percent if the percentage of pupil dropping out is 2 percent less than the previous year; or, if the percentage of those dropping out is less than 5 percent overall, basic support must increase by 1 percent. **(BDR 34-268)**
6. Require, within statute, that the State Department of Education allocate money among the various school districts to fund non-traditional programs leading to a high school diploma (adult diploma programs, alternative education programs) by means of multiplying 20 percent of the statewide average basic support per pupil, times the average daily attendance per class. **(BDR 34-269)**

7. Establish, within statute, a state program for funding local instructional programs for summer school or the intersession instruction for certain pupils. Eligible students include those with disabilities, whose families have low incomes, who are academically at risk, or who are not proficient in English. **(BDR 34-274)**

8. Amend the statutes to enhance funding for special education by:

- Increasing the amount per special education unit to equal the average salary and fringe benefits of a special education teacher;
- Adjusting the number of special education units based upon projected changes in the total number of pupils enrolled statewide in special education compared to the previous year; and
- Expanding the definition of a program unit to include psychologists, counselors, nurses, occupational and physical therapists, and instructional aides (as a proportionate share of the cost of a teacher). To qualify, each of these individual's services must be dedicated exclusively to special education students.

(BDR 34-270)

9. Require, by statute, that the State Board of Education adopt regulations establishing criteria to identify the exceptionally gifted and talented pupil (a pupil whose educational performance would be adversely impacted in the regular school program) and that each district be required to provide services to pupils so identified. Further, require that a unit-type funding be established, separate and in addition to special education unit funding, for services provided to these pupils. **(BDR 34-290)**

10. Include in the subcommittee's final report a statement urging funding for bilingual programs and English as a second language (ESL) programs in Nevada's public schools.

11. Adopt a resolution urging that the State Superintendent of Public Instruction examine the proposal to extend hours of class time in public schools, extend the school year, expand the number of hours certain school facilities remain open; and provide subject-specific educational opportunities to certain teachers. **(BDR R-279)**

12. Include in the subcommittee's final report a statement urging funding for computers and staff development for computers in Nevada's public schools.
13. Include in the subcommittee's final report a statement urging that the Legislature examine the proposal to require that a fixed percentage of any one-time windfalls in the local school support tax revenues be provided to school districts for capital construction needs. Further, require that a letter to this effect be transmitted to the Chairmen of the Senate Committees on Finance and Human Resources and Facilities, and the Assembly Committees on Education Ways and Means.
14. Include in the subcommittee's final report a statement recognizing the need for quality data and other information for policymakers with regard to Nevada's system of public education and encouraging the State Department of Education to request appropriate funding levels to support the research and evaluation needs of state and local policymakers.
15. Require, by statute, that school districts provide a school-by-school measurement of school violence incidents and make a report of such incidents available to parents. Further, require that school districts improve data collecting and reporting for dropout statistics (reporting dropouts and drop-ins on a regular basis); report class size by grade by school; special education certifications and decertifications; attendance levels (class cuts); material and book shortages; number and age of computers; and average teacher salary by school. **(BDR 34-281)**
16. Adopt a resolution to be transmitted to the Department of Human Resources urging Nevada's full participation in the national "Kids Count" survey. This survey provides statistical information for the 50 states concerning selected aspects of child health and welfare matters. **(BDR R-287)**
17. Require, by statute, the accreditation of all public elementary and secondary schools in Nevada using the "dual system" utilized by other states. Such a system combines state and regional accreditation processes and standards. The State Board of Education would adopt regulations specifying State accreditation requirements in addition to those specified by the regional accreditation body. **(BDR 34-292)**
18. Require, by statute, that Nevada adopt a program for charter schools, based upon a system used in Minnesota. **(BDR 34-291)**

19. Include in the subcommittee's final report a statement urging faster implementation of Nevada's school site-based management law. Further, encourage school districts to include parents and community members in decision making at the local site level and at all other levels.
20. Adopt a resolution directed to the boards of trustees for each school district expressing the importance of parental involvement for increasing a pupil's success in school and setting a statewide goal of increasing parental involvement in Nevada's public schools. **(BDR R-282)**
21. Adopt a resolution urging the United States Congress and the Federal Government to fully fund all Federal education mandates. **(BDR R-278)**
22. Require, by statute, that the State Department of Education and the Division of Child and Family Services jointly study the continuum of educational services available to violent and disruptive pupils in Nevada. Further, these agencies must report to the 1997 Legislature concerning the existing structure within each school district and the State and any recommendations. **(BDR R-273)**
23. Include in the subcommittee's final report a statement urging the adoption of the following strategies to address school safety:
 - Law enforcement should provide police reports to the principal on a timely basis concerning incidents off school grounds committed by school pupils if the Juvenile Master is of the opinion that the school administrator should be so notified.
 - Establish the maximum size (student population) of schools.
 - Larger school districts should provide alternative schools for violent pupils based upon the Colorado district's streamlined program (no band, no athletics, smaller facility).
24. Require, by statute, the revision of Nevada's expulsion and suspension rules for violent or disruptive students to provide clear definitions and behavioral requirements for school districts to follow using the Akron, Ohio, School District policy as a model and allowing for due process in such proceedings. **(BDR 34-280)**

25. Provide, by statute, an incentive grant program, administered by the State Department of Education, for the implementation of school-linked services in certain high-risk elementary schools. This term refers to the practice of providing social, health, and other support services at the school site or in school-linked locations. **(BDR 34-286)**
26. Adopt a resolution urging school districts to change the present school breakfast-lunch program to focus upon a healthy, low-fat, low-sugar, high-fiber diet. **(BDR R-289)**
27. Repeal NRS 385.190. This section of law requires the Superintendent of Public Instruction to plan and conduct teachers' conferences and school administrators' conferences throughout the State. The law specifies a time limit of 5 days per conference, and caps the total expenditure for all conferences at \$8,400 per biennium. Further, add a statement in the report that it is the subcommittee's intent that the conferences described in the repealed section would be matters better left to the education community. **(BDR 34-272)**
28. Adopt a resolution urging the University Colleges of Education to train students regarding methods for dealing with parents. **(BDR R-283)**
29. Require, by statute, that teachers possess adequate knowledge concerning the instruction of persons with disabilities in a regular classroom and concerning laws relating to such children. The Commission on Professional Standards in Education is required to specify required courses of study to meet this requirement. **(BDR 34-284)**
30. Require, by statute, that the State Board of Education create a program to encourage school districts to establish professional development schools--such a program provides teachers with access to the best available research information and allows them to act in collegial manner. The program also encourages teachers to do research in their own classrooms. **(BDR 34-285)**
31. Require, by statute, the implementation of policy recommendations for linking teacher education to school reform. These recommendations are as follows:
 - a. The State Legislature should adopt statutory provisions declaring it to be the State's intent that institutions of higher education and the public

schools shall collaborate in the preparation of teachers so that all new teachers shall be prepared to support and enhance school restructuring.

- b. The State Legislature should clearly designate the party or parties responsible for directing the "simultaneous renewal" of teacher education and school restructuring. The Legislature should define the roles and responsibilities of each party and provide the structure to guide the working relationships of the various entities, i.e., the State Department of Education, the University and Community College System of Nevada, the local school districts, and the individual institutions of higher education.
- c. The Commission on Professional Standards in Education should set standards for the basic-skill levels, teaching performance and knowledge base expected of all candidates receiving a State teaching license and indicate how it will assess or confirm these requirements.
- d. Through standards, the State should indicate its expectation for critical conditions and programs to undergird all teacher education programs. Emphasis should be on the collaborative efforts expected from institutions of higher education and the local school districts and those conditions that are absolutely essential to the preparation of teachers in meeting State licensing standards.
- e. The State should see the beginning teacher's induction period as an integral part of the teacher preparation sequence. The State should express its expectation that the same collaborative effort involving arts and sciences faculty, pedagogical experts, and school district personnel which began in the early stages of the teacher preparation program be continued through at least the first year of teaching.
- f. As part of a comprehensive teacher education program, the State should require recertification programs related to individual teacher needs and advancement of school and district needs and objectives.
- g. The State should adopt funding mechanisms for establishing the components of a comprehensive teacher education and school renewal program. In doing so, State funding practices should be recognized as being a powerful vehicle for retarding or stimulating institutional change.

- h. The State should adopt a plan for evaluating the effectiveness of the teacher education system by which teachers are prepared to serve the schools of the State. This means a periodic review of the legislative structure, the validity and contribution of the standards set, the relationship of the teacher education system to other staff development efforts and the adequacy and use of the resources invested.

Further, encourage collaborative councils, such as the "Washoe K-16 Council," as a mechanism for implementing systemic educational review and reform. **(BDR 34-293)**

32. Include in the subcommittee's final report a statement urging the Legislature to provide sufficient funds for at least one counselor in each public elementary school in Nevada.
33. Appropriate funds (\$2,252,781 for each year of the 1995-1997 biennium) for the enhancement of occupational education in grades 9 to 12. The money is to be used to establish classes in grades 9 and 10 on occupations in general, and to improve occupational classes for pupils in grades 10, 11, and 12. The money shall be distributed to the districts according to a formula using a base allocation and proportional enrollment. **(BDR 34-277)**
34. Require, by statute (and provide a one-time appropriation of \$1,376,340 for fiscal year 1996), that the State Board of Education adopt regulations to establish a course of study relating to home and occupational skills. The course would be offered in the seventh and/or eighth grade and would instruct students in skills relating to making decisions, solving problems, and management and leadership. Students would learn to apply these skills in all areas of daily living. **(BDR 34-276)**
35. Adopt a resolution to be transmitted to the Nevada members of the National Federation of Independent Businesses, the Nevada Resort Association, the Nevada Restaurant Association, and the Chambers of Commerce for each incorporated city in Nevada, urging employers to develop policies that will actively encourage and assist their workers to obtain a high school diploma or certificate of high school equivalency. **(BDR R-288)**

**REPORT TO THE 68TH SESSION OF THE NEVADA LEGISLATURE
BY THE LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO
STUDY PUBLIC ELEMENTARY AND SECONDARY EDUCATION**

I. INTRODUCTION

The 67th Session of the Nevada Legislature adopted Senate Concurrent Resolution No. 52 (File 166, *Statutes of Nevada 1993*, page 3109) which directed the Legislative Commission to study public elementary and secondary education in this State (Appendix A).

The Legislative Commission appointed a subcommittee consisting of four legislators:

Senator Raymond D. Rawson, Chairman
Assemblyman Wendell P. Williams, Vice Chairman
Senator Thomas J. Hickey
Assemblyman David E. Humke

Non-legislative members:

Dale G. Andersen, Dean, College of Education, University of Nevada,
Las Vegas (UNLV)
Frank Meyers, Dean, College of Education, University of Nevada,
Reno (UNR)
Rick Millsap, President, Nevada State Education Association
Eugene T. Paslov, Superintendent of Public Instruction

Legislative Counsel Bureau (LCB) staff services for the subcommittee were provided by:

H. Pepper Sturm of the Research Division (lead staff);
Tim Chandler and Susan Gardner (legal counsel); and
Ricka Benum (secretary to the subcommittee).

A total of four meetings were held in Carson City and Las Vegas. The subcommittee was charged with examining the structure and financing of public elementary and secondary education, along with current education reform efforts. The members received presentations and testimony concerning educational governance, finance matters, and reform issues.

The members adopted 35 of the 75 recommendations reviewed, addressing issues in the following general categories:

1. Fiscal recommendations, including: proposed revision of school district accounting procedures, expansion of the school day, and various program expansions or changes. Programs affected were those for at-risk pupils; special education; gifted and talented; bilingual and English as a second language (ESL).
2. Education policy and governance topics such as school accountability; charter schools; site-based management; parental involvement; and the effect of Federal mandates.
3. Recommendations relating directly to pupils and staff, such as safety matters; the provision of certain human services at or near the school site; coordination of teacher training with reform efforts; additional counselors; and certain work force preparation issues.

Detailed descriptions and background information for each of these recommendations, along with relevant appendices, may be found within subsequent sections of this report. Due to the broad scope of the study, background information concerning a specific subject is presented immediately prior to the issues and recommendations portion for each topic.

Also included within the report is a section of selected references with regard to the subjects reviewed by the subcommittee.

II. EDUCATION GOVERNANCE, FINANCING, AND REFORM

Under the provisions of S.C.R. 52, the subcommittee was charged with examining the structure of public education in Nevada, its current system of financing, as well as reform efforts under way at the national and local level. Each of these topics will be addressed in turn within this portion of the report.

It is often stated that education in the United States is a Federal concern, a state responsibility, and conducted with local control. In this respect, it is a unique form of governance among the nations of the World - decentralized yet having broad variations of control among the states.

In practice, however, the control issue is not that clearly defined. As late as the 1930s, it could be argued that education was clearly a local matter considering that it was in the hands of some 127,000 local school boards. By 1987,

however, there were 15,427 operating school districts. The fiscal balance of support for schools has shifted from the local property tax to state funding. Nationally, the states provide an average of 48.9 percent of the costs; communities, 44.8 percent; and at the Federal level, 6.2 percent.¹ School finance experts tend to describe governance of schools as ranging from low-control to high-control states, with the amount of control correlating with the percentage of state funding.

Within the past 25 years, state control over education has gone through two major policy shifts. The first, beginning in the late 1960s, started with Federal funding to improve the governance ability of state education departments (the old Title V of the Elementary and Secondary Education Act). At the same time, school finance litigation in many states shifted the financial burden to the state level in order to equalize spending.

The second policy shift is very recent, growing from greater involvement of governors and state legislators in mandating change and accountability. This began as a state competency testing movement, then grew into standard-setting and a search for innovative answers to education issues. State policy leaders may be entering a new phase, showing a willingness to ease further regulation if student achievement improves through site-based programs.

It is conceded, generally, that local leadership has been left out of the current reform movement other than to react once legislation and/or regulations already have been adopted.

While business leadership is not part of the governance structure, it is becoming an important influence it. Business and industry always has played a role in setting priorities for education, from the creation of the first major Federal role in precollegiate education--the vocational education programs initiated in 1917.

Business and industry leaders have participated in all of the reform reports released in the last 10 years; produced some of their own studies; and influenced policy by lobbying at Federal and State levels and supporting changes through various business-supported foundations. Although a cohesive view has not yet emerged, the overall business opinion seems to be that schooling must produce graduates more literate than in times past. Schools must also be more successful with the at-risk student population and generally prepare young people for a globally-competitive economy.

The two principal methods of governance for public schools are the systems tied to the policy structure and those linked to the fiscal structure. Each of these structures will be examined.

A. PUBLIC EDUCATION POLICY STRUCTURE IN NEVADA

Although a number of entities are involved in setting education policy, the following groups have been given a policy role in public education through the *Nevada Constitution* and the *Nevada Revised Statutes (NRS)*. See Figure No. 1, page 5, for a "flow chart" representation of this structure.

There are other groups involved in shaping policy, including pupils and their parents; business groups; the Parent Teachers Association (PTA); and the Nevada State Education Association (NSEA); among others.

1. Nevada Legislature

In general, the Nevada Legislature has four primary responsibilities for public education--it:

- Is constitutionally required to provide for a uniform system of common schools.
- Prescribes the manner of appointment and duties of the Superintendent of Public Instruction.
- Indicates specific programs and courses of study.
- Maintains overall budget authority and establishes guaranteed per pupil funding.

Unlike the *United States Constitution*, which is silent regarding education, all state constitutions authorize the state legislature to provide for a system of public schools. In Mississippi, this authority is discretionary, but in every other state, the constitution places a mandatory duty upon the legislature. These constitutional obligations often require state legislatures to establish a "thorough and efficient," "uniform," or "adequate" system. The *Nevada Constitution* requires that

The legislature shall provide for a uniform system of common schools * * *²

While legislatures cannot delegate their lawmaking powers to subordinate agencies, they can delegate to their respective state boards of education and local school boards the authority to develop educational policies within legislative guidelines. States vary greatly regarding the degree of policy-making authority

POLICY STRUCTURE FOR PUBLIC ELEMENTARY AND SECONDARY EDUCATION IN NEVADA

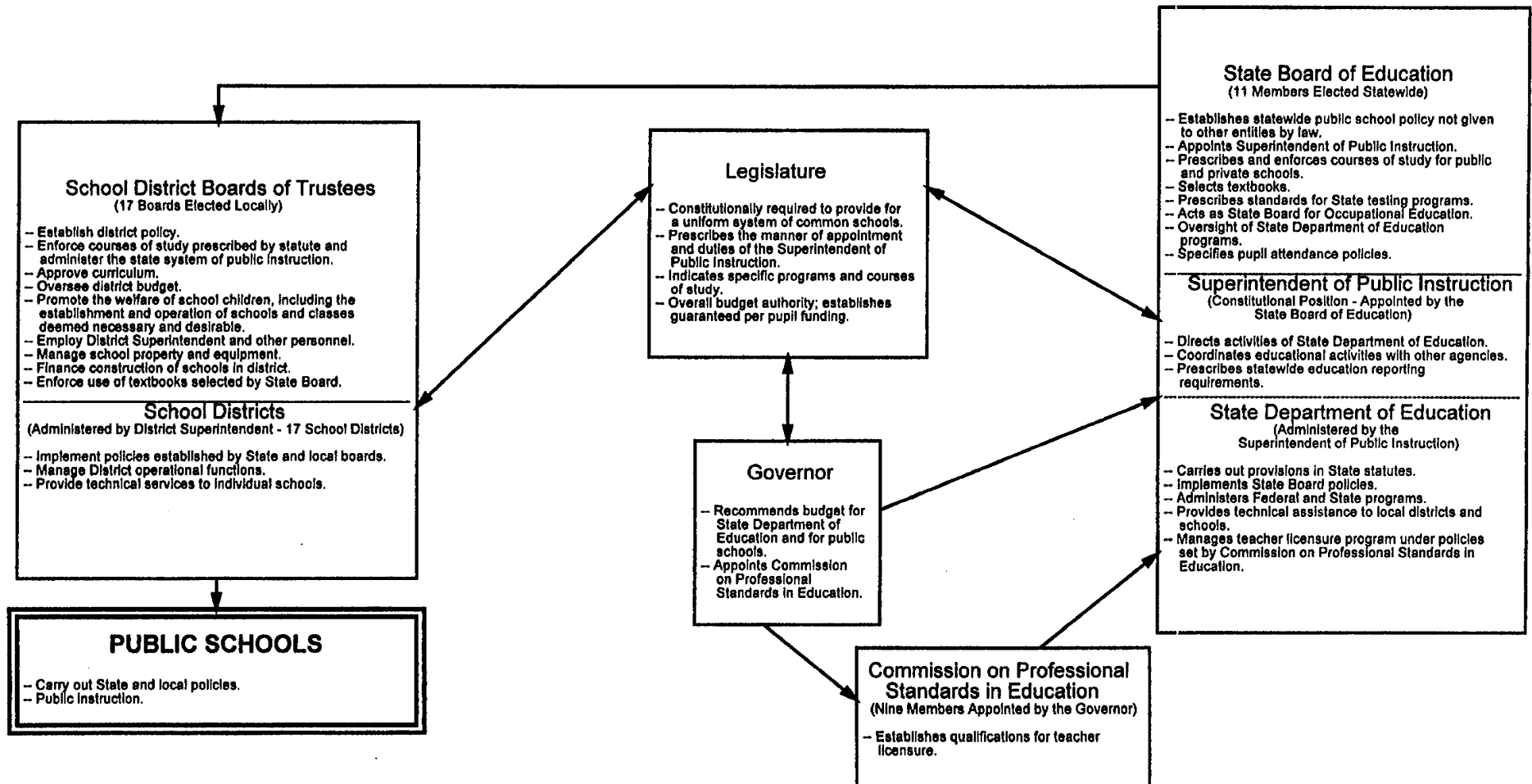


FIGURE NO. 1

delegated, but recently a number of state legislatures, including Nevada, have become more assertive in enacting statutes that specify detailed mandates for public schools.

Over the years, the Nevada Legislature has adopted a body of law within the NRS (Title 34) regarding the system of public schools. Chapter 385 of NRS makes a specific reference to legislative intent concerning local control:

The legislature reaffirms its intent that public education in the State of Nevada is essentially a matter for local control by local school districts. The provisions of this Title are intended to reserve to the boards of trustees of local school districts within the state such rights and powers as are necessary to maintain control of the education of children within their respective districts. These rights and powers shall only be limited by other specific provisions of law.³

Other sections of Title 34 specify local administrative organization; financial support of the school system; the system of public instruction; courses of study; textbooks; personnel; pupils; school property; and the education of pupils with disabilities.

During its biennial sessions, the Legislature acts upon numerous policy and fiscal measures dealing with public education. The two standing committees dealing with policy matters are the Senate Committee on Human Resources and Facilities and the Assembly Committee on Education. Bills requiring substantive funding are processed by the two appropriations committees--the Senate Committee on Finance and the Assembly Committee on Ways and Means. During the interim period between legislative sessions, fiscal matters are processed by the Interim Finance Committee (IFC);⁴ specific policy issues may be discussed in interim study subcommittees appointed by the Legislative Commission.⁵ Additional information concerning the fiscal structure may be found in Subsection B, beginning on page 16 of this report.

2. Governor

The Governor of Nevada affects the system of public education in two principal areas--the Governor:

- Recommends the budget for the State Department of Education and for public schools.
- Appoints the members of the Commission on Professional Standards in Education.

As the Chief Executive of Nevada's Executive Branch, the Governor is responsible for submitting a budget to the Legislature, including spending recommendations for public education.⁶ In addition, the Governor appoints the members of the Commission on Professional Standards in Education.⁷ This body (described later in this section) establishes policy concerning teacher licensure.

3. State Board of Education

The role played by a state's board of education is pivotal in the policy realm. Although the manner of selecting board members may vary among the states (as does the relationship between the boards and the chief state school officers), the policy role of a state's board of education is nearly identical from state to state.

a. Other States

State boards of education were first established in the early 1800's. By 1900, 28 states had such boards, and by 1973, 49 states had this form of governance (Wisconsin remains the only state without a board of education.) In general, state boards of education are legal administrative bodies with some quasi-legislative or quasi-judicial authority. They usually adopt rules and regulations and formulate policies that supplement those prescribed by the state legislatures, and they often serve as the final step in the administrative appeals process for education disputes.

In 26 states (including Nevada), state boards of education have the authority to appoint the chief state school officer (CSSO). State boards function immediately below the state legislature in the hierarchy of education governance and are empowered to make policy within parameters established by the legislature. Nevada is one of 13 states in which board members are elected; in 33 states, all board members are appointed, typically by the governor.⁸ In the remaining three states, board members are partly elected and partly appointed.

b. Nevada

Nevada's State Board of Education (SBOE) consists of 11 members chosen statewide in non-partisan elections. For the purposes of electing members to the Board, the Legislature divided the State into three districts: District 1 (mostly Washoe County) elects two members; District 2 (mostly Clark County) elects seven members; and District 3 (the remaining portion of the State) elects two members. The term of office is 4 years, and vacancies are filled by the Governor until the next General Election. Members may not be elected to office more than three times.⁹ Board meetings are subject to the Nevada Open

Meeting Law¹⁰ with compensation set at no more than \$80 per day for attendance, as established by the board.¹¹

In addition to the general authority to regulate its own activities, the SBOE has certain legal powers with regard to setting education policy. The Board:

- Establishes statewide public school policy not given to other entities by law.¹²
- Appoints the Superintendent of Public Instruction.¹³
- Prescribes and enforces courses of study for public and private schools.¹⁴
- Maintains the authority to suspend or revoke a teaching license for cause.¹⁵
- Selects textbooks.¹⁶
- Establishes standards for the approval of programs for the education of teachers which are accredited by the National Council of Accreditation of Teacher Education.¹⁷
- Prescribes standards for state testing programs.¹⁸
- Acts as State Board for Occupational Education.¹⁹
- Provides oversight for State Department of Education (SDOE) programs.²⁰
- Specifies pupil attendance policies.²¹

Finally, the Board is also granted specific authority to form a nonprofit corporation for the acquisition of money for educational purposes; prescribe regulations for state and local education entities under which contracts are to be made with Federal agencies; and establish a higher education student loan program.²²

4. Superintendent of Public Instruction

Nevada, as with all other states, provides for an administrative head of its system of public schools. The position is referred to as the CSSO, with Nevada and most other states assigning the title of "Superintendent of Public Instruction" to this office. Although the exact role of a state's superintendent of public instruction varies, most are granted similar responsibilities and authority.

a. Other States

Typically, the CSSO is responsible for the general supervision of the state's public school system, heads the state's department of education, and directs the activities of the professional staff in regulating and supporting the state's public schools. In some states (including Nevada²³), the CSSO may have a role in adjudicating education controversies in the administrative appeals process.

The CSSO also may have some legislative or quasi-legislative functions if such responsibilities have not been delegated by the legislature to the state's board of education. Many CSSOs are authorized to propose or find sponsors for specific pieces of legislation. The CSSO usually sets the agenda for the state's department of education; and the department, under the CSSO's leadership, conducts research and provides data to inform the board in its policy-making function. By proposing legislation, setting the department's agenda, and controlling information supplied by the department, the CSSO can influence what issues are considered by the state legislature and the board.²⁴

b. Nevada

In this state, the *Nevada Constitution* establishes the position of Superintendent of Public Instruction and requires the Legislature to prescribe, by statute, the manner of appointment, term of office, and duties of the position.²⁵

The Legislature, in turn, enacts statutes specifying that the Superintendent be appointed by the SBOE for a 3-year renewal term (in the unclassified service of the State); further, the Board is authorized to fill any vacancies occurring within that office.²⁶ To be qualified, the appointee must be at least 21 years of age, and must hold a masters degree in education or school administration. Once the appointment is accepted, the Superintendent is prohibited from holding any other office for profit, or pursuing other business ventures without the approval of the Board.²⁷

The Superintendent is the executive head of the SDOE and serves as the secretary to the Board of Education.²⁸ In general, the Superintendent performs duties to promote the profession of teaching, including consultation activities with local education leaders and conducting education conferences within Nevada. Major policy activities of the Superintendent include:

- Directing the activities of SDOE;²⁹
- Issuing licenses to teachers;³⁰

- Coordinating educational activities with other agencies;³¹ and
- Prescribing statewide education reporting requirements.³²

In addition, as the executive head of the department, the Superintendent has the authority to apportion payment of education funds from the state's Distributive School Account (DSA) and to withhold payment of these funds to school districts that do not comply with state law, including constitutional prohibitions against sectarian instruction.³³

5. State Department of Education

The SDOE is the administrative arm of the SBOE. While the Board maintains a policy role, the Department is responsible for carrying out the provisions of state statutes, implementing Board policies, and administering Federal and State educational programs. The Department's chief executive officer is the Superintendent of Public Instruction. As noted in the previous section, the duties of this officer include recommending and implementing Board policy, supervising certain aspects of K-12 education in Nevada, developing proposed legislation, and directing departmental activities.

The Department, as an agency, fulfills five major policy roles, including:

- Carrying out provisions in state statutes;
- Implementing Board policies;
- Administering Federal and State programs;
- Providing technical assistance to local districts and schools; and
- Managing the teacher licensure program under policies set by the Commission on Professional Standards in Education.

The nine branches within the SDOE provide consultation, technical services, and leadership to the State's 17 school districts for improvement of instruction and administration of public education, as follows:

- The Nutrition Education Programs administer a variety of federally-funded breakfast, lunch, and nutrition education programs for Nevada's schools.

- The Elementary and Secondary Education Branch provides curriculum consultation, technical assistance, and training to education personnel in the State and administers certain grants-in-aid.
- The Federal and Related Programs Branch administers Federal grants-in-aid to local school districts and other eligible entities. This branch is responsible for approving applications, providing technical assistance and guidance in relation to Federal requirements, and monitoring approved projects for compliance with Federal laws and regulations.
- The Administrative and Fiscal Services Branch administers the Department's budget, reviews audited reports from the districts, and manages the DSA.
- The Occupational and Continuing Education Branch provides technical assistance and training and administers programs that accomplish the objectives in the "Nevada State Plan for Occupational Education."
- The Planning, Research, and Evaluation Branch conducts various research projects and administers the Nevada Proficiency Examination Program, the Nevada Competency Testing Program for Educational Personnel, the Occupational Research Unit, and the National Cooperation Statistics Program.
- The Special Education Branch: (1) provides technical assistance and training; and (2) manages both Federal and State mandated programs for special education.
- The Teacher Licensure Branch manages the licensing of all K-12 education personnel in the State within the policy directives of the Commission on Professional Standards in Education. The Commission is a separate, independent, nine-member board appointed by the Governor, which receives administrative support through the SDOE.

As of January 1994, the Department was comprised of 89 full-time staff. Seventy-two percent of the staff were fully- or partially-supported by Federal funds, and 28 percent were state-supported.

6. Commission on Professional Standards in Education

The Commission for Professional Standards in Education was created by the 1979 Legislature to serve in an advisory capacity to the SBOE. During that time, the body made recommendations concerning teacher licensing matters to the Board.

In 1987, the Legislature established the Commission permanently within statute, and transferred responsibility for establishing licensing standards from the SDOE to it.³⁴ The Commission consists of nine members appointed by the Governor. Four members must be teachers (from elementary, middle, secondary, and special education classrooms); two must be school administrators (at least one must be a principal); one member must be a school counselor or psychologist; one of the teachers, counselors, or administrators must be employed by a private school; one member must be a representative of the general public; and the final member must be one of the two deans from the Colleges of Education within the University and Community College System of Nevada (UCCSN). The term of office is set at 3 years and (with the exception of the university dean) no member may serve more than two terms. As with most boards and commissions, terms are staggered to allow for continuity with regard to policies and procedures. The SDOE is responsible for providing the staff necessary for the Commission to carry out its duties.

Under current law, the Commission adopts regulations prescribing the qualifications for licensing and relicensing teachers and other educational personnel in this State. It also sets forth the continuing education requirements necessary for teachers to be relicensed. Further, the Commission must establish the educational standards needed for teachers to obtain specialty endorsements to their licenses.³⁵

As a control mechanism, the Board of Education may choose to reject a regulation made by the Commission within 90 days of adoption if it determines that the regulation would: (1) cause any undue hardship on school districts or educational personnel; or (2) threaten the efficient operation of the State.³⁶ In addition, the SBOE retains the authority to revoke or suspend a license,³⁷ and the Superintendent of Public Instruction is responsible to issue those licenses.³⁸ However, the criteria for licensure and renewal is set within regulations established by the Commission.

7. School District Boards of Trustees

A number of national trends concerning the role of school boards of trustees has had an impact upon their responsibilities in Nevada.

a. Other States

Prior to 1900, school boards in the United States served in an administrative role for the (usually) small school or schools associated with a community or neighborhood. A reform movement occurred between 1900 and 1920 that

changed the board to the role of trustee, substituting the superintendent as chief manager. Local school boards shifted from concentrating on operations to focusing upon policy. Since the late 1960s, local boards have evolved back into politicized boards, becoming increasingly involved in the operations and administration of their school districts.

This blurring of roles between the board and the superintendent makes it difficult to define the locus of accountability for policy and administration at the school district level.³⁹ This trend toward an administrative role coincides with growth in the average size of the district for which the board is responsible. Added to this, state legislatures and state boards of education are wielding increasing influence in local operational matters. Within this context, school boards are struggling to redefine their role and explore what the concept of "local control" means and what is possible to achieve.

b. Nevada

Under the authority granted to it by the *Nevada Constitution*, the Legislature established a system of school districts to provide for a mechanism of local control.⁴⁰ The Nevada Legislature, in a Special Session held in 1956, made radical changes to the structure of Nevada's public school system with the enactment of Assembly Bill 1.⁴¹ Among other changes, the Legislature eliminated the 208 legally-active local school districts that had existed in Nevada⁴² and replaced them with just 17 districts, each of which was coterminous with county boundaries.

Before this bill passed in 1956, there were 19 school districts in Clark County alone (serving about 11,000 pupils), each governed by its own board of trustees. These districts ranged from the very large Las Vegas Union and Las Vegas High School districts to tiny districts such as Eldorado, Garnet, and Searchlight, which employed only a single teacher. Unfortunately, very little is known about how these districts functioned. The Legislature did not make provisions in A.B. 1 for the records of these districts to be transferred to another agency for preservation.

Under current law, boards of trustees are composed of either five or seven members; districts with more than 1,000 pupils have boards composed of seven individuals. The term of office is 4 years, and vacancies are filled by the remaining trustees at a public meeting with the appointee serving until the next General Election. Members of Nevada's 17 local school boards are elected "at large" in each school district except in certain circumstances.⁴³ Members may be from a specific zone or precinct within the district, and requirements are made

concerning their residency, but the residents of the county vote for all school board candidates.

The exception to this rule may be found within NRS 386.200 through 386.225. Under these provisions, a district with less than 25,000 students may choose to use a precinct-type of election process through the creation of trustee "election districts." However, a school board which creates these optional districts must specify, by resolution, whether each trustee is to be selected solely by the voters within the special election district or by all other voters within the county school district. As of July 1994, none of the eligible school districts had exercised this option.

Nevada school district boards of trustees carry out a number of policy roles. Major policy functions established within law include:

- Establishing district policies and procedures.⁴⁴
- Enforcing courses of study prescribed by statute and administering the state system of public instruction.⁴⁵
- Approving curriculum.⁴⁶
- Providing oversight of the school district's funds and budget.⁴⁷
- Promoting the welfare of school children, including the establishment and operation of schools and classes deemed necessary and desirable.⁴⁸
- Enforcing statewide testing programs.⁴⁹
- Employing the school district superintendent and other personnel.⁵⁰
- Managing school property and equipment.⁵¹
- Financing the capital construction and renovation of schools within the district, including the authority to issue general obligation bonds for such purposes.⁵²
- Enforcing the use of textbooks selected by the SBOE.⁵³

In addition, larger school districts must follow specific procedures for adopting and amending certain regulations. Clark and Washoe County School Boards are required to give at least 15 days advance notice and provide copies of proposed changes.⁵⁴

All school boards are specifically given the power to sue or be sued. A school board also may establish programs of school-based decision making; alternative education for at-risk students; and programs for persons housed in correctional facilities (with the consent of the juvenile court and county commissioners). Boards are specifically empowered to accept Federal assistance; accept gifts; form a statewide association with all other school districts to regulate interscholastic athletic and other events; employ private counsel; and administer nutrition programs for children and adults.⁵⁵

8. School Districts

There are 17 school districts within Nevada, each with its own board of trustees and district superintendent.⁵⁶ The relationship between the county school districts and their respective boards is similar to that which exists between the State Department of Education and the State Board of Education. The school district serves as the administrative arm of its district board of trustees. The boards maintain (primarily) a policy role, and the respective school district offices bear the responsibility for carrying out the provisions of State statutes; implementing school board policies; providing for maintenance, utilities, and other services; and operating various Federal and State educational programs.

The school district's chief executive officer is the District Superintendent. The superintendent's duties include recommending and implementing school board policy, supervising certain aspects of K-12 education in Nevada, maintaining licensure information concerning teachers and other professional employees, and directing school district office activities.⁵⁷ In addition, the district superintendent is granted police powers to protect children in, and traveling to or from, school; this authority may also be used to maintain order in and around schools and at school events.⁵⁸

The school district, as an agency, fulfills three major policy roles, including:

- Implementing policies established by State and local boards;
- Managing district operational functions; and
- Providing support services and technical assistance to individual schools.

9. Public Schools

The student attending class at the individual school site is the focus of the structure and function of Nevada's system of public education. While others at various levels share responsibility for formulating and implementing policy

decisions, implementation of curriculum-related policies (and other types of policies as well) rests ultimately with a teacher in the individual classroom.

For the 1993-1994 school year (SY), there were 395 schools in Nevada serving a total of 235,800 pupils. Typically, each school site is managed by a principal who is responsible for implementing the specific policies established at the State and local district level. The principal's major policy functions are to:

- Implement specific State and local policies;
- Provide for the health and safety of pupils and school personnel; and
- Ensure that the process of pupil instruction is carried out.

Specifically, principals must verify testing procedures for the statewide proficiency examination⁵⁹ and enforce emergency and safety procedures as set forth by the local fire department or the State Fire Marshal.⁶⁰ In addition, principals may select supplemental textbooks for the school;⁶¹ are granted authority (jointly with the teacher) of retaining a pupil in the same grade;⁶² and are given the authority to suspend or expel pupils for possession of dangerous weapons or controlled substances.⁶³ In addition, school districts allow principals varying amounts of authority and participation in the hiring and firing of school personnel. This level of participation varies from district to district.

As noted previously, there are many other groups not referenced in State law that are involved in shaping education policy: pupils and their parents, various businesses, the PTA and other parent coalitions, the Nevada Association of School Boards, the Nevada Association of School Administrators, and the NSEA, among others.

B. PUBLIC EDUCATION FISCAL STRUCTURE IN NEVADA

This section of the report describes the current structure of financing for public elementary and secondary education. A number of recurring issue areas are highlighted. A full description of the "Nevada Plan"--the State's system of financing its public schools--may be found in Appendix B, along with an example of how the plan is applied to a hypothetical school district.

1. Overview of School Funding

Expenditures for public elementary and secondary schools in the United States exceed \$200 billion annually. Funds come from a combination of Federal, state, and local sources, with most of the money coming from state and local tax

revenues. According to 1992-1993 national figures, these entities share the responsibility for funding public education almost equally, with states appropriating 46.8 percent; local and other sources providing 46.4 percent; and the Federal government contributing only 6.7 percent. There are, however, tremendous differences between these nationwide averages and the percentages found in some states' school funding. For example, Hawaii, which operates as a single school district, receives only 1.9 percent of its funding from local government, but 89 percent of New Hampshire's school funding comes from the local level.⁶⁴

Financial support of Nevada's public elementary and secondary schools is a shared responsibility. Local revenues cover 58 percent of the cost, state revenue accounts for 41.6 percent and Federal (non-categorical) funding contributes only 0.4 percent to school districts' general funds. The chart, Figure No. 2 on page 19, entitled "Nevada School Districts General Fund Resources: [Percentage] % by Source," illustrates the share each level of government contributes to fund Nevada's public schools. The chart also reflects the shifts that have occurred in the last 17 years due to changes in the state's tax policy.

To provide relief to taxpayers, the 1979 Legislature reduced the property tax rate for school district operations from \$1.50 (70 cents mandatory and 80 cents optional) to 50 cents per \$100 of assessed valuation. General fund appropriations to the DSA were increased to offset the effects of reducing property tax for schools and removing the sales tax on food. To reduce the general fund cost, the Local School Support (sales) Tax (LSST) was increased from 1 to 1.5 percent in 1981. As a result of the 1981 "tax shift," which substituted sales tax for property tax, local governments suffered financial losses when sales tax revenues failed to reach estimates during the national recession in 1983. In response to the revenue shortfall, the 1983 Legislature increased the property tax rate for local school districts by 25 cents (from 50 to 75 cents) and placed the extra 25 cents in the "Nevada Plan" formula to offset state general funds. The next major change in sources of funding for Nevada's schools occurred in 1991, when the LSST increased from 1.5 to 2.25 percent, which further reduced the need for state general funds.

Just as there are differences between the national averages and Nevada's sources of revenue, there are differences between the Nevada averages and what might be found in any given Nevada school district, as depicted on the chart on page 20 (Figure No. 3, "FY1993--School Districts' General Funds"). For example, due to the wealth of Eureka County's mining industry, sufficient revenue was generated from local sources to obviate the need for state aid in the 1994-1995 SY, but Lincoln County School District received approximately 83 percent of its general fund revenue from state aid.

School districts are expected to spend almost \$1 billion from their general funds in the 1994-1995 SY to operate Nevada's public elementary and secondary schools. That amount, which is represented by the top two circles on the chart titled "The Funding of Schools in Nevada" (Figure No. 4, page 21), equals the total budgeted general expenditures of Nevada's school districts.

a. State Revenues

The top circle of Figure No. 4, which covers about 75 to 80 percent of school districts' operating funds, represents the basic level of financial support guaranteed by the Nevada Plan. Nevada Plan funding is guaranteed by the state in the sense that if certain local revenues fall short of expected levels, the state makes up the difference. Conversely, if those revenues exceed estimates, state aid is reduced. It should be noted that the top circle is supported by both state and local resources.

The State's share of Nevada Plan funding comes from the DSA in the State General Fund. In addition to this appropriation, which provides about 82 percent of the revenue to the DSA, the state's responsibility is satisfied by several other dedicated revenues including a share of the annual slot tax; investment income from the Permanent School Fund; Federal mineral land lease receipts; and sales tax on out-of-state sales that cannot be attributed to a particular county. On the average, approximately 42 percent of school districts' general fund revenues comes from the state.

The DSA is the budget through which the state distributes direct financial aid to local school districts. The amount of state aid received by each district is developed through a formula that allows for differences across districts in the costs of providing education and in local wealth. The goal of the Nevada Plan is to ensure adequate educational opportunity for all students regardless of the wealth of their school district. State aid to local school districts is based on guaranteed support levels set by the Legislature, which are tailored to each school district and from which state-mandated, but locally generated, resources are subtracted. Additional information about educational funding is contained within the *Revenue Reference Manual* (Appendix C).

b. Local School Revenues

The second circle of Figure No. 4 represents funds collected at the local level, but it also includes a small amount of non-categorical Federal funding. On the average, local revenue sources contribute about 58 percent of the revenue for school districts' general funds. Local sources may be broken down as those "inside" and those "outside" the Nevada Plan.

NEVADA SCHOOL DISTRICTS GENERAL FUND RESOURCES

% by source

PERCENT

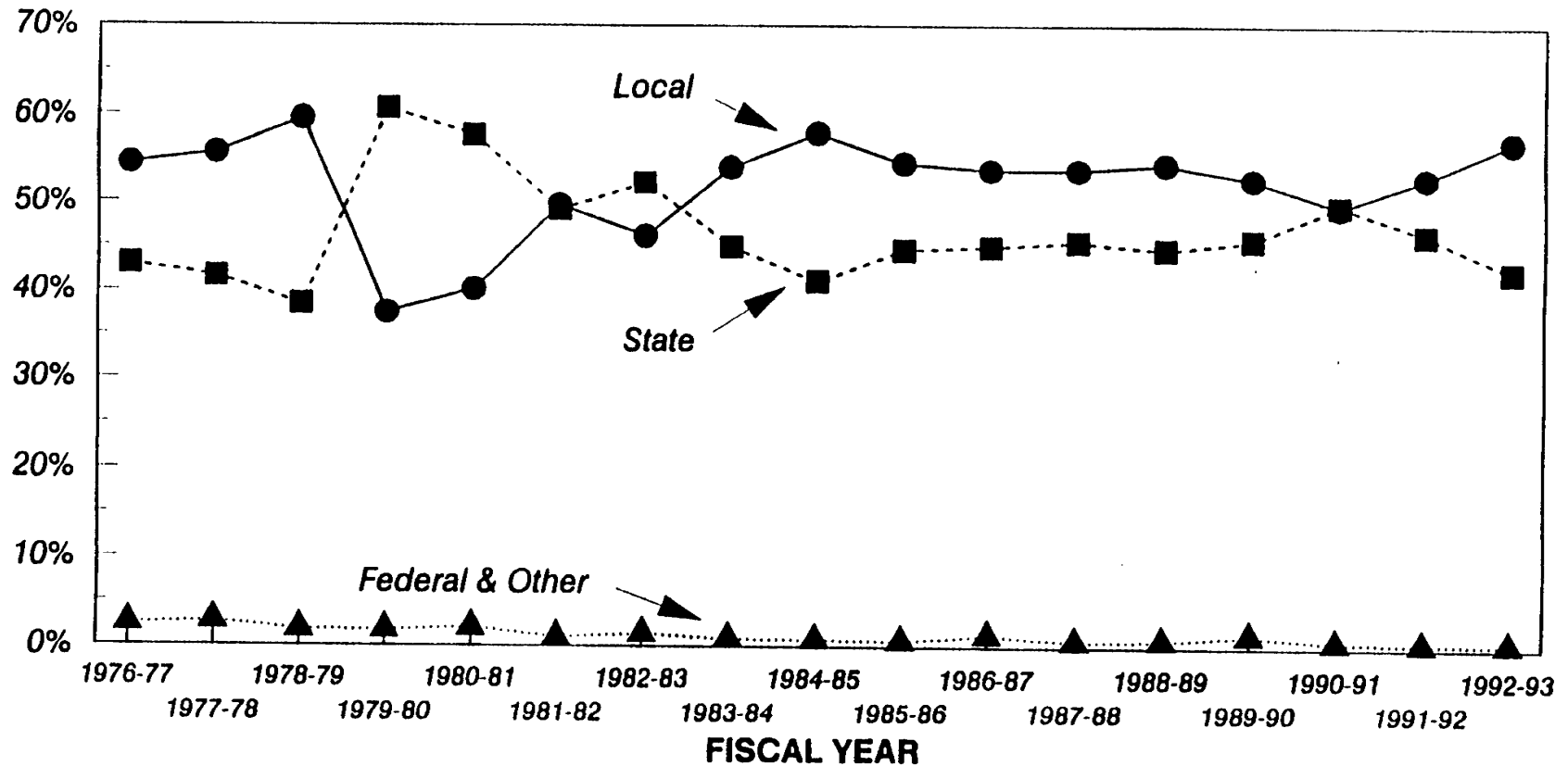
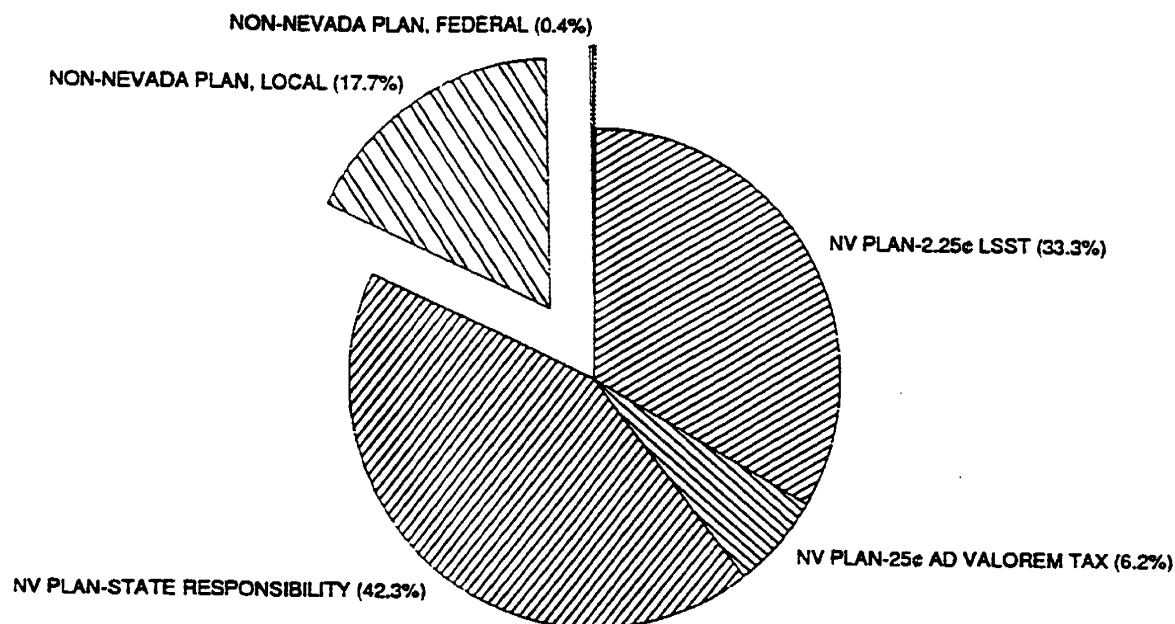


FIGURE NO. 2

FIGURE NO. 3

FY1993--SCHOOL DISTRICTS' GENERAL FUNDS



NEVADA SCHOOL DISTRICTS' GENERAL FUND REVENUES—FY93, ACTUALS

NON-NEVADA PLAN LOCAL REVENUE:

50 Ad Valorem (Property & Mining) Tax	\$123,002,121	
Motor Vehicle Privilege Tax	\$25,419,144	
Franchise Taxes	\$1,170,419	
Other (Interest, Sale of Assets, Transfers, Etc.)	\$19,200,603	
TOTAL NON-NEVADA PLAN LOCAL REVENUE:		\$168,792,287
% of Total:		17.75%

NON-NEVADA PLAN FEDERAL REVENUE:

Public Law 874 (Impact Aid)	\$3,834,372	
Forest Reserve	\$203,583	
Fish & Wildlife	\$33,179	
Other Federal Revenue	\$75,738	
TOTAL NON-NEVADA PLAN FEDERAL REVENUE:		4,146,872
% of Total:		0.44%

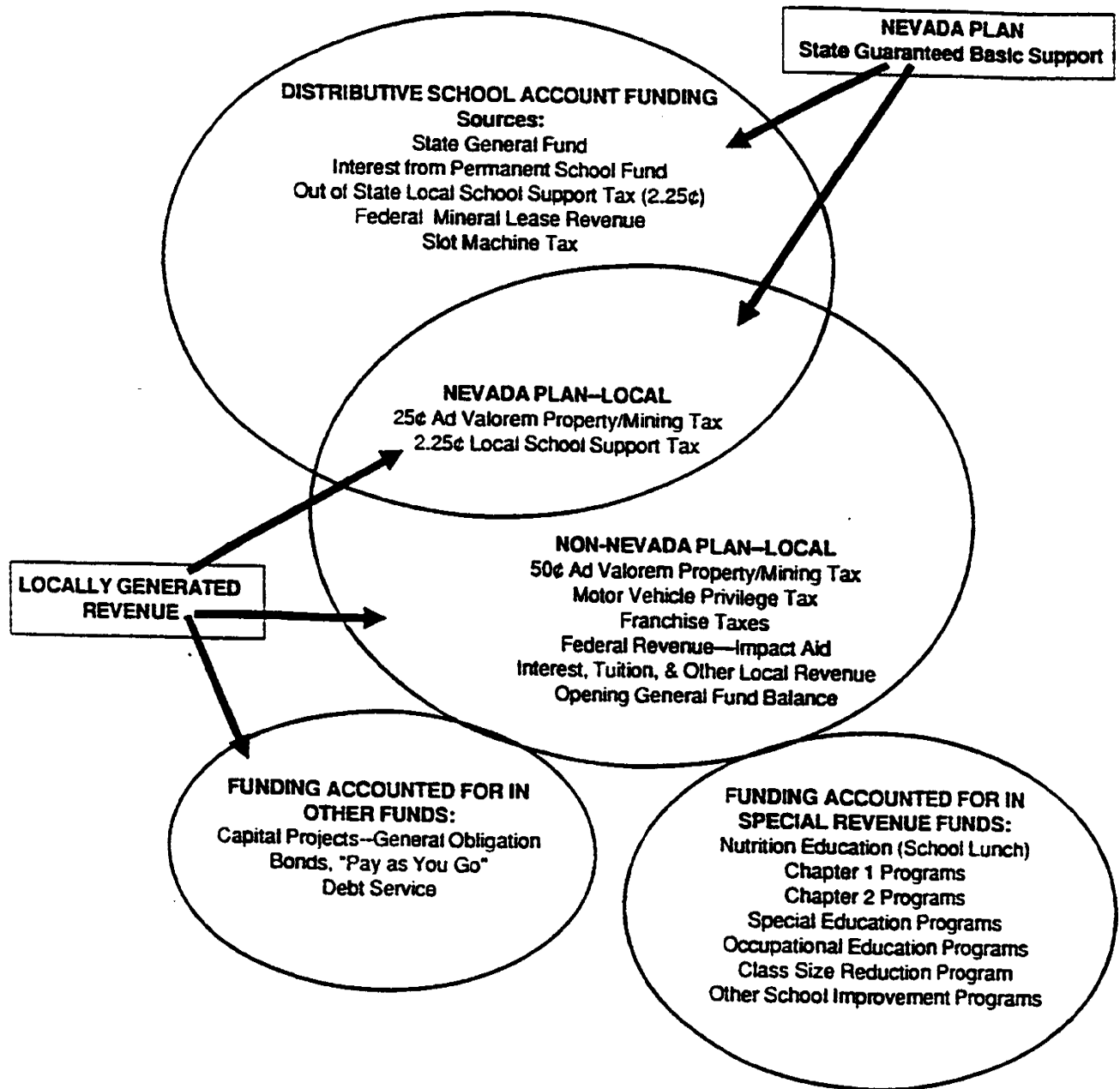
NEVADA PLAN REVENUE:

25 Ad Valorem (Property & Mining) Tax	\$59,095,120	
Local School Support Tax	\$316,353,386	
State Responsibility (Distributive School Account)	\$358,245,013	
TOTAL NEVADA PLAN REVENUE		\$733,693,519
% of Total:		81.82%

TOTAL, NEVADA SCHOOL DISTRICTS' REVENUE:	\$906,632,678

FIGURE NO. 4

THE FUNDING OF SCHOOLS IN NEVADA



Local revenues "inside" the Nevada Plan consist of 25 cents of the 75-cent property tax earmarked for school operations and a 2.25 percent LSST. Local revenues included "inside" the Nevada Plan formula are subtracted from the state-guaranteed support to determine the State's financial responsibility. If revenue from these two local sources is less than anticipated, state aid is increased to cover the total basic support guarantee, but if these two local revenues come in higher than expected, state aid is reduced. The difference between total guaranteed support and these two local resources is state aid, and it is funded by the DSA.

The major component of local revenues considered "outside" the Nevada Plan is the remaining 50 cents of the 75-cent property tax. Other sources of local revenue "outside" the Nevada Plan formula are the share of motor vehicle privilege taxes distributed to school districts, franchise taxes, interest income, tuition, and rent. Non-categorical Federal funds, such as Public Law 81-874 ("Impact Aid") funds received in lieu of taxes for federally-impacted areas (commonly referred to as "Payment in Lieu of Taxes" or PILT), are also considered "outside" the Nevada Plan. Unlike the two local revenues "inside" the Nevada Plan formula, state aid is not reduced when revenues "outside" the formula exceed estimates. Conversely, when collections of revenues "outside" the formula fall short, the state does not make up the difference. Revenues "outside" the formula are, however, considered when determining each school district's relative wealth.

Since funding through the Nevada Plan is based on a guaranteed amount of basic support per pupil as set forth in law during each legislative session, the only way to increase the total amount to be received through the Nevada Plan is to enroll more students. On the other hand, if enrollment fails to meet projections, schools will receive less money than expected because a given dollar amount per pupil is guaranteed only for those pupils enrolled.

The two smaller circles at the bottom of Figure No. 4 represent capital projects (left) and categorical funds (right). The pie chart (Figure No. 3, page 20) illustrates school districts' general fund revenues for fiscal year (FY) 1992-1993. Revenue "outside" the Nevada Plan is depicted by the slices removed from the pie (upper left-hand corner). The Nevada Plan revenue (total guaranteed support) constitutes the remaining portion of the pie (82 percent).

2. Biennial Budget

To prepare a biennial budget for Nevada's public schools, estimated general fund expenditures for each of the 17 school districts are combined into a single, statewide budget for each year of the coming biennium. All estimated costs,

including adult high school diploma programs and special education costs that are funded by state or local revenues but tracked separately in funds other than school districts' general funds are included in the budget. Excluded funds include those received through the Federal "Elementary and Secondary Education Act" for disadvantaged or institutionalized youth⁶⁵ and the "Individuals with Disabilities Education Act" (IDEA) for handicapped pupils,⁶⁶ among others. Federal categorical funds are not included in this budget of general fund expenditures, but do contribute significantly to the total amount of funding available to local school districts.

Local districts' opening fund balances and revenues considered "outside" the formula are deducted to derive a guaranteed level of funding, called the state guarantee. Local revenues "outside" the formula are not built into that guarantee.

Next, the cost of programs that are not divided up among the school districts on the basis of enrollment (such as the costs of adult high school diploma programs and special education program units) are subtracted to yield statewide basic support. This figure is then divided by the estimated (weighted) enrollment for the year to determine the statewide average basic support per pupil for each fiscal year in the coming biennium.

In summary, the estimated need, minus local revenues "outside" the Nevada Plan, is divided by the number of pupils to determine a statewide average basic support per pupil that will be guaranteed by a combination of state DSA funding and local revenues "inside" the plan.

From the statewide average basic support per pupil, the SDOE calculates a separate basic support per pupil figure for each school district using a formula which considers the economic and geographic characteristics of each district. The dollar amount of basic support differs across school districts due to variations in the cost of living, differences in the costs of providing education as a result of school size, and the cost per pupil of administration and support services. The formula also recognizes each district's transportation costs by including 85 percent of actual, historical costs adjusted for inflation using the Federal Consumer Price Index. A wealth adjustment, based on each district's ability to generate revenue (in addition to the guaranteed level of funding), is also included in the formula.

3. Nevada School Funding Issues

A number of current school funding issues have been raised in this state, including: revenue matters; equity issues; stability of revenue sources; funding

for special programs; growth issues; capital construction; class-size reduction; and financial data matters.

a. Revenue Issues

The key to the Nevada Plan is the total guaranteed support level, which guarantees a minimum amount of resources will be available for a school district. To a limited extent, school districts can generate additional revenues beyond the guaranteed level; however, school districts have very little discretion in tax revenues. They cannot assess additional local sales taxes or increase property taxes beyond the rates mandated by the state, except for capital outlay or school safety. The 1991 Legislature approved a measure which allows a county, with the approval of voters, to levy an additional property tax of 2 cents per \$100 of assessed valuation for enhancing the safety and security of public schools. This measure "sunset" in 1997. Although school districts can generate certain non-tax revenues (rent, sales, tuition), these comprise an insignificant portion of their total budgets.

In effect, an individual school district has little control over tax revenues and is heavily dependent on State Government, which has virtually complete control over the size and the components of the revenue side of the total budget.⁶⁷

While the State Legislature controls the revenue side of local school districts' budgets, Nevada's 17 fiscally-independent school districts control the expenditure side. Statewide, 88 percent of school districts' general fund expenditures in 1994-1995 were for salaries and fringe benefits of their employees. The number and type of employees hired and the level of compensation paid is subject to local control. Salaries and benefits of teachers and other bargaining groups are determined through negotiations carried out separately in 16 of the 17 individual county school districts (Elko County "meets and confers" with its employee groups). In some years, the Legislature appropriates money to the DSA to be allocated to school districts for raises based upon statewide averages, but the actual percentage increase received by an employee is determined by the district's financial situation and the outcome of negotiations with employee groups. Likewise, the Legislature may increase funding to the DSA for textbooks, utilities, or support staff, but how such funding is actually used in a school district is a matter of local control.

b. Equity Issues

Inequities in school finance result from the way many states finance public elementary and secondary schools. Local property tax dollars are the major source of school revenues, and because the property tax base is not distributed

equally across all school districts, inequities are produced. As noted by Allan Odden:

* * * [A]t a given tax rate, wealthy districts raise more money per pupil than districts where property values are lower. In many states, this unequal ability to raise local revenues is substantial, varying by a factor of up to ten to one.⁶⁸

Although most analyses of the Nevada Plan rank it as one of the most, if not the most, equitable school finance programs in the Nation, many of those comparisons were made before 1990. Since that time, local revenue available to Eureka County's students (from taxes on net proceeds of its gold mines) has out-distanced the amounts available to other Nevada school districts. For example, in FY 1992-1993, \$14,580 per pupil was available from the 75-cent property tax levy in Eureka County, but only \$429 per pupil was collected from the same tax levy in Lincoln County. Since Eureka's excess revenue cannot be redistributed to other school districts, an adjustment of approximately \$1.5 million must be made in the DSA each year to provide additional state funding for other school districts. In other words, not all of Eureka's local revenue is available to reduce the state's responsibility. A number of solutions to this problem have been studied, but the matter has not been resolved.

One possible solution to the Eureka County problem is to consolidate its school district with the Elko County School District, which feels the greatest impact from increased mining activity in Eureka County since many of the mining families reside in Elko and their children attend school in that district. In the past, there have been attempts to modify Nevada's statute that created county school district boundaries that are coterminous with the boundaries of the counties. The previous attempts either to consolidate small districts or divide large districts have not been approved.

c. Stability of Revenue Sources

Nevada's schools are actually more dependent upon sales tax than property tax (\$316 million in FY 1992-1993 versus \$183 million of property tax), but various reports over the years warn that sales taxes are not a stable source of revenue. As noted previously, the 1991 Legislature increased the LSST from 1.5 percent of taxable sales to 2.25 percent, making school districts more dependent on sales tax generated locally and reducing state aid. Throughout the 1991-1993 biennium, as LSST collections failed to reach budgeted levels, state aid to local school districts was increased to meet the state guarantee. That additional state aid came from the State General Fund which was also suffering from a shortfall in sales tax revenue.

School districts now question whether the Nevada Plan is a "guarantee" after all. The 1993 Legislature, through Senate Bill 329,⁶⁹ retroactively reduced statewide average basic support for FY 1992-1993 from \$3,310 to \$3,231 to recoup \$18 million Governor Robert J. Miller had requested school districts save in response to his budget reduction plan. The 2.4 percent reduction in basic support amounted to a 1.6 percent decrease in school districts' general funds. Although the 1983 Legislature reduced basic support during a recession, the reduced amount was still greater than the prior year's amount. In 1993, however, the reduced amount per pupil was less than the prior year's amount. Furthermore, the 1993 Legislature explicitly provided in S.B. 569 that the Governor may reduce basic support guarantees in order to effectuate a reserve in a fiscal emergency, such as the one experienced in the 1991-1993 biennium.

d. Funding for Special Programs

The shortfall between funding received for children with disabilities and the actual costs of providing special education programs has vexed Nevada school districts for a number of years. During the 1991-1993 interim, the Fiscal Analysis Division of the LCB completed a staff study of funding for special education programs. Nevada's school districts are guaranteed basic support for each pupil (with or without disabilities), as well as special education unit funding. In addition, Federal categorical funds for special education and other Federal and local funds "outside" the formula are also available for special education. The SDOE estimates the shortfall between the costs of providing special education and the funding received for these children is costing school districts' approximately \$25 million (statewide) each year.

School officials complain that the amount allowed per unit (\$26,208 for FY 1994-1995) is not equal to the average cost of a special education teacher's salary and benefits. However, increasing the dollar amount per unit and/or the number of units will not increase total funding available to Nevada schools unless other changes are made in the formula.⁷⁰

In an attempt to better serve at-risk students and dropouts, school districts are developing alternative education programs. Traditional methods of apportioning state aid are based on enrollment as either a full-time student pursuing a regular diploma or a part-time student pursuing an adult high school diploma and require attendance for a minimum number of days and minutes per day. New methods of financing and accounting for the at-risk programs need to be developed.

In 1987, the Legislature removed adult high school diploma programs in Nevada's State Prisons from the formula for state aid, and in 1991, the formula was abolished for non-prison programs, as well. Previously, state aid was

provided through an open-ended formula, but growth was difficult to predict, and actual costs were often not determined until after the end of the fiscal year due to complicated pupil-accounting procedures. The formula provided that one-fourth of the school district's basic support per pupil be multiplied by the 3 highest months' attendance in adult programs. This calculation reimbursed school districts with more money than they actually spent to operate adult high school diploma programs. In the 1993 Session, funding for these programs was frozen for each year of the 1993-1995 biennium at the 1991-1992 level of spending--\$7,798,935. No mechanism to accommodate growth in this population was authorized.

e. Growth Issues

To assist school districts that experience significant growth in regular education programs within the school year, a "bonus" is provided at the end of the school year. If a district grows at least 3 percent after the first school month, an additional 2 percent of basic support is added to the guaranteed level of funding. If a district grows at least 6 percent, the bonus growth increment is 4 percent. Otherwise, there is no additional funding for growth in regular school enrollment that occurs after "count day" or for high turnover among pupils (transiency). Beginning in March of 1994, school accountability reports required by S.B. 511 of the 1993 Legislative Session⁷¹ (the "School Accountability Law") will include transiency rates for each school.

f. Capital Construction

Construction of school buildings is another financial concern. In Nevada, funding for school buildings and facilities is the responsibility of local school districts;⁷² state aid is not available for constructing new buildings or repairing existing ones. The most prevalent form of financing the construction, remodeling, or repair of school facilities or the acquisition of sites for facilities is by the issuance, with voter approval, of general obligation bonds of the school district. By statute, total bonded indebtedness of a county school district must not exceed 15 percent of the total assessed valuation of the property within the county school district.⁷³ For example, Clark County's total assessed valuation in 1993-1994 is \$15.574 billion; therefore, the limit on bonded indebtedness of the Clark County School District would be \$2.336 billion.

One alternative to bonding is the so-called "pay-as-you-go" funding mechanism whereby a county, after receiving voter approval, may levy a tax to gradually accumulate sufficient revenue to enable the school district to construct, remodel, repair, or replace school facilities without issuing bonds. Under NRS, the "pay-as-you-go" tax is limited to 75 cents per \$100 of assessed valuation of

taxable property in school districts with fewer than 25,000 pupils, and 50 cents per \$100 of assessed valuation in districts with 25,000 pupils or more. Money raised from the "pay-as-you-go" tax may be used to renovate or replace the capital assets of the school district, but before any of the funds are used to construct new buildings, a majority of the voters must approve the expenditure.⁷⁴ Elko, Humboldt, and White Pine Counties are currently levying "pay-as-you-go" taxes. Most counties do not resort to this method of financing construction unless they have difficulty passing bond issues.

Another alternative for financing capital projects is available to small school districts in Nevada. In any county with a population less than 35,000, the school board may request that the board of county commissioners impose a tax on residential construction of up to \$1,000 for each house, apartment, or mobile home lot. The school board must designate the areas of the county to be served by the school buildings to be erected or enlarged, and the county commission will tax new units in the areas of the county to which the tax applies.

g. Class-Size Reduction Program

The Class-Size Reduction Program, which began in the 1990-1991 SY, will cost about \$38 million dollars in SY 1994-1995. A number of school finance issues have been raised with regard to this program including: the costs of continuing the program and expanding it into third grade and beyond; the need for more classroom space; and the difficulty of tracking which teachers are class-size reduction teachers to be paid from separate funds versus which are "regular" (growth) teachers.

A letter of intent from the 1993 Legislature directed the SDOE to conduct a study about the effects of consolidating the Class-Size Reduction Program into the DSA and report the results of that study to the 1995 Session. The Department was asked to recommend any legislation necessary to ensure required pupil-teacher ratios are achieved and suggest reporting and monitoring procedures and penalties for non-compliance.

h. Financial Information

Although improvements have been made over the last few sessions in the financial information required and received from local school districts, some information is still not available, such as the costs of specific programs or expenditures for certain items. With the passage of S.B. 511, per-pupil expenditures by school became available beginning March 1994. Other states, however, provide even greater detail--Kentucky is calculating costs by class and by student.

For several years, the SDOE included the chart, "Summary of School District Financing," in its annual report on the status of Nevada schools. The chart displayed revenues and expenditures of school districts' general and special revenue funds, including food and debt service funds. Average expenditures and capital outlay per pupil for each district were also included. However, the Department has discontinued its status report, and the last chart published was for FY 1990-1991.

The subcommittee directed legislative staff to consult with school district representatives with expertise in school finance for assistance in identifying and reviewing fiscal and reporting concerns. A list of school district personnel (herein referred to as the fiscal advisory group) that assisted the subcommittee is included within Section VIII. Although the fiscal advisory group reviewed several issues concerning school finance and reporting requirements, they did not necessarily endorse all recommendations of the subcommittee.

C. REFORM ACTIVITIES

Recent school reform has proceeded in a series of waves. The first wave of state reform was initiated by the release of *A Nation at Risk* in 1983.⁷⁵ That report warned that the poor state of American education endangered our competitive standing among the nations within the global economy. The authors noted:

The educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a Nation and a people.⁷⁶

Many states, including Nevada, responded with a series of "first wave" reforms using a series of program mandates layered on to the traditional structure of public education. These mandates focused upon increasing graduation requirements, raising teacher salaries, and imposing minimum competencies for teachers and pupils.

According to many of the "second wave" reformers, these efforts have had a minimal impact. Student achievement measures indicate there has been little or no improvement. This lack of an impact has been attributed to the nature of imposing "top-down" mandates upon a system that can respond efficiently only to a "bottom-up" approach. States are beginning to shift away from a regulatory strategy to an emphasis upon strengthening schools as individual organizations. Program mandates are being replaced by strategies to shift policy-making authority to the school site level and to approaches that encourage implementation of effective educational practices. Such business-related

concepts as accountability, employee empowerment, and decentralization have been discussed within educational policy circles and have made their appearance in local district practices.

Over the past decade, the Federal Government has become more involved with state education practices. What began with President George Bush's education summit with the Nation's governors in 1989, became "America 2000," a set of national education goals and strategies for achieving them. This plan has evolved under President Bill Clinton into the present "Goals 2000" Program which includes two additional national education goals and continues to encourage the development of national education standards.

Specifically, the Federal Government is encouraging states to pursue reform efforts with two key programs. Nevada itself has implemented certain aspects of the systemic reform agenda through efforts at the legislative level, as well as various state board and local initiatives. This section will discuss these reform efforts, along with major education reform activities in other states.

1. Federal Reform Initiatives

The two major reform initiatives currently operating at the national level are Goals 2000, as well as the School-to-Work Opportunities Act of 1994 (HR 2884).

a. Goals 2000

The first of these initiatives, Goals 2000, is a plan to establish voluntary national standards and encourage states to create incentives for schools to meet those standards. The initiative also provides "seed" money to states and communities to reinvent their schools.

Goals 2000 codifies the six national education goals established in 1989, adds two new goals for teacher education and parental involvement (see Figure 5 on page 32), establishes a National Education Goals Panel, and identifies Federal policy steps to achieve the goals.

Key features of the Goals 2000 initiative include standards and assessment provisions which:

- Authorize the creation of a National Education Standards and Improvement Council (NESIC) to certify voluntary content standards regarding what students should know and be able to do in specific subject areas. The NESIC also certifies voluntary opportunity-to-learn standards, ensuring

students have a fair opportunity to achieve content standards. The council will certify standards which are voluntarily submitted by states.

- Authorize a National Goals Panel to review and approve voluntary national content, performance, and opportunity-to-learn standards certified by the NESIC.
- Authorize the U.S. Secretary of Education to make grants to support the development of opportunity-to-learn standards and state assessment systems.
- Authorize a National Skills Standards Board to oversee a process to create standards for identified occupations as recommended by the National Commission on the Skills of the American Workplace.

The initiative also includes budgetary authorization for a \$400 million grant program over the next 4 years to encourage systemic reform efforts through state development of content standards, opportunity-to-learn standards, and assessments. The Secretary of Education will approve comprehensive state achievement plans, and funds are to be distributed to states on a formula basis (based upon one-half of the existing Chapter I formula and one-half of the existing Chapter II formula). In the first year, 50 percent of state funds must flow to local districts for the implementation or development of local improvement plans. Every year thereafter, 75 percent of state funds are to be distributed on a competitive basis to individual schools. Funds may be used for "charter school" and public school choice programs.

A separate grant program is provided to local school districts for ongoing professional development activities consistent with the state's improvement plan and standards.

The measure also authorizes the Secretary of Education to waive regulatory requirements of the largest Federal education programs, including Chapters I and II; Eisenhower Math and Science; Drug-Free Schools and Communities; and Even Start. Waivers may be granted for up to 3 years only to the extent necessary to carry out a state or local systemic improvement plan.

On a voluntary basis, states may submit to the NESIC their own content, student performance, and "opportunity-to-learn" standards for certification that they are consistent with national standards. Also on a voluntary basis, states may submit their student assessment systems for certification that they meet the council's criteria.

Figure No. 5.

GOALS 2000
NATIONAL EDUCATION GOALS

The eight national education goals prescribe that by the year 2000:

1. All children in America will start school ready to learn.
2. The high school graduation rate will increase to at least 90 percent.
3. American students will leave grades 4, 8, and 12 having demonstrated competency in challenging subject matters including English, mathematics, science, history, and geography; and every school in America will ensure that all students use their minds well, so they may be prepared for responsible citizenship, further learning, and productive employment in our modern economy.
4. United States students will be first in the world in science and mathematics achievement.
5. Every adult American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.
6. Every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning.
7. The nation's teaching force will have access to programs for the continued improvement of their professional skills and the opportunity to acquire the knowledge and skills needed to instruct and prepare all American students for the next century.
8. Every school will promote partnerships that will increase parental involvement and participation in promoting the social, emotional, and academic growth of children.

b. School-to-Work Opportunities Act

The other major national school reform initiative is the School-to-Work Opportunities Act of 1994. The measure addresses the needs of the 75 percent of high school students who do not attend college and enter the work force without marketable skills. School-to-work programs are designed to lay a solid foundation for the American economy of the 20th Century to make the Nation more competitive in the global economy.

Although estimates place the number of pupils involved in apprenticeship programs at about 1,700 nationwide, the impact on students and the economy is scattered. Local school-to-work programs pale in comparison with the nationwide integrated systems used by international competitors like Germany, Denmark, and Sweden. Each year, two-thirds of all German high schoolers receive actual work place experience leading to nationally-recognized credentials awarded on the basis of demonstrated ability.

To replicate the widespread nature of these European systems in the United States, the U.S. Departments of Education and Labor have introduced a nationwide school-to-work initiative designed to promote school-based studies, experience at an actual work site, and activities to connect the lessons learned at each site.

Proponents of the Act suggest that it will improve student performance and raise the skills of U.S. workers. The bill authorizes \$300 million in FY 1995 for Federal grants to states to establish job training programs, apprenticeships, and vocational education systems. Students would work as apprentices in industries while attending school part time, eventually receiving high school diplomas and certificates of competency in their chosen fields.

States are able to tailor their programs to their own unique economic circumstances. In addition to grants, the bill provides for Federal technical support and waivers of some Federal training and education funding requirements. The measure specifies that state authority over the program is placed in the governor's office. The governor of a state would submit the state plan to the Federal Government to apply for grant funds; dissenting opinions by other state officials are permitted on the application.

A report by the U.S. General Accounting Office examined successful school-to-work programs operating in other states. The report identified problems that need to be addressed to ensure success, including:

- Labor laws, particularly regarding workers' compensation, that restrict employability of some high school-age students;
- Employer reluctance to train students because of the time and costs involved in supervision;
- University entrance requirements that may not recognize work-based credits;
- School officials and teachers who lack contacts in the business world, making the placement of apprentices more difficult; and
- Parents who stigmatize apprenticeships as a form of vocational education that would preclude college for their children.

Should Nevada elect to adopt a fully-integrated statewide program, policymakers may need to address these and other issues, such as portability of credentials, access to training by all students, and breadth of instruction, among others.

2. Education Reform in Other States

The Federal Government delegates all responsibility for education to the states, and structural changes, such as new forms of financing and measures of accountability, must be enacted at that level. Since 1982, 47 states have begun testing students more rigorously, 42 have raised graduation requirements, 39 have established teacher programs, and 26 are wrestling with serious school finance equalization lawsuits. In addition, states that wish to access Federal support under Goals 2000 are required to study statewide systemic reform.

The term used for the new phase of education reform is "restructuring." In general, this concept implies that the old models that do not work are to be replaced with those known to work (or that reformers think will work). Restructuring involves rethinking each component of the public education system. These components range from the curriculum and the tests that measure student progress, to teacher training and strategies to increase parental and promote community involvement.

Many school districts and some states are examining education reform issues through a process known as "systemic reform," whereby the entire process of public education is restructured. Under ideal circumstances, a systemic plan would include the following components of the education system in a coordinated and integrated framework:

- Student content and performance standards;
- Programs, services, and financing to assure all students have the opportunity to achieve the standards;
- Instructional practices, the use of learning technologies, and challenging curricula;
- Professional preparation and development consistent with student standards and concepts of learning;
- Assessments of student performance on content standards;
- Data collection and information sharing that inform all education stakeholders;
- Collaboration with other child-serving organizations; and
- Governance, management, and accountability mechanisms that include all stakeholders.⁷⁷

a. Structural Reforms

According to the Education Commission of the States (ECS), no one state has implemented all the pieces of a comprehensive reform plan. Most states have moved toward systemic reform in one or two key policy areas and then, over time, have linked new policy initiatives to these "foundation" areas.⁷⁸

Pieces of a systemic reform plan are in place throughout the Country. Policy components for systemic changes may be categorized as those dealing with standards and curriculum; assessment and accountability; governance; professional development; higher education; finance; cross-agency collaboration; and choice of and charter schools.

Standards/Curriculum

Many state leaders concluded that schools should no longer be content with sending a minority of students to college and giving the rest "basic skills." Rather, schools' new business is to teach all students a much more challenging core curriculum. To address this approach, many states have adopted strategies to create new, higher standards for what students should know and be able to do, and reflect those standards in its curriculum.

One approach concerns the creation of 21st Century achievement standards, such as those expressed in the National Council of Teachers of Mathematics' "Curriculum and Evaluation Standards for School Mathematics," and the American Association for the Advancement of Science's (AAAS) "Science for All Americans."

Another approach encourages the development of "common-core" policy documents. Examples include:

- **Maine's** Common Core of Learning which categorizes skills, knowledge, and desired attitudes. Teachers are encouraged to develop curricular and instructional approaches within and across the traditional disciplines that will help students develop the competencies described in the "common core."
- **Connecticut** and **Vermont**, too, defined a common core of skills knowledge and attitudes students must acquire. Connecticut focused upon recruiting the highest quality education work force by increasing teacher pay and through reforms in teacher certification, professional development, and governance.
- **Florida** is developing cross-disciplinary frameworks. In addition, through the Student Performance Standards Subcommittee of its State Accountability

Commission, it is looking at ways to integrate the U.S. Department of Labor's recent competencies for the 21st Century work place into its curriculum.

- **Minnesota's** whole reform effort relies heavily on its Outcome-Based Education legislation which calls for a core of essential learner outcomes that would define assessment, instruction, personalized learning, site-based decision-making, and staff development.
- **Kentucky**, too, has specified major outcomes of schooling that all students must master.

Other states have started programs to develop curriculum frameworks and guidelines. Such documents attempt to bring coherence to major subject matter. California, for instance, has counted heavily on its curriculum frameworks to influence other elements of the system. Other states have created new policy documents based on the AAAS report, including Arizona, Illinois, and Indiana. Alabama, Connecticut, Illinois, Iowa, Maryland, Minnesota, Missouri, Nevada, and New Jersey have undertaken recent revisions of their science curricula.

Assessment/Accountability

Many reformers believe that schools should be held accountable for student performance with respect to higher standards. New approaches to assessment send strong signals to schools about what is important for success in today's world. Under certain circumstances, assessment mandates can force curriculum and instruction to go in new directions. Often, accountability programs involve the public in the debate concerning what students should know, as well as forcing educators to consider how all students (not just the college bound) can be helped to meet higher standards.

New accountability strategies include programs that develop assessments tied to the new standards and which encourage schools to develop a more challenging curriculum. Assessment can include a variety of alternative approaches, including exhibitions, portfolios, and other forms of performance assessment. For example, Vermont reviews portfolios of student work. California is developing statewide "exhibitions" through which students display complex skills and achievements. The Kentucky Instructional Results Information System will include portfolios, exhibits, and performance tasks; and Connecticut has developed a Common Core of Learning Assessment tied to its common-core standards.

In addition, 17 states in the New Standards Project are participating in an effort to create European-style performance-oriented examinations that can be reliably

scored locally, regionally, and nationally. A collaboration of the National Center on Education and the Economy, the Learning Research and Development Center at the University of Pittsburgh (Pennsylvania), and numerous schools around the country, the project aims to create world class standards and examinations that will hold schools accountable for concrete results, while freeing professionals to determine exactly how those results can be achieved.

Illinois, Kentucky, Michigan, Missouri, and Vermont are attempting to tie accountability measures to various rewards and sanctions. In 1993, the Missouri Legislature enacted one of the more ambitious plans. Besides equalizing funding among districts, the legislation will set new state standards and methods of assessment; provide money to prepare teachers and schools to implement the standards; and establish strong incentives and penalties for schools that do and do not meet them.

Specifically, if a Missouri school is found not to be meeting the statewide standards, it will be declared "academically deficient." The state will appoint an audit team to confirm the school's deficiencies. If the school is determined to be deficient, the state board of education has 560 days to convene a management team to determine what the school must do to improve. Recommendations could include everything from recalling school board members to suspending long-term contracts for principals or teachers or to allocating more resources. The school has 2 years to improve. If it is still deemed deficient after 2 years, the district will be forced to implement the management team's recommendations.

As for the incentive portion of Missouri's law, part of the state funding for each school will be based on the percentage of students who actually attend class. Furthermore, schools performing at the highest level in all academic areas will be exempt from most state regulations and will remain exempt as long as performance stays high.

No deadline has been set for the full implementation of the bill. Educators say that moving to a standard-based system requires considerable time to train staff and devise new assessment measures that will reflect successful strategies. For instance, if the dropout rate improves, test scores could go down.⁷⁹

Governance

A powerful way to bring about reform is to develop policies that change the focus of decision making. Involving a wider range of people in decision making allows policymakers to develop consensus and gain continuing support for long-term reform. A number of states have adopted policies to force or create incentives

for system-wide management changes and decentralization. Many of these policies involve shifting decision-making to the people closest to the students. Approaches include strategies to mandate or encourage site-based management or collaborative decision making.

- In **Kentucky**, this policy action is linked to new visions and standards and is supported by appropriate training and resources.
- School districts in **Chicago, Los Angeles, Denver**, and a couple of other states have moved in this direction..
- In **Hawaii**, the state board and CSSO, together with other policy leaders, agreed that site-based decision making was the best strategy to make its system more responsive. Hawaii put state and district services in the hands of school councils, with the state education agency moving staff to existing regional offices to support local needs.
- The **Texas** Legislature increased principals' authority to determine staffing in their schools.
- **California's** initiative (Demonstration in Restructuring of Public Education) created incentives of up to \$230 per pupil for restructuring schools around site-based decision making.

Other approaches call for "total quality management" in schools, districts, and the entire state system. South Carolina's Department of Education asked for regional and local "Total Quality Education Coordinating Councils." In addition, some local districts have tried to orient the collective bargaining process toward reform. In Kentucky, one district board and the local teachers' association signed a collective bargaining agreement that established a voluntary "participatory management" program for some schools.

Other states have decided to restructure the state education agency. This approach is undertaken to shift the mission of a state's education department away from a role of monitoring compliance with various rules and regulations and toward a support role to serve districts and individual schools that are restructuring. Kentucky's "Education Reform Act of 1990" abolished all positions in the Department of Education and reorganized it around providing technical assistance to local districts; Virginia's State Board of Education approved changing the state agency's mission from regulation to research and service; New Jersey recently reorganized its Department of Education along various service functions; and North Carolina's CSSO established a mechanism to allow school districts to evaluate that state's education department.

Professional Development

As expectations for student performance rise, the preparation and ongoing staff development of teachers and other school leaders must change. Professional development efforts are increasingly being directed to help teachers and principals understand the demands of restructuring and improve their ability to teach and address the requirements of new standards. The teacher education system is being examined as a mechanism to ensure that newly-graduated teachers can be part of the reform process. Teacher certification processes are also being examined to reflect higher expectations and standards. Some examples of trends in this area include:

- The State of **Georgia's** shift of power for the training and licensing of teachers from its state board to an autonomous Professional Standards Commission;
- **Connecticut's** move to increase initial and continuing certification requirements;
- The high priority established by **Vermont's** higher education community by requiring a rigorous teacher education program process within that state's system of colleges and universities; and
- **Minnesota's** linkage of initial licensure to extended clinical internships through the use of "professional development schools."

A related approach used by some states involves programs to encourage partnerships between teacher preparation systems and elementary and secondary schools. Examples include:

- **Maine's** support of such partnerships, linking its teacher training program to statewide educational goals.
- **South Carolina's** project to link all teacher-preparation institutions with "associate schools" involved in restructuring to examine state policy issues, such as licensure, certification and program approval matters.
- **Pennsylvania's** Academy for the Profession of Teaching, established in 1986, with its focus upon the linkage between professional development and education reform.

Another approach used by several states involves the creation of leadership academies that stress new forms of management. California provides \$4 million

per year for the California School Leadership Academy. Delaware and Kentucky, too, have established leadership academies to provide managers with the new skills their comprehensive reforms will require.

Higher Education

As indicated in the professional development subsection, many policymakers and educators are rethinking the role of higher education in promoting reform in elementary and secondary education. Ways to influence the role of higher education in promoting K-12 reform include:

- Creating more collaboration between higher education and public schools--the state of **Washington** is fostering partnerships to: (1) encourage students to stay in school; and (2) improve college preparation, curriculum, and instruction.
- Inventing new "organizational arrangements" between the education sectors--**Colorado's** alliance between the University of Southern Colorado and the Pueblo Public Schools involves shared administration and facilities and college faculty teaching in the schools, along with high school students enrolled in college.
- Supporting high schools within colleges--**New York** is supporting several high schools within colleges. The programs typically target at-risk high school students.
- Experimenting with other applied learning partnerships--**California's** state university system is reaching out to public schools through its agricultural extension model designed to involve faculty with schools.
- Promoting new funding mechanisms--**California** and **North Dakota** both have developed intersegmental budgeting around collaborative initiatives.
- Creating more collaborative mechanisms at the state level--**South Carolina** has established a collaborative council to coordinate education reforms between colleges, universities, and public schools. In **Massachusetts**, the board representing higher education and the state board of education formed a policy committee on education reform.

Finance

Until recently, most concerns about school finance policy have focused on equity issues among school districts. Since financing mechanisms also have the

potential to further reform, some states are attempting to redesign the education finance formula to focus on excellence as well as equity.

Kentucky has created a school finance mechanism that supports the broad goals of a new performance-based education system. Other states are looking at grant programs to support innovation; some are allowing waivers from state rules and regulations freeing resources and staff time to devote to reform. Other ideas include:

- Expanding the definition of education equity beyond per-pupil expenditure--**Rhode Island** has proposed including student outcomes and opportunities in its calculations.
- Providing fiscal incentives and rewards for school improvement--**Rhode Island** recommended the adoption of a reward system for individual schools based upon specific performance goals.
- Aligning funding with reform goals--**California, Florida, and Kentucky**, as part of a site-based strategy, have shifted more budget authority to individual schools.

Cross-Agency Collaboration

Several states are providing incentives for health, social, and youth-serving agencies to work with schools and with one another. Approaches include programs to:

- Create new mechanisms for greater family involvement in schools, such as school-based family resource centers found in many states. Pilot programs exist in the states of **California, Kentucky, Minnesota, South Carolina**, and **Utah**, among others.
- Create mechanisms that bring about more collaborations. Examples include the **Texas** Health and Human Services Commission; the **New Jersey** Department of Human Service's grant program to high schools linking jobs, training and health services; and **California's** Department for Child Development and Education, charged with locating various health and social services at school sites.

Parental Choice/Creating Options

Another approach to reform involves efforts to create, support, and provide visibility to alternative forms of learning and teaching. Such a strategy seeks to

provide examples of innovative approaches to education by using market forces. Specific techniques include:

- Creating more public school choices for parents--In **Minnesota**, certified teachers can establish and operate a "charter" school. Such schools are exempt from many state requirements but must be sponsored by a school board. **California** and **Colorado** have similar programs. A related approach used by numerous states (**Arkansas**, **Colorado**, **Iowa**, and **Minnesota**, among others) allows students flexibility in choosing schools or school districts.
- Creating more magnet schools, such as the **Illinois** and **North Carolina** Schools of Mathematics and Science.
- Creating "tech-prep" programs--**Indiana**, **Maryland**, and **Michigan** are among the first states with "tech-prep" programs that combine 2 years of high school and 2 years of community college education to produce an employment-ready work force.

b. Status of Reform Efforts in Other States

Comprehensive reform of an entire state system of public education has been attempted only in the State of Kentucky, and that occurred because the state Supreme Court declared the existing system to be unconstitutional. An added difficulty concerns translating education reforms from the policy level to the school site. The impact of restructuring often is not detectable at the classroom level.

According to a 1993 survey by Rexford Brown, ECS, only 1 to 4 percent of the Nation's 110,000 schools were in the process of restructuring, with only 0.9 percent having completed the job.⁸⁰ For this survey, restructuring was defined as fundamentally changing a school's curriculum, teaching techniques, management, and administration. According to Mr. Brown, schools that have been committed to systemic restructuring for the last 3 to 5 years have superior outcomes on a broad range of academic achievement measures. However, those that have been taking short term approaches to reform actually do somewhat worse than schools that chose to maintain the status quo.

3. Education Reform in Nevada

As noted in the section of the report concerning school governance, both the Nevada Legislature and the SBOE have the authority to establish policy for Nevada's system of public schools. Both entities have used that authority to

mandate education reforms or components of such reforms. Local school boards have also examined and implemented various proposals. Some boards have provided specific schools sufficient flexibility to implement site-based reforms.

The following portion of this report describes various state and local reform programs and concludes with a summary of recent legislative initiatives.

a. State and Local Reform Initiatives

The SBOE has undertaken a number of reform initiatives within the last 10 years. These and other recent policies are discussed in greater detail in the next three subsections. Selected reform initiatives at the local level are also described.

Ongoing Reforms

In Nevada, statewide education reform has focused upon three key phases: establishing standards and goals; implementing those goals; and providing assessments to evaluate progress in achieving the goals and standards.

Nevada's system of proficiency examinations establishes the statewide standards for mathematics, reading, and writing. Several types of standards are incorporated within this program, including: (1) "Content standards," which are defined as subjects in which students are expected to be knowledgeable and proficient; and (2) "Performance standards," which are the levels of knowledge or proficiency students manifest as a result of their education. Nevada has attempted to accomplish educational reform through the systematic implementation of these standards.

Specific statewide standards and goals for ongoing programs as set by legislative initiatives or for those established by the SBOE include:

- Increasing the success of children at the elementary level by implementing class size reduction.
- Improving the organization and governance of public schools by adopting the Nevada School Improvement Project (this program is discussed in greater detail in the next subsection).
- Increasing the success of students at the secondary level and reducing the dropout rate by establishing dropout accounting procedures and workshops.

- Increasing the basic academic skill performance levels of writing standards by implementing the Northern Nevada Writing Project, Whole Language Workshops, and teacher training on writing assessment.
- Increasing the basic academic skill performance levels of new mathematics, based on national standards, by implementing math manipulatives workshops statewide.
- Providing an expanded occupational education program with the help of the Nevada Business Plan, offering an introduction to technology, and following up with counseling and guidance.
- Expanding school services for disabled students by implementing statewide workshops on inclusion.
- Providing a statewide telecommunications network with distance learning projects via satellite and INTERNET (the international communications network).
- Improving the effectiveness of teacher training, teachers, and teaching by implementing professional development activities that teach effective instruction along with active and cooperative learning.
- Increasing the success of children at the elementary level with the establishment of 22 statewide elementary school guidance counselors with substance abuse training.⁸¹

As part of its reform efforts, the SDOE also has devoted attention to the implementation phase for reforms, providing assistance and encouragement for various professional development activities, including in-service training and statewide workshops as described in the previous list. Such efforts help implement reforms through professional training and otherwise create support through capacity-building techniques.⁸²

The assessment aspect is the final element of Nevada's reform framework, involving statewide evaluation to ascertain progress toward meeting or exceeding the goals of its reform efforts. As part of its duties under statute for the Nevada proficiency program, the Department has established a statewide assessment program at grades 4, 8, and 11.⁸³ A separate writing exam is administered in grades 6 and 9. This information is also reported as part of Nevada's school "report card" system--the Statewide Accountability Program. Other statistical indicators are monitored, including dropout and transiency rates, and so on.

Nevada School Improvement Project

The Nevada School Improvement Project is one example of a statewide program designed to encourage innovative solutions to site-specific needs and problems. The SDOE initiated the Nevada School Improvement Project in 1986. The process involves the entire staff of a school in assessing the school's needs, then using that information to plan and implement school improvement activities. Department consultants provide training to the staff at individual schools to implement the school improvement process and offer follow-up assistance and coaching to maintain the momentum.

The process operates in five distinct phases:

- Orientation of staff through faculty training sessions;
- Organization of school improvement project teams and the formulation of their missions;
- Data gathering by the teams in order to perform needs assessments;
- Planning and selecting improvements based upon analyses of the data gathered in the previous phase; and
- Implementing and monitoring of improvement programs.

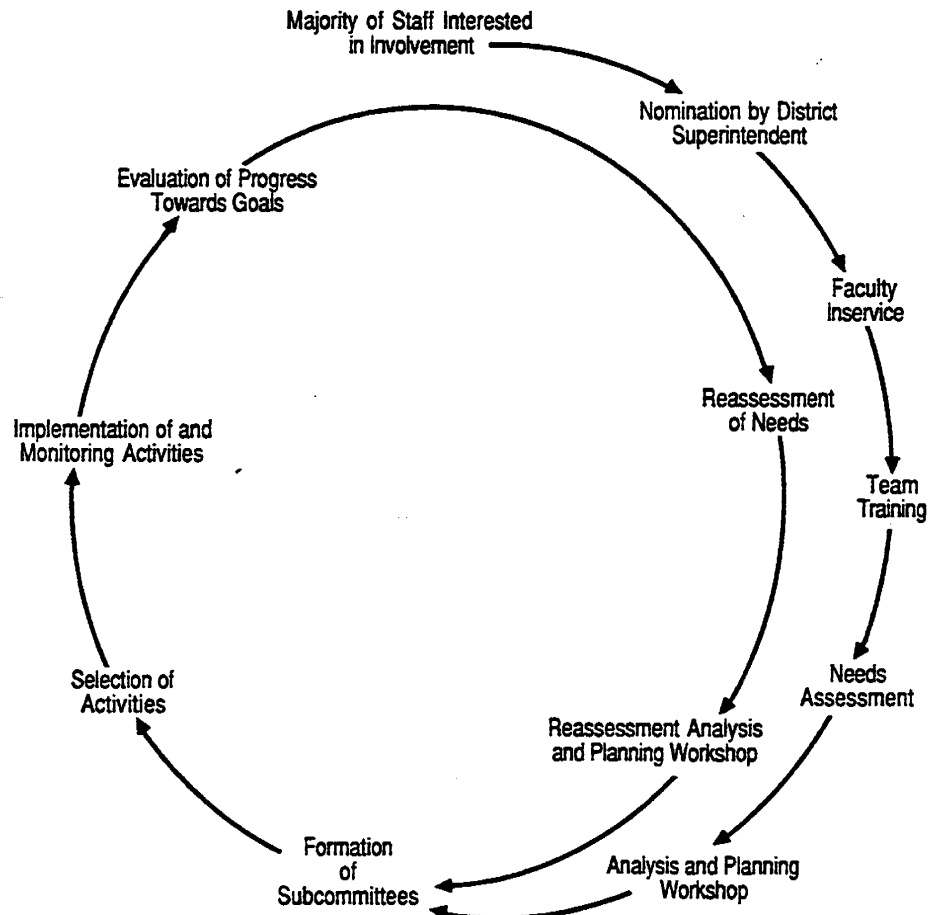
Follow-up activities involve an evaluation of progress toward achieving goals and analysis and reassessment of needs. Figure No. 6 on page 46 presents a graphic representation of the process.

During the implementation phase, schools operate the program entirely as a volunteer effort with no outside funding to the school sites. As a rule, non-instructional activities are implemented during the first year of the program; instructional changes are generally implemented the following year to allow for appropriate changes in curriculum plans and staff training, if needed.

Figure No. 6

THE NEVADA SCHOOL IMPROVEMENT PROJECT

STEPS IN THE PROCESS



Often activities identified by the staff involve expenditures. For example, a school might identify a goal to provide additional assistance to "at-risk" students. The activity selected to address this goal might involve the purchase of a specific computer software system and teacher training in working with at-risk pupils.

A 1990 study of the program by the U.S. Department of Education's (USDOE) Far West Laboratory for Educational Research and Development noted that first year project schools tended to focus upon less-intrusive improvement objectives, such as improving the school's physical environment or general administrative procedures. Schools that had been involved with the process for a longer time tended to confront more difficult improvements in the instructional arena, such

as coordination of what is taught within grade levels and sophisticated classroom assessment methods.⁸⁴

The program has grown from 10 pilot schools in 1986 to 95 participating schools in 1992--nearly one-quarter of all the schools in the State. Project schools are currently operating in 15 of the 17 school districts in Nevada.

Recent Statewide Reform Efforts

More recent statewide reform efforts undertaken by the SDOE include:

- The establishment of a secondary school task force to evaluate issues exclusive to Nevada's high schools. The task force would offer recommendations for future legislation to aid in problem solving at this level.
- The creation of three "K-16" councils. The councils are in the initial stage of exploring the concept of linking Kindergarten through 12th grade education with universities.
- The creation of a needs assessment group to examine the automation of student records. The goal of the SDOE is to provide a mechanism for the efficient transfer of student records among counties without the delays that occur at present.
- The implementation of national science standards; and the review and implementation of the national arts standards; as well as various teacher preparation programs and standards.

Selected Local Reform Initiatives

Local education reform initiatives include Douglas County School District's Developmental Center, and Elko County School District's Pay-As-You-Go Program, which are designed to cope with massive growth problems. Examples from the Clark County School District include the adoption of specific policies or programs for:

- Moving much of the decision making to the individual schools and classrooms.
- Consolidating and restructuring the Curriculum and Instruction Department.
- Developing and strengthening staff training programs.

- Continuing commitment to at-risk programs and efforts to bring dropouts back into schools.
- Instituting a homework "hot line" and other extended-day programs.
- Automating the district's Finance Division and other fundamental departments, thereby drastically reducing the paperwork process.
- Reviewing the food service program and gearing up for a total restructuring to healthier menu selections.
- Attempting to involve more parents in decision-making roles.

The Clark County School District also has established a series of "magnet schools" that provide special curriculum designed around a specific theme, structure, and/or method of instruction. For example, an emphasis may be placed upon mathematics and science, or upon the arts. Magnets also differ from "regular" schools since enrollment is open to students beyond the geographic attendance zone, and students and parents choose the school. In addition to the more traditional math and science schools, the district operates the Las Vegas Academy of International Studies and Performing Arts (high-school level); the Advanced Technologies Academy (Grades 9 and 10); and the C.V.T. Gilbert Communications and Creative Arts School of Special Emphasis (Grades 1 through 5).

Washoe County School District is implementing a magnet school program as well; and the Glenn Duncan Elementary school is the site of the State's only experiment with school-linked services. "School-linked services" refers to the practice of providing social, health, and other support services at the school site or in school-linked locations (see recommendations section for a further discussion of this issue).

Numerous other reform-oriented programs exist within each of the school districts; some are district-wide, others are specific to a particular school or classroom.

b. Legislative Initiatives

Under a broad definition of school reform, the Nevada Legislature and its study committees have considered a number of topics over the last 5 years, including: the Nevada Business Plan (restructuring occupational education); the class-size reduction program; accountability; merit pay for teachers; school choice; mandatory kindergarten; and school size, among others. Of these, the

Legislature enacted measures to implement, in one form or another, only the first three:

- Class Size Reduction;
- The Nevada Business Plan to enhance occupational education; and
- School Accountability.

Each of these programs are discussed in further detail within the sections to follow.

Program to Reduce Pupil to Teacher Ratio

Class size is a significant concern to educational leaders at all levels. At the classroom level, class size determines overall workload and is a factor in teacher stress levels. At the district's administrative level, class-size policy has a dramatic impact upon budgets, facilities, and program planning. Among State policymakers, class size is the single most important factor affecting the overall cost of public elementary and secondary education. Nationally, class-size reduction has been proposed as one strategy for increasing student achievement. Advocates believe that with fewer youngsters in a classroom, each student will receive more individual attention, the teacher will find the instructional load more manageable, and learning will increase.

Some research concerning the benefits of class-size reduction has been challenged. However, a 1990 analysis by the Far West Laboratory for Education Research and Development concluded that achievement data shows that class size has a substantial and cumulative effect upon student learning. The same report notes that teachers represent a fixed institutional resource with their time and attention divided among the total number of students in the classroom. These results are confirmed in a 4-year study, published November 1992, of Tennessee's STAR (class-size reduction) Program.

Nevada's Class-Size Reduction Act

The topic of class-size reduction has been considered during past legislative sessions. Following a review of the topic by a 1988 interim legislative study, the 1989 Legislature considered a number of proposals to reduce the pupil-teacher ratio in public school classrooms. During that session, the Legislature enacted the Class-Size Reduction Act.⁸⁵ The measure was designed to reduce the pupil-teacher ratio in the public schools, particularly in the earliest grades and in classrooms where the core curriculum is taught.

The program was scheduled to proceed in several phases. The first step reduced the ratio in selected kindergartens and first grade. The following phase was designed to improve second grade ratios, followed by third grade reductions and broadening kindergarten assistance. After achieving the target ratio of 15 pupils to one teacher in the primary grades, the program proposes the pupil teacher ratio be reduced to 22 pupils per class in grades 4, 5, and 6, followed by a reduction to no more than 25 pupils per class in grades 7 to 12.

Following approval of the original act, class-size reductions were made in first grade and certain high-risk kindergartens for the 1990-1991 SY. The 1991 Session of the Legislature enacted S.B. 653⁸⁶ which provided funding for reducing the ratio of pupils to teachers to 16 pupils per teacher or 30 pupils to two teachers in a classroom. The measure made these funds available for the 1991-1992 SY to reduce the ratios in first and second grades and selected kindergartens. These reductions were implemented as scheduled.

The bill also authorized funds to reduce the ratio in first, second, and third grades as well as selected kindergartens for the 1992-1993 SY. Due to the national recession and resulting State budget constraints during 1991 and 1992, Governor Miller asked that the scheduled implementation of third grade class-size reduction be deferred.

The following table (Figure No. 7, page 51) lists pupil-teacher ratios for selected grades. The data reflects the pupil-teacher ratio prior to the enactment of the Class-Size Reduction Act of 1989, compared to the ratio through the 1993-1994 SY. It should be noted that, at present, class-size reduction has taken place only in first and second grades and selected kindergartens. Based upon the information listed in Figure No. 8 (page 52), the State of Nevada has expended approximately \$115.8 million for the direct costs of funding class-size reduction.

Although the original Class-Size Reduction Act of 1989 appropriated funds for teacher training in small group instructional methods, such funding was not included in the 1991 or the 1993 appropriation bills. In addition, while monitoring of the program's success is required, no specific funds were designated for that purpose in either measure.

Figure No. 7

PUPIL-TEACHER RATIOS IN NEVADA SCHOOLS KINDERGARTEN THROUGH 3RD GRADE 1989-1990 THROUGH 1993-1994 SCHOOL YEARS					
	1989-1990	1990-1991	1991-1992	1992-1993	1993-1994
Kindergarten	21.5	22.9	22.9	22.4	23.3
First Grade	25.4	16.1 ¹	15.6	15.8	16.0
Second Grade	25.9	25.6	16.3 ²	15.6	16.1
Third Grade	27.1	27.0	28.1	27.0 ³	25.5 ³
¹ Class-size reduction began in first grade and selected at-risk kindergartens in SY 1990-1991. ² Class-size reduction program was expanded to include second grade in SY 1991-1992. ³ Expenditures of class-size reduction funds by Nevada's school districts for third grade in the 1992-1993 SY were cancelled at the request of Governor Miller. Funding to extend the program into third grade in 1993-1994 was not provided by the 1993 Legislature.					
Source: State Department of Education and Fiscal Analysis Division, Legislative Counsel Bureau, 1994.					

A number of policy considerations associated with class-size reduction have been raised in the past. These include issues such as:

- The need to measure outcomes--defining what is expected from class-size reduction such as student achievement, reduced dropout rate, fewer special education referrals, fewer discipline problems, and so on;
- Costs and benefits associated with the existing program;
- The quality of education; and
- Restructuring and capital expenditures--the traditional structure of public schools with single schedule and self-contained classrooms may need to be substantially altered in order to incorporate class-size reduction (i.e., "shift" of pupils per day - some schools do separate morning sessions and afternoon sessions).

Figure No. 8

YEARLY EXPENDITURES (IN THOUSANDS) FOR CLASS-SIZE REDUCTION PROGRAM KINDERGARTEN THROUGH 3RD GRADE (1990-1991 THROUGH 1993-1994 SCHOOL YEARS)				
	1990-1991	1991-1992*	1992-1993*	1993-1994*
Kindergarten	\$ 746.9	\$ 792.8	\$ 820.1	\$ 853.7
First Grade	15,266.5	18,030.8	17,396.5	17,746.0
Second Grade	--	11,216.6	16,000.6	16,928.6
Third Grade**	--	--	--	--
TOTAL	\$16,013.4	\$30,040.2	\$34,217.2	\$35,528.3
*In 1990-1991, expenditures for at-risk kindergartens were tracked separately from expenditures for first grade. Since then, however, the class-size reduction funds for all grades have been combined. The amounts reportedly spent in each grade in succeeding years represent a proportional share of expenditures based upon the number of class-size reduction teachers employed for each grade. **Expenditures of class-size reduction funds by Nevada's school districts for third grade in the 1992-1993 SY were delayed at the request of Governor Miller. Funding to extend the program into third grade in 1993-1994 was not provided by the 1993 Legislature. Source: State Department of Education and Fiscal Analysis Division, Legislative Counsel Bureau, 1994.				

The members of the Legislature received a number of anecdotal reports and direct testimony that both classroom teachers and pupils were responding favorably to the class-size reduction program. Early indications were encouraging. In a status report presented to the IFC, the Clark County School District reported on achievement test results for first grade. The key finding is a slight increase in reading and mathematics scores during the 1990-1991 SY--the same year that class-size reduction took effect--following several consecutive years of decline.

During the 1993 Session, the SDOE testified that its statewide evaluation study concerning the effects of the program noted that the program, in general, was having a positive impact. The Department's final report, dated August 1993, makes the following conclusions:

- Principal, teachers, and parents were very positive in their attitudes toward class-size reduction, and the dynamics created within the classroom contributed to an improved learning environment;

- School districts reported fewer special education referrals and less teacher absenteeism; and
- Achievement data did not produce "exceptional" results, except among certain subgroups.

The report states that those closely involved in the program concluded that it is having the desired effect, and recommends additional studies over time to obtain definitive results regarding the program's effects.

Occupational Education

In 1987, the 64th Session of the Nevada Legislature adopted S.B. 165.⁸⁷ The measure directed the IFC to conduct an interim study to determine the appropriate methods of funding occupational education in Nevada. The subcommittee issued a series of recommendations designed to restructure the system. In 1989, the Legislature adopted several of the subcommittee's proposals, and the 1991 Session enacted legislation incorporating two and a portion of a third of the 1987 study's four major recommendations involving significant appropriations and program restructuring. The major proposals were recommendations to establish:

- Programs in home and career skills and "introduction to technology" in grades 7 and 8 and provide one-time appropriations to accomplish this recommendation;
- A course of study for a comprehensive guidance counseling program in grades 7 through 12, including the Nevada Career Information System; and
- The Fund for the Enhancement of Occupation Education and appropriate additional money for use by the local school districts for occupational education programs in grades 9 through 12.

The two components that were considered, but not adopted, concerned:

- Appropriating funds for the enhancement of occupational education in grades 9 through 12; and
- Establishing and funding a program in home and career skills for all pupils in grades 7 or 8.

The 1993 Legislature also reviewed these two proposals as A.B. 215 and A.B. 216, but took no action.

The first component considered but not adopted proposed funding for school districts to support the "excess" cost of occupational education programs. A base grant of \$25,000 would have been provided to each school district, with the remaining amount distributed by a formula which recognizes Nevada's educational financing system (the Basic Support Per Pupil formula), as well as occupational education enrollment. This specific component is discussed at further length in the "Recommendations" portion of this report.

The second occupational education recommendation involved establishing and funding a program in home and career skills for pupils in grades 7 or 8. This proposal also originated with the 1988 interim study, and also has been considered by previous legislatures. This specific component is discussed at further length in the "Recommendations" portion of this report.

During the 1991 Legislative Session, A.B. 103⁸⁸ carried most of the remaining occupational education proposals made by the 1988 subcommittee. However, as the bill moved through the legislative process, nearly all of the funding and the formula for distribution for occupational education in grades 9 through 12 was removed. The program structure, the requirement for standards, and the provision establishing a specific fund for occupational education were retained.

According to testimony before the Assembly Committee on Ways and Means (May 30, 1991), advocates for the occupational education program agreed to these amendments to A.B. 103 in order to retain a component that started the new occupational education program in the middle school grades; in exchange, expansion of the program to grades 9 through 12 would be delayed until a future session. During the 1993 Legislative Session, three pieces of legislation were introduced to complete the program (A.B. 215, A.B. 216, and A.B. 288). Due to budget considerations, these measures were not enacted.

In addition, although the 1991 Legislature approved the creation of the fund and the requirement that the State Board for Occupational Education establish standards for programs, no funding was provided. The program standards were established by the board, based upon the Nevada Business Plan for Education, but are elective, since funding was not provided. As of November 1994, no funds had been deposited to the special occupational education fund.

School Accountability

During the 1987-1988 interim, the Legislative Study on Elementary and Secondary Education recommended that a comprehensive school accountability program be enacted. A number of amendments were made to the original

version of this recommendation, and, under the law passed in 1989, each school district was required to compile its own district-wide report.

The school accountability law required each school district to report to its residents concerning educational goals and objectives; comparisons between current and previous pupil achievement at each age and grade; pupil-to-teacher ratios for each grade; data concerning licensed and unlicensed personnel; a comparison of the types of classes each teacher is assigned to teach along with the teacher's licensure and qualifications; total expenditures per pupil from each individual funding source; the curriculum, including any special classes; attendance and advancement records in all grades and graduation rates in high school; and efforts made to increase the communication between parents and the district. Under previous law, this information currently was reported for the school district as a whole, but not for individual schools.

The 1993 Legislature enacted S.B. 511, making three basic changes to the accountability law:

- First, the bill shifts the reporting of information from the district level to the individual school building level.⁸⁹
- Second, the measure provides the Superintendent of Public Instruction with the authority to specify uniform reporting requirements for accountability information among the school districts using common definitions and established methodologies.⁹⁰
- Finally, S.B. 511 changes the method of reporting this information. The school districts must report the specified data, by school, to their citizens by March of each year. The districts also must submit a report by June 15 of each year to the State Superintendent identifying any problems involving the education program as identified by the accountability data. Proposed solutions to these problems are also to be reported by each district. The State Superintendent will analyze these reports and prepare a report to the Legislature concerning the effectiveness of these educational programs.⁹¹

The 1994-1995 SY was the first period for the revised program. Each school district provided a report (containing 1992-1993 data) to its residents, for each school, using the definitions and format specified within the SDOE's *School Accountability Handbook*. In turn, the district-level reports were submitted to the Superintendent of Public Instruction. The first report by the Superintendent concerning the statewide program will be made to the 1995 Nevada Legislature prior to February 1, 1995, as required by the statute.⁹²

III. FISCAL ISSUES AND RECOMMENDATIONS

There were a number of fiscal issues that the subcommittee considered with regard to Nevada's system of public elementary and secondary education. Many of these deal with issues that would have a direct impact at the school district level. As a consequence, the subcommittee directed staff to meet with a group of financial experts from Nevada's school districts to review a series of recommendations proposed by the members.

The fiscal advisory group reported about these and a few additional issues. (A list of the members may be found in Section VIII of this report.) The following financial recommendations were adopted by the subcommittee for consideration by the full Legislature. Each recommendation contains background information and the issues surrounding the proposal, and is followed by the appropriate bill draft request (BDR) number assigned to it.

A. ACCOUNTING/REPORTING REQUIREMENTS

Several of the fiscal recommendations dealt with accounting matters as well as reporting requirements for financial data.

1. Reporting Outside Contributions

Background

In previous legislative sessions, various parent groups have raised concerns about the full reporting of outside contributions to specific schools. Certain schools in high socio-economic neighborhoods were thought to benefit from outside donations and fund-raisers, while receiving the same amount of per pupil funding as a low-socio-economic school that was not receiving such contributions.

The subcommittee asked the fiscal advisory group to review any difficulties that might be encountered if the Legislature were to require an accounting of all funds received by a school, including PTA and booster contributions and donations.

Issues and Recommendations

The fiscal advisory group reported that school districts currently account for all funds received by a school; however, they were concerned that reporting such contributions at the individual school level might lead to attempts to aggregate

all donations and reallocate those funds equitably among all schools. This situation might become a disincentive for groups to raise money.

The subcommittee is interested in receiving an accurate view of all funds available for local schools and, therefore, recommends the 68th Session of the Nevada Legislature:

Require, within statute, that all donated equipment or funds raised by outside groups (such as Parent Teacher Association fund-raisers, booster contributions, business partnership donations, and so on) for expenditure or use directly benefiting students be accounted for by the school district as a condition of acceptance. (BDR 34-266)

2. Categorical Funding

Background

The subcommittee expressed concern that all expenditures of categorical funds be properly tracked and that all categorical funds be included in calculations of expenditures per pupil. The SDOE has been reporting total revenue and expenditures of school districts' combined general and special revenue funds (including food and debt service funds) in its "Summary of School District Financing," which appeared at the end of the Department's *Status Report*, however, the SDOE indicated it will no longer publish the *Status Report*. According to the Department, the school accountability reports required under S.B. 511 of the 1993 Session will take the place of the *Status Report*. A "Summary of School District Financing" was last published for FY 1990-1991.

Issues and Recommendations

The subcommittee indicated that the Legislature still needs the categorical information previously reported in the "Summary of School District Financing." The Director of Fiscal Services for the Department of Education stated that he will continue to prepare the chart, which may be made available to the Legislature. The members noted that the information was critical for calculating per pupil expenditures and should continue as a required data element in the overall accounting of Nevada's education expenditures.

The subcommittee, therefore, recommends the Department continue its "Summary of School District Financing" and that the 68th Session of the Nevada Legislature:

Require, by statute, that the State Department of Education include in its calculations of expenditures per pupil all categorical funds expended by the various districts. Further, require that the Department make a report concerning per pupil expenditures each year, on or before December 1, to the Directors of the Department of Administration and the Legislative Counsel Bureau. (BDR 34-267)

3. Net Proceeds of Mines

Background

Although revenue from the tax on net proceeds of minerals provides but a small portion (0.6 percent) of total funding available to Nevada's schools, some small, rural school districts are highly dependent on that revenue source. Due to financial fluctuations within the industry, mining taxes are a volatile source of revenue. School districts that are highly dependent on the tax on net proceeds are, on occasion, placed in a precarious position because their budgets and the amount of basic support per pupil are calculated on the basis of the mine operator's estimates which may or may not be realized. This problem is exacerbated since mines pay this tax in advance, based upon estimates of taxes due. Should actual production be lower, or if metal prices fall, refunds may later be required.

Issues and Recommendations

The subcommittee asked the fiscal advisory group to investigate alternatives for handling revenue from net proceeds of minerals. The fiscal advisory group suggested the state move in a phased approach toward using the prior year's actual collections from the tax on net proceeds in calculating basic support, rather than depending on the current year's receipts in school district budgets. Schools would be better able to deal with fluctuations if the total amount available from this source were known before the fiscal year begins.

The switch from estimated to actual collections would require a one-time "bailout" by the state, which is estimated to cost the State General Fund about \$6.3 million. Legislation to effect this change would be required.

Therefore, the subcommittee recommends the following action be taken by the 68th Session of the Nevada Legislature:

Amend statutes to require school districts to reserve for expenditure in the succeeding year collections of the tax on net proceeds of minerals. Under current practice, districts must expend the money in the year it is received. (BDR 34–271)

4. Ending Fund Balance

Background

The subcommittee asked the fiscal advisory group about any concerns that the subcommittee had not identified. The advisory group expressed dissatisfaction with the way school districts' ending fund balances are handled during the biennial budget process. Under current practice, the State Budget Office considers school districts' ending fund balances as additional revenue outside the Nevada Plan when calculating the biennial budget of the DSA. Actual ending fund balances of school districts were historically twice the amount budgeted by the districts, and, in recognition of these historical savings, the Budget Director planned for school districts to spend down \$10 million (statewide) over the 1991-93 biennium and \$4 million over the 1993-95 biennium.

The advisory group also requested that a percentage of the total budget (8.3 percent equal to 1 month's expenditures) be set apart from amounts available for salary negotiations.

Issues and Recommendations

School districts object to the practice of considering a portion of the ending fund balances accumulated by school districts as additional revenue outside the Nevada Plan in the preparation of biennial budgets for the DSA. They argue that this practice provides a fiscal disincentive to implement cost-saving practices and procedures. The fiscal advisory group urges that the State be prevented from recognizing savings from a prior fiscal year as revenue available for expenditure in a subsequent fiscal year.

While recognizing the arguments presented by the advisory group, the subcommittee declined to bind future legislatures by choosing to adopt this accounting procedure. However, the members believe that the issue merits discussion by the full Legislature.

The subcommittee recommends the 68th Session of the Nevada Legislature:

Adopt a resolution, to be transmitted to the Budget Division in the Department of Administration, recommending that school district ending fund balances, or projections of such balances, be excluded from consideration as a revenue source in the State's budget process. (BDR R-275)

B. PROGRAM FINANCING EXPANSIONS AND REVISIONS

The members of the subcommittee also reviewed recommendations concerning the need to revise or expand financing for existing programs in the public school system. Programs considered include those for students at-risk of failure in school; special education; gifted and talented; bilingual and ESL; and various proposals to expand school time and facility use.

1. At-Risk Pupils and Dropout Prevention

The subcommittee also reviewed proposals concerning dropout prevention programs and strategies to assist those at risk of dropping out.

a. Fiscal Incentives

Background

The subcommittee studied the needs of at-risk pupils and dropouts; the efforts school districts have made to reach this population; and the methods used to fund these programs. The subcommittee asked the fiscal advisory group to study the feasibility of providing fiscal incentives within the Nevada Plan to encourage schools to prevent dropouts.

Issues and Recommendations

The fiscal group discussed A.B. 568 of the 1993 Session which proposed increasing a school district's basic support if its dropout rate was substantially reduced. Although this plan would provide an incentive for districts to implement new programs for at-risk students, the fiscal advisory group expressed concern that there would be no benefits for districts that have already been addressing the problem and lowering their rates. There was concern that the plan might be unfair to small districts where small numbers cause significant fluctuations in the dropout rate. In addition, unless funding was sufficient to cover the entire cost of a new program, a district might not be in a financial position to implement many changes.

The fiscal group also looked at the possibility of the state providing categorical funding, on an application basis, for dropout prevention programs; however, such a process would require administrative time and compliance monitoring. Programs started with categorical "seed" money often are difficult to eliminate when such funding is reduced or discontinued, and existing programs might not be eligible for the money. The fiscal group preferred developing a funding mechanism, such as the proposal discussed in the next subsection for adult and alternative education programs. Existing programs would be eligible to receive funding, and school districts would have flexibility in developing new programs.

The subcommittee, however, endorses the approach described within A.B. 568 during the 1993 Session, which would have increased basic support for significant reductions in a district's dropout rate. While this approach may not reward previous success with dropout prevention programs, it appears to provide a long-term fiscal incentive to address the issue.

The subcommittee recommends the 68th Session of the Nevada Legislature:

Amend the statutes to provide a fiscal incentive within the Nevada Plan to encourage schools to prevent dropouts. Such an incentive would increase the apportionment of state money to school districts whose percentage of pupils dropping out of high school is small. Basic support would be increased by an additional .5 percent if the percentage of pupil dropping out is 2 percent less than the previous year; or, if the percentage of those dropping out is less than 5 percent overall, basic support must increase by 1 percent. (BDR 34-268)

b. Funding for Nontraditional Programs

Background

In an attempt to better serve at-risk students and dropouts, school districts are developing alternative education programs. Since traditional methods of apportioning state aid are based on enrollment as either a full-time student pursuing a regular diploma or a part-time student pursuing an adult high school diploma and require attendance for a minimum number of days and minutes per day, new methods of financing and accounting for such programs need to be developed.

In 1987, the Legislature removed adult high school diploma programs in the state's prisons from the formula for state aid, and in 1991, the formula was abolished for non-prison programs, too. Previously, state aid was provided

through an open-ended formula, but growth was difficult to predict, and actual costs were often not determined until after the end of the fiscal year due to complicated pupil-accounting procedures. Also, the formula, which provided one-fourth of the school district's basic support per pupil times the 3 highest months' attendance in adult programs, reimbursed school districts with more money than they actually spent to operate adult high school diploma programs. In the 1993 Session, funding for these programs was frozen for each year of the 1993-1995 biennium at the 1991-1992 level of spending--\$7,798,935. No mechanism to accommodate growth in this population was authorized.

Issues and Recommendations

School districts expressed concern that the current "cap" on funding does not allow for growth in adult high school diploma programs and suggested a return to a formula for funding adult high school diploma programs based on attendance. Such a formula would provide an incentive for expanding existing or establishing new programs and would ensure better accountability and more equity than under the current method, which reimburses the district for actual expenditures within the "capped" limit.

The fiscal advisory group suggested payments for adult diploma programs be based upon one-fifth of the statewide average (not each district's) basic support per pupil times the average daily attendance; however, recent information on expenditures for adult diploma programs was not available and the members did not know if this percentage would provide sufficient funding. The group also explored methods of reporting data that would increase the reimbursement process. Legislation would be needed to reinstate a formula-based approach to funding adult high school diploma programs.

Many adolescents face "adult" problems (jobs, pregnancy, child care) and need the flexibility commonly found in adult high school diploma programs. Night school; independent study; and short-term, intensive programs may better serve this population, but adult high school diploma programs are limited to individuals aged 17 or over who have withdrawn from a regular high school program and missed their graduation date. Pupils under the age of 17 may participate in an adult high school diploma program only if so ordered by a court.

The fiscal advisory group preferred the flexibility of providing courses in alternative education programs based on a total number of minutes per course rather than 330 minutes per day for 180 days. The fiscal group also wanted to fund alternative education programs by the same formula they suggested for funding adult high school diploma programs: one-fifth of the statewide average basic support per pupil times the average daily attendance. A mechanism would

be needed to avoid double counting students in alternative education programs who might have been enrolled in the regular education program during the first school month.

Although the SDOE is currently revising its regulations pertaining to alternative education, legislation would be required to fund alternative education programs by a method other than counting each pupil enrolled in an alternative program in the first school month as one full pupil regardless of the amount of time spent in class.

The subcommittee agrees that funding for non-traditional high school diploma programs be funded by the formula suggested by the fiscal advisory group and recommends that the 68th Session of the Nevada Legislature:

Require, within statute, that the State Department of Education allocate money among the various school districts to fund non-traditional programs leading to a high school diploma (adult diploma programs, alternative education programs) by means of multiplying 20 percent of the statewide average basic support per pupil, times the average daily attendance per class. (BDR 34-269)

c. Graduation Requirements

Background

In 1963, the SBOE regulations mandated that students take eight units of required classes, plus 10 elective units for a total of 18 total credits. By 1987, students needed to earn 14 credits in required courses, plus 8.5 elective units for a total of 22.5 credits. In 1987, the Board, under its statutory authority, adopted regulations that added 3.5 units to the list of "required" credits needed for graduation. This change reflects a trend in Nevada (and in other states, as well) over the last few decades toward increasing graduation requirements.

The changes made by the Board in 1987 were in response to the 1983 report, *A Nation at Risk*. This document concluded that America's educational system was graduating students who were not prepared with the academic skills needed to enter the work force. The report noted:

The educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a nation and a people.⁹³

Many states, including Nevada, responded by implementing broad policy mandates, such as increasing the number of units required for high school graduation and imposing accountability standards.

In Nevada, the number of units required for graduation increased from 20 units in 1987 to the present 22.5 units. This increase reflects a trend that began in the 1970s. The changes from 1963 to the present may be seen in Figure No. 9 which appears below.

Figure No. 9

REQUIRED COURSES FOR GRADUATION FROM HIGH SCHOOL IN NEVADA (1963-1987)				
Minimum Required Courses	1963	1973	1982	1987
American Government	1.0	1.0	1.0	1.0
American History	1.0	1.0	1.0	1.0
Arts and Humanities	--	--	--	1.0
English	3.0	3.0	3.0	4.0
Health Education	--	.5	.5	.5
Mathematics	1.0	1.0	2.0	2.0
Physical Education	1.0	2.0	2.0	2.0
Use of Computers	--	--	--	.5
Science	1.0	1.0	1.0	2.0
Required Courses	8.0	9.5	10.5	14.0
Elective Credits	10.0	9.5	9.5	8.5
TOTAL CREDITS	18.0	19.0	20.0	22.5

The 1987 regulation added two categories of units--arts and humanities (one credit), and use of computers (one-half of one credit). Existing requirements for English and science increased by one unit each. While the Board increased the "required" credits by 3.5 units, it also lowered the elective credits by one unit. As a result, the total units now needed to graduate are 2.5 credits higher than the total required in 1982.

Although the new requirements were adopted in 1987, seniors graduating in 1992 were the first group expected to meet these standards. With the increased number of units required for graduation, students have less margin for error in selecting and successfully completing the appropriate courses. Students who miss school or fail to get a passing grade in a few classes may find it structurally impossible to make up the missed units and still graduate within the traditional 4-year time period.

In order to address these shortages in the required units, some students may be able to take summer classes. In Nevada, summer school is offered in a number of school districts. However, students (or more properly, their parents) must pay for the schooling. Such a policy may be discriminatory with regard to certain low-income students who cannot afford to pay this fee. The members of the subcommittee are of the opinion that this matter should be addressed.

Research shows that additional "time on task" is beneficial for pupils at risk of failure. To assist at-risk pupils, the subcommittee acknowledged the importance of funding instructional programs during the summer and between year-round sessions for these target populations. The subcommittee, therefore, recommends the 68th Session of the Nevada Legislature:

Establish, within statute, a state program for funding local instructional programs for summer school or the intersession instruction for certain pupils. Eligible students include those with disabilities, whose families have low incomes, who are academically at risk, or who are not proficient in English. (BDR 34-274)

2. Special Education

Background

Nevada's unit method of funding special education has been questioned from time to time, but has been retained as the preferred method for supporting special education programs largely because of its accountability. In order to qualify as a special education unit in Nevada, a special education program must contain a properly-licensed professional providing instruction to an assigned caseload or class, and must operate the full number of school days of at least 9 school months within a school year.

In each session since 1973, when special education units were first used to fund special education, the number of units and the amount per unit have increased, but the increase in funding has generally fallen short of what was needed to cover the average salary and fringe benefits of a special education teacher. The

shortfall between funding received for disabled children and the actual costs of providing special education programs is increasing each year.

Issues and Recommendations

After reviewing several alternatives for funding special education programs, the fiscal advisory group preferred to retain the unit method of funding but wanted the total number of units increased and the amount per unit raised from \$26,208 to the average cost of a teacher's salary and benefits (about \$43,000). The group also wanted to expand the type of services eligible for unit funding.

Psychologists, nurses, and occupational and physical therapists provide related services to pupils with disabilities, but such positions are not eligible for state special education unit funding. While these ancillary personnel are often supported by Federal funding for special education, they are not counted as federally-funded units. In addition, special education teaching aides are not eligible for special education unit funding.

Beginning within the 1994-1995 SY, school districts began accounting for special education expenses separately from general education expenses. Senate Bill 569 of the 1993 Session⁹⁴ required school districts to set up a separate fund for special education revenue and expenses, making the transfer of revenue from school districts' general funds more visible. The fiscal advisory group discussed increasing the unit amount and reducing basic support accordingly to more accurately reflect actual spending patterns, but the group would prefer to increase total funding available to schools.

The subcommittee agreed with the suggestions of the fiscal advisory group and, therefore, recommends the 68th Session of the Nevada Legislature:

Amend the statutes to enhance funding for special education by:

- **Increasing the amount per special education unit to equal the average salary and fringe benefits of a special education teacher;**
- **Adjusting the number of special education units based upon projected changes in the total number of pupils enrolled statewide in special education compared to the previous year; and**
- **Expanding the definition of a program unit to include psychologists, counselors, nurses, occupational and physical**

therapists, and instructional aides (as a proportionate share of the cost of a teacher). To qualify, each of these individual's services must be dedicated exclusively to special education students.

(BDR 34-270)

3. Gifted and Talented

Background

During subcommittee testimony regarding Nevada's gifted and talented program (G&T), questions were raised about school district requirements to provide programs for gifted and talented, as well as whether such pupils were included in the IDEA. An opinion by Nevada's Attorney General was sought by the Superintendent of Public Instruction to address these questions. In brief, the opinion found that statutes do not require programs for the G&T and that they are not covered, as a group, under IDEA. A copy of the opinion may be found in Appendix D of this report. However, it should be noted that there may be some instances where a child is both disabled **and** gifted and talented; however, most such pupils would not be covered under the Federal act.

Nevada has no statewide program for the G&T and does not appropriate any funds directly to local school district programs. However, under the funding formula, school districts receive funding for special education units which may be used for programs for the G&T. Approximately 70 of the total 1,560 special education units are used by the various school districts to fund programs for G&T students.

The following chart, Figure No. 10 on page 68, describes the distribution of special education units for gifted and talented programs, by county, for the 1993-1994 SY.

As you can see from the following chart, 21 local special education units are included--the actual amount of state-allocated units was 70. For the 1993-1994 and 1994-1995 SYs, the amount provided by the state per unit was \$26,208.

Figure No. 10

DISTRIBUTION OF SPECIAL EDUCATION UNITS FOR GIFTED AND TALENTED PROGRAMS—1993-1994 SCHOOL YEAR			
SCHOOL DISTRICT	TOTAL REGULAR SPEC-ED UNITS	NUMBER STATE FUNDED GIFTED AND TALENTED	NUMBER LOCAL FUNDED GIFTED AND TALENTED
Carson	58.50	0	1
Churchill	29.638	0	1
Clark	899.692	51	15
Douglas	42.50	3	0
Elko	56.60	2	0
Esmeralda	3.00	0	0
Eureka	3.66	0	0
Humboldt	21.00	0	0
Lander	11.00	0	0
Lincoln	11.044	0	0
Lyon	38.563	2	0
Mineral	9.50	0	0
Nye	27.75	0	0
Pershing	9.50	0	0
Storey	4.00	0	0
Washoe	320.263	11	4
White Pine	13.80	1	0
TOTALS	1,560.00	70	21

Source: State Department of Education; Fiscal Analysis Division, Legislative Counsel Bureau.

Based upon this estimate and the approximately 70 state-funded units used for G&T, the state is currently serving 2 percent of the school population. However, it appears from a 1991 G&T survey data (Figure No. 11 on the following page) that these revenues are directed towards programs operating primarily in elementary schools. Secondary schools do not appear to receive much from this funding source.

Figure No. 11

GIFTED AND TALENTED EDUCATION PROGRAM FUNDING FISCAL YEAR 1990-1991			
District	Grades Served	State Funding	Local Funding
Carson City (2)	3-6	\$ 50,400	\$ 110,629
Clark County (56.58)	2-6	1,415,942	1,504,852
Churchill County (1)	2-6	25,200	*
Douglas County (3)	2-6	75,600	49,503
Elko County *	3-6	*	*
Esmeralda County *	4-6	*	*
Humboldt County *	2-5	*	*
Lincoln County *	7-12	*	121,000
Lyon County (2)	3-12	75,157	*
Pershing County *	*	26,000	*
Washoe County (12)	2-6/9-12	302,420	307,600
White Pine County (1)	2-6	25,200	3,900
() Special education units used for Gifted and Talented Education Program. * Data was not submitted by the school district.			

Source: 1991 Gifted and Talented Survey Summary, State Department of Education.

The State Department of Education reports that 4.56 percent of students are enrolled in programs for the gifted and talented in FY 1993-1994, which is up from 3.6 percent in FY 1990-1991.⁹⁵ The number of state units used for the G&T as a proportion of the total has been slowly dropping each year as school districts shift unit funding away from optional programs for the gifted and talented to mandated services for disabled students.

Issues and Recommendations

During the 1994-1995 SY, a parent's complaint prompted the SDOE to review programs for G&T students. A school district that had exceeded the maximum cases per teacher in a program unit for gifted and talented pupils reimbursed the state for funding it had received for the G&T program. However, the district continued to operate the unit, using its funds, with a higher caseload than allowed in a state-funded unit. The Department had long operated on the premise that school districts might provide programs for the G&T but were not required to do so. Regulations of the SBOE set forth minimum standards school

districts had to meet in order to use state special education unit funding for programs for the G&T. In 1994-1995, approximately 70 of the 1,560 state-funded special education units served G&T pupils.

The SDOE requested an opinion from Nevada's Attorney General as to whether local school districts were required, by either Federal or state law, to provide gifted and talented students with programs that are different from the district's general educational program. Although the Attorney General's opinion was not completed prior to the completion of the this subcommittee's study of education, the opinion was subsequently issued (see Appendix D) and noted that a local school district is not mandated by State law to serve the G&T in a manner different from the general educational population; however, if a school district chooses to have a special program for G&T students and receives special education unit funding apportioned for that purpose, it must meet minimum standards set forth in regulation for such programs.

After hearing testimony about the need for clear statutory language to require special educational programming for G&T students, the subcommittee recommended special programs be mandated and state unit-type funding be provided for a more narrowly-defined category of gifted pupils.

The subcommittee, therefore, recommends the 68th Session of the Nevada Legislature:

Require, by statute, that the State Board of Education adopt regulations establishing criteria to identify the exceptionally gifted and talented pupil (a pupil whose educational performance would be adversely impacted in the regular school program) and that each district be required to provide services to pupils so identified. Further, require that a unit-type funding be established, separate and in addition to special education unit funding, for services provided to these pupils. (BDR 34-290)

4. Bilingual/ESL

Background

Nevada has experienced rapid growth in the number of students who are not proficient in English. In SY 1987-1988, 2.65 percent of Nevada's students were considered to have limited proficiency in English (L.E.P.), but by SY 1992-1993, that number had increased to 5.37 percent. In recent years, some school districts have reported the number of students with L.E.P. exceeds 10 percent of the student body.

The SDOE defines students with L.E.P. as having a language background other than English and whose proficiency in English is such that the probability of his academic success in an English-only classroom is below that of an academically successful peer with an English background. Almost 85 percent of the L.E.P. students in Nevada speak Spanish.

Issues and Recommendations

Recognizing the burden pupils in need of English instruction place upon school districts, the subcommittee voted to:

Include in the subcommittee's final report a statement urging funding for bilingual and English as a second language (ESL) programs in Nevada's public schools.

5. Expanding School Time/Facility Use/Training

Background

There were several recommendations by interested members of the public that would have required significant investigation or were deemed to be outside the scope of the interim study. The members received testimony from persons who strongly supported the following:

- Extending the time students spend in the classroom by expanding the number of hours in the average school day and increasing the school year from the existing 180 days to 220 days.
- Expanding the hours school facilities are available for use beyond the traditional school day, and further expanding the usage of these facilities to the general public--examples include school computer facilities, gymnasiums, libraries, and science laboratories. Under current practices, these facilities are (for the most part) not used during the summer, in the evenings, or on weekends.
- Require school districts to fund teacher education programs by paying for college credits earned at local institutions of higher education in certain subject specialty areas as designated by the districts. Such an arrangement could help alleviate any shortages of teachers requiring specialized training.

Issues and Recommendations

Due to time constraints and existing work programs, the subcommittee members asked that these matters be the subject of an agency review by the SDOE. The subcommittee, therefore, recommends that the 68th Session of the Nevada Legislature:

Adopt a resolution urging that the State Superintendent of Public Instruction examine the proposal to extend hours of class time in public schools, extend the school year, expand the number of hours certain school facilities remain open; and provide subject-specific educational opportunities to certain teachers. (BDR R-279)

C. FACILITIES AND EQUIPMENT

The members of the subcommittee also reviewed proposals to assist school districts with capital construction needs, as well as the technological requirements for computers.

1. Computer Technology

Background

Building upon the conclusions of a previous interim study,⁹⁶ the subcommittee members endorsed the integration of computers and other technology into educational curricula as a positive and powerful enhancement of Nevada's educational system. Technology has become an intimate part of people's daily lives, both at work and home. By including computers in school, Nevada's students will be better prepared to live and work in a technologically-rich society.

Examples cited in the previous interim study bulletin ranged from the display of computer-enhanced reports from elementary school children, to the use of computers for communication between schools and students' homes to the advantages of networking classrooms with major libraries and research centers around the Country. An additional benefit of computer-assisted instruction is that it assists a teacher in adapting the curriculum to meet each student's individual requirements.

In response to this need, a number of states have developed educational technology plans. States that had completed such plans, as of 1992, included California, Hawaii, Idaho, Nebraska, North Carolina, Oregon, and Utah.

Based upon a 1992 survey of Nevada schools conducted by the SDOE:

- Virtually all schools reported using some computers. However, many of the machines were considered old and outdated without sufficient memory for the software currently available to the schools.
- Virtually all schools report that teachers received training of some sort on the use of computers, however, the quality of the training is uneven and not always related to specific classroom instructions.
- The ratio of pupils to computers is 14.4 to one, however 63.8 percent of the machines are in computer laboratories, effectively exposing students to computers less than 1 hour per week. The ratio of students to computers used primarily for instruction is 42.2 to 1, or 34.2 percent.

Issues and Recommendations

The subcommittee recognizes the importance of providing instruction to all Nevada's pupils on the use of computers, but to accomplish that goal, school districts need money to purchase the equipment (both hardware and software), as well as provide teachers with relevant training on the use of computers as instructional aids. Each school district also should include the continuous upgrading of equipment and software in its long-range planning activities and budgetary process.

Due to the ongoing nature of this need, the members of the subcommittee declined to recommend specific requirements or direct appropriations for new equipment. The subcommittee acknowledges the importance of this issue, and voted to:

Include in the subcommittee's final report a statement urging funding for computers and staff development for computers in Nevada's public schools.

2. Capital Construction

Background

Nevada leads the other 49 states in growth in school-aged population. In addition to the new buildings necessary to accommodate this growth, many of Nevada's existing school buildings are in need of repair. School facilities have traditionally been the responsibility of local school districts; state aid is not available for building new facilities or remodeling old ones.

The subcommittee was sympathetic to the facility needs of school districts but did not support the concept of funding new construction or the refurbishment of existing buildings with state dollars. The state's bonded indebtedness is limited by the *Nevada Constitution* to 2 percent of the state's assessed valuation. In FY 1994-1995, the state's debt limit was \$523 million; however, the Clark County School District estimates it will need \$1 billion worth of new schools within the next 6 years.

The subcommittee did support earmarking a one-time "windfall" of the LSST for capital construction. The Governmental Accounting Standards Board (GASB) issued Statement No. 22 governing the treatment of "taxpayer-assessed tax revenues." This regulation requires that taxes collected by the taxpayer, such as sales tax, must be recognized within the accounting period in which they become susceptible to accrual--that is, when they become measurable and available to finance expenditures of the fiscal period. "Available," under GASB No. 22, means "collectible within the current period or soon enough thereafter to be used to pay the liabilities of the current period." The State Controller plans to implement the new rule in FY 1994-1995, which means 13 months of sales tax will be reported in FY 1994-1995 instead of 12 months.

In addition, the subcommittee reviewed the issue of excess funds from sales tax due to a favorable economy. Under current law, the LSST is 2.25 percent of the sales tax and is considered a local revenue in the Nevada Plan, which provides a guaranteed amount to the school districts. If the sales tax revenues end higher than projected, state aid decreases; if the amount is lower, state aid increases to make up the difference to provide the guarantee. It was proposed that this excess over projections likewise be directed to a capital expenditure fund.

Issues and Recommendations

Under existing law, school districts would receive the extra month's LSST revenue and state aid to the districts would be reduced by a like amount (about \$34 million) which would revert to the State General Fund at the end of FY 1994-1995. Rather than reverting the savings in the DSA to the State General Fund, school districts want to use the funds for capital construction. Since the change required under GASB No. 22 does not create additional tax revenue but only changes the timing for recognition of reportable revenues and fund balances in the state's accounting system, the subcommittee decided the funds, if they are to be spent rather than reverted to the State General Fund, should be used for one-time expenditures, not for ongoing operations.

In addition, should the state experience an excess in funds from sales tax due to a favorable economy, the excess could also be made available to the school districts for capital construction needs.

Due to the fiscal implications to the Nevada Plan that are associated with this recommendation, the subcommittee declined to recommend specific statutory changes. However, the members acknowledged the possible need for additional sources of funding for capital construction. Realizing that the Senate Committee on Finance and Assembly Committee on Ways and Means would be better able to evaluate this proposal in the context of available resources and the existing financing structure, the subcommittee voted to:

Include in the subcommittee's final report a statement urging that the Legislature examine the proposal to require that a fixed percentage of any one-time windfalls in the local school support tax revenues be provided to school districts for capital construction needs. Further, require that a letter to this effect be transmitted to the Chairmen of the Senate Committees on Finance and Human Resources and Facilities, and the Assembly Committees on Education and Ways and Means.

IV. EDUCATIONAL POLICY AND GOVERNANCE ISSUES

The subcommittee considered a number of issues relating directly and indirectly to the manner in which schools are governed. Topics included accountability, charter schools, site-based management, strategies for increasing parental involvement, and Federal mandates.

A. ACCOUNTABILITY

As policymakers and the public have become more concerned with the quality of American public education, there has been an increased emphasis on evaluating the effectiveness of the education system. During the mid 1980s and early 1990s, many states turned to system indicators--collections of statistics that reflect how well the public education systems are working. Over 40 states now require school districts to submit information that is then published in a system performance report. Several states (including Nevada) have comprehensive systems that report the information at the school level.

As reformers increasingly push for systemic changes, the role of assessment has taken on increased importance in the efforts to evaluate what does and does not work in education. Of the four recommendations listed under the general

category of accountability, three concern the need for quality data that will be meaningful to policymakers, teachers, and parents. The remaining recommendation deals with school accreditation--a key component of a comprehensive system of accountability.

1. Data Requirements

The old business adage is that you cannot manage the things that you cannot measure. According to a recent study by the SDOE, Nevada policymakers and educators at all levels feel hampered by the fact that their decisions are often made without the benefit of any data.⁹⁷

Three recommendations made by the subcommittee are directly concerned with the need for quality data with regard to Nevada's system of public elementary and secondary education. The recommendations deal with the: (1) role of the SDOE; increasing information to be reported by schools within the State's existing accountability program; and ensuring that Nevada participates in national efforts to collect information about children.

Background

Although major education reform measures have been adopted by the state within the last decade--the Nevada Proficiency Exam Program, class-size reduction, and site-based management--it is difficult to assess the effectiveness of these initiatives due to the lack of a comprehensive statewide database. At the local level, school district boards of trustees, superintendents, and even principals and teachers often make decisions concerning specific programs without data (or with possibly inaccurate data) concerning their effectiveness. In addition, the movement toward greater parental choice has fueled the need to provide school-by-school information regarding achievement scores, teacher experience, financing, and safety matters.

Some analysts have observed an erosion of public faith in schools, trust in educators, and the perceived ability to effectively control safety in schools. This distrust coincided with the rising role of Federal and State Governments in the regulation of public schools.⁹⁸ Since more and more decisions about education are being made at the state policy level, there is a greater need for meaningful, uniform data at that level which would allow for comparisons among the school districts.

a. State Department of Education

Issues and Recommendations

The SDOE (through the Superintendent of Public Instruction) has the authority to collect and report education data statewide.⁹⁹ As policymakers at all levels demand increasing amount of data, the research and evaluation functions of the Department are becoming more and more important.

The Department's Planning, Research, and Evaluation Branch conducts various research projects and administers the Nevada Proficiency Examination Program, the Nevada Competency Testing Program for Educational Personnel, the Occupational Research Unit, and the National Cooperation Statistics Program. The branch also responds to the needs of the SBOE and the State Legislature for data concerning Nevada's system of public education.

The members recognized the need for quality data as a key component of the structure of governance for Nevada's system of public education. The subcommittee, therefore, voted to:

Include in the subcommittee's final report a statement recognizing the need for quality data and other information for policymakers with regard to Nevada's system of public education and encouraging the State Department of Education to request appropriate funding levels to support the research and evaluation needs of state and local policymakers.

b. School Level Reports

Issues and Recommendations

A recent study on school-level accountability report cards suggests there is a gap between the information parents want to receive and what data school administrators think they should have.¹⁰⁰ High on most parents' lists is school safety and facility concerns. Parents and policymakers across the Country are expressing growing concern about the increase in youth violence. Parents have a fundamental interest in school safety matters and are particularly interested about incidents at their child's school.

The subcommittee received testimony from parents' groups and business representatives indicating that additional school-level information would be helpful. One area of emphasis involves methods to ensure students receive the most current educational data available and that they attain some level of

computer proficiency. While most schools now have computers, the number and ages of these devices is often unknown. There was a related concern about the age of many of the textbooks used within schools.

Although the current system for school accountability reports a number of indicators at the school level, the members received presentations from business representatives and the public recommending that additional data be collected. For example, teacher competency data is reported, but the average teacher salary at the school level is not. In addition, information about average class-size by grade, the number of children certified as requiring special education services, and, for secondary schools, the number of dropouts and "drop-ins" is not included in the report.

The subcommittee expressed concern about the effect of new requirements on school administrators when added to the already lengthy school-level report specified under the accountability law. However, a majority of the members agreed that the information would be helpful to policymakers and parents alike. The subcommittee, therefore, recommends that the 68th Session of the Nevada Legislature:

Require, by statute, that school districts provide a school-by-school measurement of school violence incidents and make a report of such incidents available to parents. Further, require that school districts improve data collecting and reporting for dropout statistics (reporting dropouts and drop-ins on a regular basis); report class size by grade by school; special education certifications and decertifications; attendance levels (class cuts); material and book shortages; number and age of computers; and average teacher salary by school. (BDR 34-281)

c. National Data

Issues and Recommendations

Nevada is one of two states not involved in the national data survey program regarding children. The Kids Count Program, funded by the Annie Casey Foundation, gathers and distributes statistical information on child and family issues in all 50 states. The foundation also funds 48 state-level Kids Count projects that provide a more detailed, community-by-community picture of the condition of children.

The members of the subcommittee agreed that additional information about the condition of Nevada's children was needed to set policy for numerous human

resources programs and services. The subcommittee, therefore, recommends that the 68th Session of the Nevada Legislature:

Adopt a resolution to be transmitted to the Department of Human Resources urging Nevada's full participation in the national "Kids Count" survey. This survey provides statistical information for the 50 states concerning selected aspects of child health and welfare matters. (BDR R-287)

2. Accreditation

Accreditation was defined as a voluntary, non-governmental process of validation designed to maintain and improve education for the children of member schools.

Background

The subcommittee received a presentation by a representative of the Northwest Association of Schools and Colleges (NASC) with regard to the topic of public school accreditation.¹⁰¹ In April 1994, Nevada had 79 schools accredited by the association.

According to the NASC, the absence of Federal regulation of schools has required states to develop their own systems of approval or to rely on accrediting associations to provide an accountability assurance service. In order for a school to be accredited, it must provide annual evidence that it is meeting the established minimum environment or opportunity-to-learn standards.

Advantages of establishing accreditation requirements include:

- Public assurance--involving minimum environments, such as physical requirements;
- Professional opportunities--relating to those involved with the accreditation process;
- Reciprocity--credits, times, grade level, and achievement scores;
- Recognition by the USDOE; and
- Credibility--transcending the state and local requirements.

States have used four structures for accrediting their public school systems. These include:

1. Dual systems of accreditation combining state and regional processes (NASC examples include Idaho, Utah, and Washington);
2. Use of only the NASC accrediting process with no defined state system (Alaska);
3. Use of separate state and regional accrediting processes within the same state (Montana and Oregon); and
4. No state system or endorsement by the state of a regional accrediting association (Nevada is the only example in the region).

Issues and Recommendations

Under an accreditation program, regional teams review the schools and perform an accreditation visit against a series of standards that are both qualitative and quantitative. Typically, schools submit annual maintenance reports and have "validation" site visits that vary from between 5 to 10 years, depending upon the regional association and the state. Since the standards are regional, Nevada's schools are judged in comparison to other states in the region. Accreditation may be withdrawn if standards are not consistently met.

The members of the subcommittee were concerned about whether there were any links between school accreditation and student outcomes. According to two studies,¹⁰² such a link does exist. One report noted specific improvements in mathematics and reading.

According to the NASC, the accreditation process does not limit the power of the State. It is a process of comparability and equity. Recognizing the need to establish mandatory standards as part of its accountability system, the subcommittee, therefore, recommends that the 68th Session of the Nevada Legislature:

Require, by statute, the accreditation of all public elementary and secondary schools in Nevada using the "dual system" utilized by other states. Such a system combines state and regional accreditation processes and standards. The State Board of Education would adopt regulations specifying State accreditation requirements in addition to those specified by the regional accreditation body. (BDR 34-292)

B. CHARTER SCHOOLS

In an attempt to facilitate change in the way schools are run, several state legislatures have created what is known as "charter schools."

Background

Charter schools allow teachers to sign a charter with their district or other policy-making authority to create their own schools. These schools generally receive waivers from most state regulations and so are free to be more innovative. In exchange for this flexibility, they must be able to demonstrate specific student achievement. Charter schools often emphasize some particular learning style or subject specialty, such as a vocational high school or Minnesota's School for the Deaf.

Minnesota was the first state to pass a charter school law (1991), and California followed in 1992. As a part of its school reform bill, Missouri passed a charter school pilot project involving three schools. Since the legislation is so recent, very few charter schools are actually operating yet.

STATES WITH CHARTER SCHOOL LAWS - 1993		
California	Massachusetts	New Mexico
Colorado	Missouri	Wisconsin
Georgia		

Since Minnesota has the longest experience with charter schools, the subcommittee reviewed this model. The program limits the number of charter schools to eight statewide. These facilities are not organized by state or local school boards but by individuals or groups. Under Minnesota law, a school board may sponsor one or more licensed teacher to operate a charter school. It can be proposed as a new school, an existing school converted to a charter school, or a school within an existing school.

A letter of intent is generated by the teachers to the prospective sponsor and must include a program description addressing one or more of the six purposes described in the charter school law: 1) improve individual learning; 2) increase learning opportunities for students; 3) use different and innovative teaching methods; 4) create different and innovative forms of measuring learning outcomes; 5) establish new forms of accountability for schools; and 6) create professional opportunities for teachers. The letter must also include

accountability provisions, a plan for administering the school, target student population, and fiscal and other policies and procedures.

Under the Minnesota model, charter schools are legal entities, organized as either cooperative or non-profit corporations. Such schools are not restrained by statutes and rules that govern school boards and school districts; they need only comply with those rules that apply specifically to them. Failure to meet achievement goals, or any other violation of the law, results in termination of the contract. Charters must be renewed after their initial terms (up to 3 years) are over. The Minnesota law specifies governance by a board of directors elected by the parents of students in the school and school officials. Transportation to and from the charter school is provided by the local school district for students residing within its borders; but for students who live outside the district, transportation is provided to and from the district's border to the charter school.

Issues and Recommendations

The national debate about charter schools centers around the issue of equity. Concerns have been raised about possible restrictive entrance requirements; access and transportation; and the potential fiscal impact upon the traditional public school systems. Since the Minnesota model appears to address these issues, the subcommittee recommends that the 68th Session of the Nevada Legislature:

Require, by statute, that Nevada adopt a program for charter schools based upon the system used in Minnesota. (BDR 34-291)

C. SITE-BASED MANAGEMENT

In the 1980s, many states and school districts began to use decentralized decision-making structures, known as "school-based" or "site-based" management.

Background

Site-based decision making is an approach to educational reform that allows an individual school to make its own decisions concerning goals, discipline policies, finances, and curriculum. A school council, which typically consists of the principal, parents, teachers, and other community members, sets the policy direction for the school. The purpose of the program is to provide more flexibility in the operation of public schools and increase the accountability of educational personnel.

Proponents of this approach argue that by increasing parental involvement and shifting policy decisions to the individual building level, schools will be encouraged to evaluate innovative educational techniques and will direct resources in an efficient manner to address the particular needs of the facility. The 1993 Legislature enacted two measures relating to site-based management:

- **Senate Bill 91**,¹⁰³ which authorizes the board of trustees for each school district to establish rules concerning school-based decision making for public schools within the district.
- **Assembly Bill 290**,¹⁰⁴ which requires the State Board of Education to establish a pilot program to evaluate the feasibility of transferring the responsibility of public school management decisions to administrators, staff members, and parents at individual schools. The Board is required to designate 10 public schools to participate in the pilot program. The measure requires the SBOE to submit a report regarding the pilot program to the Legislative Commission.

Issues and Recommendations

As of November 1994, only the Carson City School District had adopted a formal policy pursuant to S.B. 91 concerning site-based management. Other districts, such as Washoe and Clark, have their own shared decision-making policies in place and have extended some degree of autonomy to individual school sites. Several programs, especially those in the larger school districts, appear to emphasize decentralization of decision making to the school site through increased autonomy to school principals.

Other than the policy adopted by the Carson City School District, there appears to have been little effort to establish formal mechanisms to include parents and community leaders in the decision making process at each school site on a district-wide basis. The members of the subcommittee endorsed the goals behind site-based management while expressing concern about the pace of implementing the 1993 legislation. The subcommittee, therefore, voted to:

Include in the subcommittee's final report a statement urging faster implementation of Nevada's school site-based management law. Further, encourage school districts to include parents and community members in decision making at the local site level and at all other levels.

D. PARENTAL INVOLVEMENT

It is commonly held that increased parental involvement in children's education improves student achievement and bolsters public understanding and support for education.¹⁰⁵ A presentation to the subcommittee by the ECS provided an overview of parental involvement strategies.¹⁰⁶

Background

According to the ECS, research has concluded that the achievement level of a child can be predicted by the following census factors:

1. The education level of the parents;
2. If the child lives in poverty; and
3. If the child lives in a single-parent family.

Many experts have concluded that the most effective type of program initiating parental involvement are those which raise the education or literacy level of the parents. Some reform approaches to parental involvement address the needs of both the parent and the child.

Other methods of promoting parental involvement include programs such as charter schools, open enrollment, or other situations that lead the parent to make an active choice. By mid-1993, nine states had passed charter school legislation, which allows schools to be opened and operated by persons or groups of businesses other than local school districts. This approach allows a higher level of accountability and more flexibility in matters of discipline. Indicators show that student achievement increases measurably in programs that place a significant amount of attention on parental involvement. Charter schools are discussed in greater detail in an earlier section of this report.

An alternative concept attempts to influence parental involvement through increasing parent responsibility. A situation of forced involvement is created when laws and regulations are established that hold a parent accountable for their child's inappropriate actions or behavior. In a few states, parents are fined for such occurrences (e.g., weapon violations, truancy) and, in certain states, payment is required to retake failed classes.

At the district level, parental involvement can be increased by:

1. Granting leaves of absence for teachers' conferences or participation in schools activities;
2. Mandating that schools remain open to parents at all times;
3. Establishing school advisory or accountability committees;
4. Setting statewide goals to increase parental involvement; or
5. Requiring parents to sign contracts spelling out their responsibility with the school and their child.

Additionally, several states have endorsed the parent's right to exclude their child from controversial classes or issues they would prefer be taught at home.

Although site-based management is effective in increasing parental involvement, the majority of parents still are not active participants. Other methods with a broader effect include the use of bilingual newsletters and funding for voice mail systems. This last option, along with other telephone upgrades, helps give teachers and parents quick and easy access to one another.

Issues and Recommendations

While a number of parental involvement strategies had already been addressed by the subcommittee (including charter schools and student discipline issues), the members agreed that local school districts should be encouraged to review existing policies and programs to promote increased parental involvement. Further, the members noted that a statement of legislative support for the goal of increased parental involvement would help focus the attention of Nevada's educators on the topic. The subcommittee, therefore, recommends that the 68th Session of the Nevada Legislature:

**Adopt a resolution directed to the boards of trustees for each school district expressing the importance of parental involvement for increasing a pupil's success in school and setting a statewide goal of increasing parental involvement in Nevada's public schools.
(BDR R-282)**

E. MANDATES

In FY 1992-1993, Nevada received approximately \$68 million in Federal funds, representing 6.8 percent of the total statewide school revenue base. This amount represents categorical aid for certain optional and mandated Federal programs. While states may choose not to be involved with the optional programs, the mandated requirements can be quite costly, especially when they are not accompanied by program-related Federal funding.

Background

In general, Federal mandates can cost a state up to 25 percent of its annual general fund budget. A 1992 survey by the Louisiana Legislative Fiscal Office found that in 13 southern states alone, Medicaid mandates carried a \$1.9 billion price tag in FY 1991 and \$1.5 billion in FY 1992. In addition, there is rising concern within state governments that the trend to try to balance the Federal budget will result in an increasing shift of programs to the states.¹⁰⁷

Almost 20 bills intending to address the mandate problem were introduced in the 102nd Congress; by July 1994, 49 such bills had been introduced in the 103rd Congress. Some of these measures addressed weak points in existing law, requiring, for example, that cost estimates for bills affecting state and local governments be made later to allow for amendments during the legislative process, or that debate on a bill be stopped if it comes to the floor without a cost estimate.

Under current law, the U.S. Congressional Budget Office is required to provide a fiscal estimate for legislation with a state and local impact greater than \$200 million per year. The estimate is required when the bill is referred to the appropriate congressional committee. Other bills call for full reimbursement of state and local expenditures for Federal requirements while some propose that state and local governments be exempt from Federal mandates unless money is provided. Another piece of legislation suggested reallocating Federal and state responsibilities for various programs.

Issues and Recommendations

Several Federal education mandates affect state government, especially requirements concerning special education and education for children with disabilities. Although technically a state "option," various court cases have forced all 50 states to serve children with disabilities under IDEA.

The original Federal law authorized a payment formula to the states to be based upon 40 percent of the national average expenditure per pupil multiplied by the number of handicapped children receiving special education and related services. When the law was enacted in 1975,¹⁰⁸ a timetable was established whereby the amount authorized by the Federal Government would gradually increase to cover the 40 percent average per pupil expenditure target. Although these authorizations were implemented, Congress never made the associated appropriation at the full amount. As a result, states were reimbursed at 8 to 10 percent of the average per pupil expenditure. While school districts are still expected to provide the mandated level of services to these pupils, they must make up the difference between the amount appropriated and the actual cost from state and local revenues.¹⁰⁹

Other Federal laws also have had an impact upon Nevada's system of public schools. Federal occupational health and safety requirements have forced many school districts to perform costly asbestos abatement programs, with little or no financial assistance. Title IX of the Federal Educational Amendments Act of 1972, which prohibits program discrimination on basis of sex, forced many school districts to increase costs to equalize scholastic and athletic opportunities for all students. Finally, it appears as though the Americans with Disabilities Act will require schools to increase access within school buildings for persons with disabilities.

Concerns were also raised about possible future requirements under the Goals 2000 Program. Although the program is currently voluntary, critics warn that future funding for all categorical programs may be linked to state adoption of the new national education standards. The members expressed concern with regard to current and future requirements imposed upon the states by the Federal Government. The subcommittee, therefore, recommends that the 68th Session of the Nevada Legislature:

**Adopt a resolution urging the United States Congress and the Federal Government to fully fund all Federal education mandates.
(BDR R-278)**

V. ISSUES RELATING TO PUPILS AND STAFF

The subcommittee reviewed a series of recommendations directly affecting pupils and school district staff. Specific recommendations were considered relating to school safety; collaborative services; teacher training and other personnel issues; and occupational education and other work force preparation matters.

A. SCHOOL SAFETY

As noted in the previous section, many parents are concerned about safety issues involving their child's school. This concern arises from a growing national awareness of the problems associated with youth violence.

Background

Violence and the threat of violence are escalating in many of the Nation's public schools. Many teachers and students experience intimidation and fear of violence every day. According to a 1994 brief by the National Conference of State Legislatures, nearly one in four students and one in 10 teachers have been victims of violence; about 3 million crimes occur on or near school property each year; and approximately 135,000 guns are brought into school every day.¹¹⁰ Teachers report student assaults upon themselves and upon other students; weapons in schools; gang disruptions; racial or ethnic attacks; as well as shootings, knifings, and drive-by shootings.

1. Alternative Schools

Issues and Recommendations

Because the causes of school violence are complex, states are trying a variety of solutions, including: alternative schools; conflict resolution and peer mediation programs; strengthening truancy and expulsion laws; and penalties for carrying weapons on school property. Alternative schools offer students who are in danger of dropping out various opportunities to stay in school. They may be campus programs, schools within schools, separate facilities, or community programs. Through a smaller, more focused learning environment, alternative schools serve students with discipline or academic problems, or even long-term absences. Such schools often provide difficult students with a second chance.

Alternative programs for disruptive pupils share some characteristics that make them successful. These characteristics include:

- Direct supervision for all activities;
- Mandatory counseling for students of parents;
- Daily attendance and progress reports; and
- High standards and expectations of performance.

The subcommittee learned that the two largest school districts in Nevada offer a variety of alternatives for violent or disruptive pupils. The first level of alternatives involves detention within the school itself; Clark and Washoe Counties offer alternative high schools for a number of disruptive and at-risk youth; juvenile detention centers in certain counties also provide education for other offenders; and the youth training facilities at Elko and China Springs are at the far end of the continuum of services for such students.

Since the demand for such alternatives is increasing, and because some counties and school districts have a limited range of services, the members of the subcommittee determined that the state agencies involved need to take an in-depth look at existing services and current and future needs. The subcommittee, therefore, recommends that the 68th Session of the Nevada Legislature:

Require, by statute, that the State Department of Education and the Division of Child and Family Services jointly study the continuum of educational services available to violent and disruptive pupils in Nevada. Further, these agencies must report to the 1997 Legislature concerning the existing structure within each school district and the State and any recommendations. (BDR R-273)

2. Additional Strategies

Issues and Recommendations

According to testimony by a representative of the ECS, school safety issues have become a state concern rather than a district one, due to what was termed a "critical mass" of violence and gun control issues infiltrating the schools. Methods used earlier by school districts to ensure their students' safety are no longer adequate.¹¹¹

States are addressing school safety through a variety of strategies, including: boot camps and other alternative programs; conflict resolution programs; discipline; gun control; judicial responses; parental responsibility programs; safe-school emphasis; suspension and expulsion; and truancy enforcement. Several states require that school officials and law enforcement agencies cooperate in the prompt reporting of violent incidents on or around school property.

The ECS also testified that research now indicates small districts and small schools have fewer problems with violence than larger ones. The consolidation of services is the result of the trend toward cost-effective, centralized services of the past 2 decades, but it may not prove beneficial over the long term.

Problems of increased drop-out rates and violence demonstrate the need to revert back to facilities of modest size. The subcommittee also reviewed information about an alternative school in Colorado which offers a streamlined program (with an academic focus) to disruptive students, at half the price of other schools in the district. The school, operated by Englewood School District, has been designated one of the Colorado School Board's Schools of Excellence.

While they acknowledged the need to address the problem of school violence, the members of the subcommittee recognized the varying levels of need among the state's 17 school districts. Rather than establish broad, statewide programs, the subcommittee endorsed a policy of addressing these matters at the local school district level. The subcommittee, therefore, voted to:

Include in the subcommittee's final report a statement urging the adoption of the following strategies to address school safety:

- **Law enforcement should provide police reports to the principal on a timely basis concerning incidents off school grounds committed by school pupils if the Juvenile Master is of the opinion that the school administrator should be so notified.**
- **Establish the maximum size (student population) of schools.**
- **Larger school districts should provide alternative schools for violent pupils based upon the Colorado district's streamlined program (no band, no athletics, smaller facility).**

3. Discipline Codes

Issues and Recommendations

The members of the subcommittee also reviewed information concerning the approach used by Akron, Ohio, schools to identify specific punishments for a detailed list of inappropriate behaviors. The chart presented in Appendix E of this document indicates whether the authority to impose a punishment is mandatory or discretionary.

Various members of the subcommittee asserted that the existing statutory provisions concerning student discipline may be too vague. There have been numerous complaints by parent groups about the inconsistent enforcement of discipline and the uneven application of school district rules and regulations in this regard.

The members endorsed the concept of providing clear definitions and punishments for specific offenses. However, the subcommittee also agreed that due process procedures should be in place to govern this kind of disciplinary proceeding. The subcommittee, therefore, recommends that the 68th Session of the Nevada Legislature:

Require, by statute, the revision of Nevada's expulsion and suspension rules for violent or disruptive students to provide clear definitions and behavioral requirements for school districts to follow using the Akron, Ohio, School District policy as a model and allowing for due process in such proceedings. (BDR 34-280)

B. HEALTH AND SCHOOL-LINKED SERVICES

"School-linked services" refers to the practice of providing social, health, and other support services at the school site or in school-linked locations. Such a system is also described under a broader proposal, like collaborative services or coordination of comprehensive services.

Background

A number of state and local governments are looking at coordinating comprehensive services for children and families using the neighborhood school as the focal point of the delivery system. While linkages between various services can be created within other institutions, schools appear to be the most accessible, appropriate, and accountable entities for establishing a collaborative service structure. Schools are viewed by the public as a positive institution and a key presence within the community. The neighborhood school is usually viewed as one of the few community-based facilities that is approachable and non-threatening to families.

1. Structural Considerations

There is also a great deal of variation concerning how the interagency collaboration itself is structured and implemented. Nationally, the actual coordination of services has taken many forms:

- Integration of programs - a school and social service agency link-up to deliver a particular service or range of services;
- Co-location - nurses, social workers, and other professionals are brought into the school and have a continuing physical presence at the facility;

- Community coordinating council - a council that cuts across mental health, social services, education, and employment is appointed at the local level to create a youth policy and integrate services; and
- Case management - a teacher and social worker team up to help an individual student obtain needed services.

Activities in Other States

The role of the states has been largely to facilitate the interaction between agencies. This facilitation has taken two basic forms:

- Legislation to create or allow the creation of interagency councils; and
- Legislation mandating interagency cooperation for specific site-based programs.

The first approach mandates a process; the second imposes a structure.

The interagency cooperative model coordinates state policy through interagency systems that seek cooperation among agencies to address children's social and educational needs. State examples include:

- **California** - in 1991, California adopted legislation which requires the state to join local efforts to develop a comprehensive and collaborative service delivery system, involving the school districts in this effort. The program includes state agencies on youth corrections, child development, and education, and further authorizes a mechanism to increase integrated case management.
- **Massachusetts** now requires the departments of social services, youth services, and mental health to earmark between 1 and 2 percent of their total budgets for services in school-based centers.
- **New Jersey's** "one stop shopping" approach offers counseling, health services, and employment referrals in or near public schools. School-based youth services programs serve at-risk teenagers at 29 sites statewide. Services include primary and preventive physical health care, mental health services, job counseling, and recreation.
- **Texas** - a 1993 law allows a county juvenile board or other governmental agency concerned with children in a school district to establish or finance a school-community guidance center.

- **Utah** - in 1993, the Utah Legislature enacted a measure establishing a state council for children and youth at risk and requiring the establishment of local interagency councils. The state council is further required to expand the existing youth at risk and early intervention program to schools, to make the program collaborative, and to establish certain goals. The initiative also establishes a case management team.

The second approach taken by states is to mandate the placement of specific services, usually targeted toward high-risk schools. Examples of comprehensive services include:

- **Florida** - in 1990, Florida enacted legislation establishing full-service schools, which provide a central point for interagency services for children at risk of needing medical and social services. Companion legislation established the Florida "first start model schools" as an interagency effort to provide services including child care, parent education, and high school and literacy instruction.
- **Iowa** - has developed a program that provides funds for school-based youth services at middle or high schools that have a high incidence of teen pregnancy, juvenile delinquency, substance abuse, and mental illness. The program requires that job training, employment, mental health, family counseling, and primary health care services be provided in or near the schools.
- **Kentucky** - the new school reform act created family resource centers that offer health and social services for students and their families in low income schools. Services include preschool and after school child care, parent education, case management, and counseling for drug and alcohol abuse.

Other states have implemented specific services at the school site, such as child care or adolescent services. Examples include:

- **Oregon's** program to extend preschool hours and offer before- and after-school care.
- **Wisconsin's** commission recommendations for better coordination of schools and service agencies to provide child care and education.

The states of **Arkansas, Delaware, Florida, and New Mexico** all have programs which provide school-based health services to adolescents at or near the school site.

Characteristics of effective programs include:

1. The ability of participating agencies to change how they deliver services to children and families and how they work with each other.
2. Program planning and implementation that is not dominated by any one institution--schools or health or social services agencies.
3. The provision of comprehensive school-linked services tailored to the needs of individual children and their families.
4. The redirection of current funding to support the new collaboration by each agency participating in school-linked service efforts.
5. A policy of parental involvement that supports the family as a whole.
6. A data collection component to gather information about what is attempted and achieved and at what cost.
7. The ability of the school-linked service effort to respond to the diversity of children and families.¹¹²

Issues and Recommendations

Key issues identified by Sidney Gardner for the Center for the Future of Children include: the need for systemic change within the schools and other child-serving agencies; targeting of services; interagency financing arrangements; developing meaningful evaluations; Federal and state leadership in promoting such models; and examining alternatives to school-linked services.¹¹³

Key debates center around whether or not schools should be associated with collaborative services, and, if so, what form it should take. Those in favor of the practice argue that children whose basic needs are not met do not do well academically. More and more children arrive at schools who are: poor; newly-arrived immigrants with little or no history of formal schooling; from single or even no-parent households; or the children of a teenage parent.

Those opposed to this approach argue that our Nation's schools spend an excessive amount of time on social services and should concentrate instead upon academic instruction. The focus should be upon schools as an academic

institution, not as social service convenience stores. Others oppose specific services--the most controversial being school-linked health services for adolescents.

The form of collaboration with the least controversy focuses upon targeting efforts toward elementary schools in low income areas to provide access for parents and students to social service agencies. The Washoe County School District has one such school. The subcommittee received testimony from representatives of the Family Focus Center, which is located and operated at the Glenn Duncan Elementary School, in Reno, Nevada. The facility provides a range of social services to parents and children and is the only collaborative services model in Nevada.

The members agreed that this approach had the potential to provide needed services while assisting the academic mission of the schools. However, concerns were expressed about whether the model represented a reallocation of personnel or an expansion of services. The members voted to test this model on a limited basis in certain high-risk elementary schools. Recognizing that a small amount of "seed" money would be needed to encourage the necessary coordination of service agencies, the subcommittee, therefore, recommends that the 68th Session of the Nevada Legislature:

Provide, by statute, an incentive grant program, administered by the State Department of Education, for the implementation of school-linked services in certain high-risk elementary schools. This term refers to the practice of providing social, health, and other support services at the school site or in school-linked locations. (BDR 34-286)

2. Nutrition

Over 25 million of the nation's 50 million school children eat meals provided by their schools. Nutrition experts have long called in question the nutritional value of those meals.

Background

For many years, the U.S. Department of Agriculture (USDA) has received criticism for providing those students receiving free or government-subsidized lunches with food high in fat and low in nutrition. The current meal pattern has been in place for nearly 50 years; it requires that each meal include meat or a meat substitute, milk, fruit, vegetable portions, and bread or a bread substitute. Critics have argued that the meals are high in fat and salt and promote

unhealthy dietary habits among school age children. According to a survey conducted by the USDA, in the 14 years the department has provided dietary guideline, less than 1 percent of the schools have met them.

Issues and Recommendations

In June 1994, the USDA announced that it had a plan to make school lunches healthier by 1998. The department's plan is based upon nutrient analysis of the food. The new approach would require schools to analyze the nutrient content of their foods and ensure that students would get no more than 30 percent of their calories from fat, and no more than 10 percent from saturated fat. Sodium content would also be reduced.

The plan was opposed by the American School Food Service Association. Representatives argued that the nutrition requirements should be guidelines and that the nutritional analysis required would impose an undue burden upon schools. The opponents of the plan estimate that it will cost each school \$2,500 to conduct the nutrition analysis. Initial estimates show it would cost approximately \$860,000 in Nevada.¹¹⁴

The USDA, independent of this proposal, has been increasing the amount of fresh food and vegetables purchased by the government for the schools. While the subcommittee agreed with the concept of providing nutritious meals, the members stated that the most effective action by the Legislature would be to encourage the use of nutritious practices at the local level. The subcommittee, therefore, recommends that the 68th Session of the Nevada Legislature:

Adopt a resolution urging school districts to change the present school breakfast-lunch program to focus upon a healthy, low-fat, low-sugar, high-fiber diet. (BDR R-289)

C. PERSONNEL ISSUES

The members of the subcommittee also considered a series of recommendations dealing with teacher training and other personnel matters.

1. Teacher Training

One often overlooked component in education reform involves teacher training and professional development. Teachers will need high-quality training before they begin to teach and during their teaching experience to adapt to various reform efforts. This may require changes in the way colleges train teachers and in professional development opportunities.

Background

Teachers entering the profession out of college are often unprepared for the realities of teaching. The role of the teacher may now include not only teaching, but also assisting in school administration; integrating needed social services; learning new teaching and assessment methods; handling increasing violence; incorporating community resources; and using current technology, among other tasks. Teachers are also being asked to learn more about the workplace and available occupations to better advise and prepare students for jobs and careers. Teachers are perceived as being at the center of restructuring and reform, and as such, will require additional training.

Many institutions of higher education are beginning to adapt to these changing demands upon teachers by developing courses to more adequately prepare students for the reality of today's schools. Professional development opportunities, for teachers currently in the classroom, provide a way for teachers to keep in touch with innovative programs and new teaching ideas. It gives current teachers a chance to sharpen their skills and focus on their professionalism with in-service training, lectures, projects, workshops, and conferences.

Various strategies are being employed by schools to increase teacher professionalism. More experienced teachers can mentor new teachers to help build confidence and support. Professional development schools provide teachers with access to the best available research information and allows them to act in a collegial manner. Such programs also encourage teachers to do research in their own classrooms. In addition, linkages between higher education and elementary-secondary schools are being forged or strengthened to provide additional professional support and cooperation. Many reformers consider this linkage to be a critical component of any plan to implement systemic reform.

a. Archaic Statutes

Issues and Recommendations

Following a report by the fiscal advisory group, the subcommittee examined NRS 385.190, "Conferences of teachers and administrators; expenses." This section of law is considered archaic; it requires the Superintendent of Public Instruction to plan and conduct teachers' and school administrators' conferences throughout the State. It further specifies a time limit for the length of such meetings, and limits the expense to \$8,400. The subcommittee was informed that these provisions are obsolete, the funding level no longer practical, and

such matters best left to the local school districts and the education community at large.

The subcommittee agreed that the provisions of NRS 385.190 are no longer needed. Further, in requesting the repeal of this statute, the members asked that a statement of intent be included that the conferences described in the repealed section would be matters better left to the education community. The subcommittee, therefore, recommends that the 68th Session of the Nevada Legislature:

Repeal NRS 385.190. This section of law requires the Superintendent of Public Instruction to plan and conduct teachers' conferences and school administrators' conferences throughout the State. The law specifies a time limit of 5 days per conference, and caps the total expenditure for all conferences at \$8,400 per biennium. Further, add a statement in the report that it is the subcommittee's intent that the conferences described in the repealed section would be matters better left to the education community. (BDR 34-272)

b. Interacting With Parents

Issues and Recommendations

Increasing the involvement of parents in the education of their children has been the focus of many reform efforts. Parents are a child's first teachers and remain influential in the teaching process during the school years. New teachers often lack the interpersonal skills needed to communicate effectively with students' parents to address any academic concerns and encourage continued parental involvement. The subcommittee agreed to encourage UCCSN to establish courses, or continue existing courses, that would focus on instructing teachers to interact with parents. The members concluded that students would benefit from educators being trained to be effective facilitators.

The members of the subcommittee agreed that such skills were important. While the UCCSN's Colleges of Education already incorporate these practices within the teacher education curriculum, the members agreed that a resolution emphasizing the importance of such training was warranted. The subcommittee, therefore, recommends that the 68th Session of the Nevada Legislature:

Adopt a resolution urging the University Colleges of Education to train students regarding methods for dealing with parents. (BDR R-283)

c. Students With Disabilities

Issues and Recommendations

A measure (S.B. 153) was considered late in the 1993 Legislative Session that, as amended, would have required all new graduating teachers to be trained to teach children with disabilities. Under current practice, only special education teachers are required to receive any training in this regard. The amended form of the bill would have required 3 credit hours of training concerning the instruction of persons with disabilities.

Advocates of the measure argued that such training had been required in the past. They noted that regular classroom teachers need this background more than ever since increasing numbers of children with disabilities are being included in regular classrooms. The training would allow teachers the opportunity to address the learning needs of all students, helping students with differing learning styles to succeed in school. Additionally, the training would serve to further assist teachers who are not specialists in the field in identifying children with potential learning disabilities.

Those opposed to the bill expressed concerns about mandating this requirement for all teachers and making it a condition of licensure. The burden of compliance would then rest with the teacher.

Although amendment to the measure would have addressed many of these concerns, the bill was considered late in the legislative session. Other portions of the measure were enacted within another bill; however, the provision relating to teacher training was not passed.

The members of the subcommittee agreed that the concept had merit and should be placed again before the entire Legislature for consideration. The subcommittee, therefore, recommends that the 68th Session of the Nevada Legislature:

Require, by statute, that teachers possess adequate knowledge concerning the instruction of persons with disabilities in a regular classroom and concerning laws relating to such children. The Commission on Professional Standards in Education is required to specify required courses of study to meet this requirement. (BDR 34-284)

d. Professional Development Schools

Issues and Recommendations

A professional development school is a partnership between a K-12 public school and a teacher training institution. Such a collaboration serves to strengthen teaching as a profession by making the school site a supportive environment for continuous learning and development of teachers as professionals.

A professional development school typically has two functions. First, there is often a specific focus on improving the preparation and induction of new teachers. Instead of the common reality gap between university course work, student teaching, and a "sink-or-swim" first job, the professional development school provides a bridge from academia to the realities of the workplace. This connection is made through such methods as: having university faculty working at the school site; a preparation course at the site; collaboration between the university and the school's master teachers; and internships for beginning teachers at the school so that they receive support through the critical early years of teaching.

The second function of professional development schools involves the benefits provided to veteran teachers. Experienced teachers benefit from the shift in focus by the whole staff to one of continuous learning and development. Not only do veteran teachers serve as mentors to their novice colleagues, they engage with university educators in research on teaching and learning; ask and answer research questions; test theories; develop effective practices; and expand the knowledge base of teaching for themselves and the profession.

Characteristics of successful collaborations include: mutual self-interest, common goals, trust, and respect; shared decision making; clear focus; a manageable agenda; commitment from top leadership; fiscal support; long-term commitment; a dynamic nature; information sharing; and ease of communication.

There are alternatives to developing professional development schools other than maintaining a formal link with a university. Schools can become professional practice schools, where educators engage in classroom inquiry and collaborative research to address the questions and solve the problems they face at the school site. This type of action research makes the process of school improvement more systematic and allows the profession to benefit from what is learned.

Another approach involves the formation of professional development networks around common issues or school improvement initiatives. The members of the subcommittee received testimony from the Far West Laboratory concerning how such networks might work in the state.¹¹⁵ One option Nevada could consider involves the creation of a network of schools engaged in research on the class-size reduction initiative. In networks, schools learn from each other's investigations and support one another in deliberate inquiry about what works. A network on class size could provide teachers an opportunity to share strategies for improving outcomes for students in small classes. Universities could provide support by sponsoring workshops and providing technical assistance to schools participating in these networks.

The members of the subcommittee also learned about plans to relocate Paradise Elementary School in southern Nevada to a suite on or near the campus of the UNLV. Plans call for integrating this school as a professional development or laboratory school operated jointly by the Clark County School District and UNLV. When these plans are realized, the Paradise Elementary school will join four other professional development schools in Las Vegas that form the teaching partnership between UNLV and the school district.

The members of the subcommittee supported the concept of professional development schools and expressed its desire that this model be encouraged, where possible, throughout the state. The subcommittee, therefore, recommends that the 68th Session of the Nevada Legislature:

Require, by statute, that the State Board of Education create a program to encourage school districts to establish professional development schools--such a program provides teachers with access to the best available research information and allows them to act in collegial manner. The program also encourages teachers to do research in their own classrooms. (BDR 34-285)

2. Collaborative Strategies for K-12 and Higher Education

Background

Education reformers argue that time and the current needs of society have blurred the distinctions between the services provided by the public schools and higher education. However, many within the education community think there is a clear dichotomy of purpose between the two. Initiatives in other states, along with Federal legislation, are attempting to build in collaboration.

A review of state reform legislation and current discussions about collaboration focus upon three general areas for potential alignment of effort:¹¹⁶

- Defining high standards for educational achievement and designing assessments that measure student attainment towards the standards. Issues include integrating new teaching methods into undergraduate education and changing admission requirements. Universities have concerns about admitting students under alternative assessment systems or ungraded curriculum. The trend at the university level is to increase academic standards.
- Building the capacity of schools and postsecondary education institutions to support high educational standards. This includes improving teacher preparation and professional development, as well as strengthening curriculum in schools and postsecondary institutions. It also means changing the incentive structures for faculty in colleges and universities to involve them more directly in schools. Elementary and secondary educators would like to see more emphasis upon providing prospective teachers with the techniques needed to support changes taking place in schools. University educators would like to establish outcomes standards, such as competence expectations, for classroom teachers.
- Coordinating K-12 and higher education to support student achievement through, for example, funding incentives; joint support programs; and data collection. Such activities as the creation of coordinated governance structures; the shared use of distance learning equipment, and networks would be included under this topic.

Potential areas of collaboration are listed in a 1994 report titled "Building Collaborative Education Systems: New Roles for State Education and Higher Education Agencies," by the State Higher Education Executive Officers. A list of 12 potential areas for joint review are included as Appendix F of this report.

After more than a decade of reform effort following the 1983 report, *A Nation at Risk*, states have found educational change to be a difficult goal. One realization by policymakers is that higher education should be included in the reform loop. Examining the way teachers are prepared is a major concern. Elementary and secondary schools struggling to restructure may be handicapped in their efforts by the arrival of an estimated 120,000 new teachers each year, many of whom come from teacher education programs that operate aloof from growing public demand for reform.

The ECS reviewed teacher education reform proposals, interviewed state policymakers, and produced a series of recommendations to improve policy linking teacher education with elementary-secondary reform efforts. Dr. Calvin M. Frazier describes these linkages in his report, *A Shared Vision: Policy Recommendations for Linking Teacher Education to School Reform*. An executive summary of the document is contained as Appendix G of this report.

Dr. Frazier presented his findings to the subcommittee and provided an explanation of each of the recommendations.¹¹⁷ During that presentation, he provided charts representing the current and proposed system of teacher education system (Appendix H).

Issues and Recommendations

The subcommittee also received presentations from representatives of the SDOE and the UCCSN with regard to current collaborative efforts within the State. Many of the current cooperative programs involve the Tech Prep Program for vocational education. The program encompasses the final 2 years of secondary school and includes the first 2 years of postsecondary instruction leading to an associate degree and a 2-year certificate.

Beginning in 1993, Nevada has had several K-16 councils operating primarily in Northern Nevada. Goals of the councils include developing skills that prepare students for effective life-long learning in educational settings. Other objectives of the K-16 councils entail:

1. The collection of data regarding student academic success; and
2. Articulation of, and building community support for, specific goals and strategies.

The subcommittee heard testimony from business leaders and educators in both elementary and secondary and higher educational communities supporting these councils. One problem with the current work force involves business costs to retrain newly-hired employees, including college graduates. The new employees need to be taught to:

- Think critically;
- Develop continuity in their thought process;
- Apply mathematics and science to their work; and

- Communicate effectively.

Through the efforts of one of the K-16 councils to address this need, UNR is developing a system wherein all courses will require a specific amount of writing to improve communication skills. Secondly, mathematics will be integrated into the process of the every subject. Such collaborative efforts have the potential to benefit both the community and the educational institutions involved.¹¹⁸

The members of the subcommittee agreed that education reform issues should be coordinated between the two sectors of education. Further, information about current efforts by Nevada's K-16 councils indicated that this structure seemed to be encouraging collaboration. The subcommittee agreed to request draft legislation to implement the package of recommendations contained in Dr. Frazier's report, while at the same time expressing its support for the continuation of Nevada's K-16 councils. The subcommittee, therefore, recommends that the 68th Session of the Nevada Legislature:

Require, by statute, the implementation of policy recommendations for linking teacher education to school reform. These recommendations are as follows:

- a. The State Legislature should adopt statutory provisions declaring it to be the State's intent that institutions of higher education and the public schools shall collaborate in the preparation of teachers so that all new teachers shall be prepared to support and enhance school restructuring.**
- b. The State Legislature should clearly designate the party or parties responsible for directing the "simultaneous renewal" of teacher education and school restructuring. The Legislature should define the roles and responsibilities of each party and provide the structure to guide the working relationships of the various entities, i.e., the State Department of Education, the University and Community College System of Nevada, the local school districts, and the individual institutions of higher education.**
- c. The Commission on Professional Standards in Education should set standards for the basic-skill levels, teaching performance, and knowledge base expected of all candidates receiving a State teaching license and indicate how it will assess or confirm these requirements.**

- d. Through standards, the State should indicate its expectation for critical conditions and programs to undergird all teacher education programs. Emphasis should be on the collaborative efforts expected from institutions of higher education and the local school districts and those conditions that are absolutely essential to the preparation of teachers in meeting State licensing standards.**
- e. The State should see the beginning teacher's induction period as an integral part of the teacher preparation sequence. The State should express its expectation that the same collaborative effort involving arts and sciences faculty, pedagogical experts, and school district personnel which began in the early stages of the teacher preparation program be continued through at least the first year of teaching.**
- f. As part of a comprehensive teacher education program, the State should require recertification programs related to individual teacher needs and advancement of school and district needs and objectives.**
- g. The State should adopt funding mechanisms for establishing the components of a comprehensive teacher education and school renewal program. In doing so, State funding practices should be recognized as being a powerful vehicle for retarding or stimulating institutional change.**
- h. The State should adopt a plan for evaluating the effectiveness of the teacher education system by which teachers are prepared to serve the schools of the State. This means a periodic review of the legislative structure, the validity and contribution of the standards set, the relationship of the teacher education system to other staff development efforts, and the adequacy and use of the resources invested.**

Further, encourage collaborative councils, such as the "Washoe K-16 Council," as a mechanism for implementing systemic educational review and reform. (BDR 34-293)

3. Counselors

The subcommittee also considered a recommendation to increase the number of school counselors in Nevada.

Background

Counseling traditionally meant little more than having a guidance counselor to discuss all the necessary courses to take in high school and assist with college admission needs. It was largely focused upon college-bound students. By the late 1980s, counseling had begun to take on an expanded role. Some educators believe that children, especially at-risk children, need long-term guidance to achieve their potential. Many schools hired elementary school counselors. This trend ran parallel to the expansion of roles that were once the exclusive province of homes, neighborhoods, and religious institutions--they hired drug counselors, grievance counselors, and health specialists.¹¹⁹

A common concern among counselors is that there are not enough of them. Many have caseloads of 400 to 500 students, making it all but impossible to offer adequate individual help. Nationally, a school of 800 students is fortunate to have one counselor. Increasing pressures to trim school budgets may reduce the numbers of counselors even further, as school districts look for places to save money.

Issues and Recommendations

During the 1991 Session, the Nevada Legislature considered two measures concerning school counselors--Assembly Bill 718 and Assembly Bill 268. Assembly Bill 718 would have established a ratio of pupils to counselors in public school from Kindergarten through grade 12; the measure died in the Assembly Committee on Ways and Means. The second piece of legislation, A.B. 268, provided for the development of programs to aid students at risk of dropping out of school and to prevent substance abuse; this measure was enacted into law as Chapter 632, *Statutes of Nevada 1991*. The measure made a special appropriation to accomplish this expansion and funding to continue the positions (approximately \$1 million per year) remains within the SDOE's School Improvement Budget Account.

The members of the subcommittee received testimony from concerned parents' groups requesting that additional school counselors be hired, sufficient for each elementary school in the state to have at least one present at the school site. The members of the subcommittee, while recognizing the limitations of funding, agreed that this issue was an important one that should be emphasized. The subcommittee, therefore, voted to:

Include in the subcommittee's final report a statement urging the Legislature to provide sufficient funds for at least one counselor in each public elementary school in Nevada.

D. WORK FORCE PREPARATION

The committee reviewed additional recommendations concerning occupational education and work force preparation issues.

1. Occupational Education

During its work session, the members of the subcommittee considered two recommendations relating to occupational education. Both proposals originated with an earlier interim study about the topic, and each has been considered by previous Legislatures.

In 1987, the 64th Session of the Nevada Legislature adopted Senate Bill 165.¹²⁰ The measure directed the IFC to conduct an interim study to determine the appropriate methods of funding occupational education in Nevada. The subcommittee issued a series of recommendations designed to restructure Nevada's system of occupational education. In 1989, the Legislature adopted several of the subcommittee's proposals, and the 1991 Session enacted legislation incorporating two and a portion of a third of the study's four major recommendations involving significant appropriations and program restructuring.

The two components that were considered, but not adopted, concerned:

- Appropriating funds for the enhancement of occupational education in grades 9 through 12; and
- Establishing and funding a program in home and career skills for all pupils in grades 7 or 8.

The 1993 Legislature also reviewed these two components, but took no action.

a. Funding for the Enhancement of Occupational Education

The first of these recommendations proposes funding for school districts to support the "excess" cost of occupational education programs. A base grant of \$25,000 is provided to each school district, with the remaining amount to be distributed by a formula which recognizes Nevada's educational financing system (the Basic Support Per Pupil Formula), as well as occupational education enrollment.

Background

The 1988 interim legislative study found that occupational education programs cost an additional 52 percent above other academic programs. The total "excess" cost reported in 1987-1988 was \$8.8 million. The current recommendation would guarantee 25 percent of the total 1987-1988 excess cost to school districts which operate occupational education programs. The dedicated fund is expected to provide school districts with resources to maintain and improve high school occupational education programs giving local school administrators the resources necessary to implement the State Board of Occupational Education's "Course of Study for Occupational Education."

This course of study recognizes standards or criteria under which occupational education programs are to be maintained and improved. These standards will include local business- and industry-validated curriculum; revised curriculum, including applied academics (mathematics, science, and communications skills); employment skills (cooperative behaviors, work ethics, and problem solving); and so on, all related to the technology associated with the occupation. Under these standards, pupils will be prepared to enter community colleges and other post-secondary programs. Each student will be provided with an individualized certificate listing academic, employment, and technical skill competencies.

The 1988 study subcommittee also concluded that the current funding mechanism does not provide adequate support to guarantee that all Nevada pupils have access to quality occupational education programs. Current methods of financing education in Nevada put the existence, improvement, and maintenance of occupational education programs at risk. This situation occurs because of competing priorities at the local level regarding "elective" programs--especially high-cost elective programs such as occupational education.

The 1988 subcommittee concluded that the current system of funding was ineffective and that occupational education has not had the resources to move it from the so-called "smokestack" manufacturing orientation to a curriculum that addresses the needs of a post-industrial society. That body proposed:

- Requiring the State Board of Occupational Education to establish standards for occupational education classes and programs;
- Establishing a separate fund to enhance occupational education;
- Providing a formula for distributing funds from the account; and
- Appropriating funds to the special account.

According to testimony before the 1991 Legislature, funding for this proposal could be used for hiring additional instructors, purchasing occupational equipment and instructional materials, or the renovation or remodeling of occupational learning laboratories.

Issues and Recommendations

Although the 1991 Legislature approved the creation of the fund and the requirement that the State Board for Occupational Education establish standards for programs, no funding was provided. In addition, the program standards were established by the board, based upon the *Nevada Business Plan for Education*, but are elective, since funding was not provided. As of November 1994, no funds had been deposited to the Special Occupational Education Fund.

While the members recognize the limits on funding, this program is part of the integrated strategy for Nevada's occupational education program; as a result, the subcommittee agreed to submit the funding proposal to the 1995 Legislature for reconsideration.

The subcommittee, therefore, recommends that the 68th Session of the Nevada Legislature:

Appropriate funds (\$2,252,781 for each year of the 1995-1997 biennium) for the enhancement of occupational education in grades 9 to 12. The money is to be used to establish classes in grades 9 and 10 on occupations in general, and to improve occupational classes for pupils in grades 10, 11, and 12. The money shall be distributed to the districts according to a formula using a base allocation and proportional enrollment. (BDR 34-277)

b. Home and Career Skills for All Pupils in Grades 7 or 8

The second occupational education recommendation involves establishing and funding a program in home and career skills for pupils in grades 7 or 8. As noted in the previous section, this proposal originated with an earlier interim study about the topic, and has been considered by previous legislatures.

Background

The 1988 subcommittee was told that in order to prepare for the future, pupils would need instruction to develop:

- Skills that lead to effective decision making, management, and problem solving;
- Concepts and skills basic to family and home responsibilities; and
- Personal skills which will enhance employment and employment retention potential.

A new program of "home and career skills" was proposed that would assist adolescents living in a society of constant change and improve their quality of life by preparing them to meet their present and future responsibilities as consumers, family members, home managers, and wage earners. Citizens need to be able to benefit from experience, make sound decisions, manage resources, solve problems, and think constructively. The proposed program is based upon:

- Process skills - Pupils receive information concerning decision making, leadership and management skills, and problem solving which are applicable to all areas of daily living.
- Personal development skills - Pupils apply decision making skills to learn about themselves, their individual lives, and their relationships with others.
- Personal and family resource **management** - Pupils apply their decision making and management skills to the resources in the world around them, including how they dress, how and what they buy, what they eat, and where they live.
- Career Planning - Pupils begin to make decisions and solve problems related to tentative career directions.

The program is expected to use a "hands on" experiential approach so that knowledge and principles are applied in a planned sequential manner. Community involvement, real life tasks, and simulations would make the program both interesting and relevant. The 1988 legislative subcommittee concluded that a program based upon these objectives would be needed by all pupils if Nevada is to prepare its youth for future decisions related to both career and personal goals.

During the 1991 Legislative Session, Assembly Bill 103¹²¹ carried most of the remaining occupational education proposals made by the 1988 subcommittee. However, as the bill moved through the legislative process, nearly all of the funding and the formula for distribution for occupational education in grades 9 through 12 were removed from the measure. The program structure, the requirement for standards, and the provision establishing a specific fund for occupational education were retained.

According to testimony before the Assembly Committee on Ways and Means (May 30, 1991), advocates for the occupational education program agreed to these amendments to A.B. 103 in order to retain a component that started the new occupational education program in the middle school grades; in exchange, expansion of the program to grades 9 through 12 would be delayed until a future session. During the 1993 Legislative Session, three pieces of legislation were introduced to complete the program (A.B. 215, A.B. 216, and A.B. 288). Due to budget considerations, these measures were not enacted.

As mentioned earlier, although the 1991 Legislature approved the creation of the fund and the requirement that the State Board for Occupational Education establish standards for programs, no funding was provided. As of November 1994, no funds had been deposited to the Special Occupational Education Fund.

Issues and Recommendations

The members recognized that certain funding priorities exist; however, since the recommendation is part of an integrated strategy for Nevada's occupational education program, the subcommittee agreed to submit it to the 1995 Legislature for reconsideration.

Funding for the current recommendation is the same amount as was requested in 1991 and was provided by the SDOE. The proposal requests \$12,180 for 113 total seventh and eighth grade classrooms for one-time equipment costs--a total appropriation of \$1,376,340.

The subcommittee, therefore, recommends that the 68th Session of the Nevada Legislature:

Require, by statute (and provide a one-time appropriation of \$1,376,340 for fiscal year 1996), that the State Board of Education adopt regulations to establish a course of study relating to home and occupational skills. The course would be offered in the seventh and/or eighth grade and would instruct students in skills relating to

making decisions, solving problems, and management and leadership. Students would learn to apply these skills in all areas of daily living. (BDR 34–276)

2. High School Completion

The members of the subcommittee also considered recommendations concerning persons in the work force who have not completed high school.

Background

Over the past several years, the Nation has experienced periods of economic difficulty. Productivity growth has declined, and trade and budget deficits have risen. A growing number of United States industries are less competitive than they were in the recent past. But most importantly, the American work force has had to address the problems of marginal employment opportunities and expanding educational needs.

Human resources are essential ingredients in economic competition. Yet, the American work force may not be prepared for the new competitive challenges. Shortages are developing in critical skills. According to the Committee for Economic Development—an independent research organization of over 200 business executives and educators—American business will soon confront a severe employment crisis. Current projections point to a serious labor shortage in only a few years.

Issues and Recommendations

A number of employers hire workers who have not completed high school, although this practice has been declining. The high school diploma remains the minimum standard for nearly all employment, even many of the lowest-skilled jobs. After numerous studies, the consensus of liberal, conservative, business, and public policy leaders alike is that the current and future needs of the American economy call for a well-educated work force. Policies of this nature do, however, require the active support of the business community to ensure that this goal can be met.

Dropping out of school is not an irrevocable action. The problem of dropouts in this Country would be even greater if a substantial share of them did not later complete high school, often within a short period of time after dropping out. Nearly half of the dropouts from the sophomore class of 1980 had completed high school by 1986, within 4 years of their expected graduation date. Approximately two-thirds of drop outs who later complete high schools do so by

obtaining an equivalency credential, such as the GED (General Education Development) credential.¹²²

Persons wishing to obtain their diploma or GED may encounter difficulties in balancing their employer's immediate workplace needs with their own future prospects. Employers should be encouraged to provide motivated workers who do not have a diploma with a reasonable amount of scheduling flexibility to pursue a high school level education. Workplace policies, in general, should encourage and assist employees who wish to reenter the system to complete their high school education.

The subcommittee agreed upon the importance of obtaining a high school diploma or GED to both the individual and the employer. Although certain dropout prevention programs have been shown to be effective, this strategy focuses upon students currently in school. The members of the subcommittee indicated that while prevention programs were important, efforts also should be focused upon the often overlooked group of dropouts--those currently in the work force. The subcommittee, therefore, recommends that the 68th Session of the Nevada Legislature:

Adopt a resolution to be transmitted to the Nevada members of the National Federation of Independent Businesses, the Nevada Resort Association, the Nevada Restaurant Association, and the Chambers of Commerce for each incorporated city in Nevada, urging employers to develop policies that will actively encourage and assist their workers to obtain a high school diploma or certificate of high school equivalency. (BDR R-288)

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55. NRS 386.010; 386.4154, *et seq.*; 388.537; 388.550, *et seq.*; 386.355; 386.390; 386.420, *et seq.*; 386.410; and 386.415.
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VIII. CREDITS

The following is a listing of the names of persons who appeared before the subcommittee:

Legislators

Assemblywoman Vivian L. Freeman, Assembly District No. 24, Washoe County.

Higher Education

William N. Cathey, Associate Vice President for Instruction and Undergraduate Programs, University of Nevada, Reno.

Robert A. Hoover, Vice President for Academic Affairs, Public Services Division, University of Nevada, Reno.

Danny Gonzales, Research Analyst, Office of the Chancellor, University and Community College System of Nevada.

Elementary and Secondary Education

Lynn Bennett, President, Nevada Parent Teacher's Association.

Jan Donnelly, At-Risk Coordinator, Washoe County School District.

John Gascue, Assistant Superintendent, Washoe County School District.

Robert S. McCord, Director of Governmental Affairs, Clark County School District.

Rose McGuire, Program Coordinator, Family Focus Center, Glenn Duncan Elementary School (Reno).

Lezlie Porter, Member, Washoe County School Board.

Shannon Ward, Teacher, Glenn Duncan Elementary School (Reno).

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Charlotte Curtis, Consultant, Chapter I Office, State Department of Education.

Mary L. Peterson, Deputy Superintendent of Public Instruction, State Department of Education.

Bob Ranney, Nevada Family Academy.

Keith Rheault, Director Occupational and Continuing Education, State Department of Education.

John Sarb, Administrator, Division of Child and Family Services.

David Smith, Evaluation Consultant, State Department of Education.

National or Regional Associations

Kathie Christie, Education Commission of the States.

Beverly Farr, Far West Laboratories for Educational Research and Development.

Nikola Filby, Far West Laboratories for Educational Research and Development.

Calvin M. Frazier, Senior Consultant, Education Commission of the States.

David G. Steadman, Executive Secretary-Treasurer, Northwest Association of Schools and Colleges.

Business/Public/Other

Ray Bacon, Nevada Manufacturer's Association.

Sandy Coyle, Citizen.

Marcia Garcia, Nevada Parents Coalition.

Janine Hansen, President Nevada Eagle Forum.
Leanora Hedrick, Nevada Parent Coalition.
Sherri Lakin, Parent.
Robert Lewis, Businessman.
Mike McGriff, Citizen.
Jason S. Planck, Citizen.
Lucy Ray, National Association of Social Workers, Nevada Chapter.
Wanda Rosenbaum, Nevada Parent Coalition.
Jeanne Simons, Parent.
Julianne Spendlove, Citizen.
Pamela Triplett, Parent.

Fiscal Advisory Group

The following are the names of individuals who served on the fiscal advisory group:

Mike Alastuey, Associate Superintendent, Business and Finance Services, Clark County School District.
Marcia Bandera, Director of Instruction, Elko County School District.
Wade Johnson, Comptroller, Lyon County School District.
Rick Kester, Director of Business Services, Douglas County School District.

Kenneth H. Lords, Superintendent, Humboldt County School District.
Roger Means, Director of Governmental Relations, Washoe County School District.
Robert J. Scott, Superintendent, Carson City School District.

State Department of Education Staff:

Gloria Dopf, Director of Special Education.
Doug Thunder, Director of Fiscal Services.
Linda Smith, Program Assistant.

Legislative Counsel Bureau Staff:

Jeanne Botts, Program Analyst, Fiscal Analysis Division.

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APPENDIX A

Senate Concurrent Resolution No. 52
(File No. 166, *Statutes of Nevada 1993*)

Senate Concurrent Resolution No. 52—Committee on Legislative
Affairs and Operations

FILE NUMBER.....166

SENATE CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct an interim study to examine the structure and financing of public elementary and secondary education in Nevada.

WHEREAS, The structure of the system of public elementary and secondary education in Nevada was designed at the turn of the century and may not meet the needs of the residents of this state as they participate in today's global economy; and

WHEREAS, Many national, state and local proposals to reform elementary and secondary education take a piecemeal approach rather than examining broad-based structural reform; and

WHEREAS, The existing educational structure and any proposed changes to that structure are linked to school financing frameworks; now, therefore, be it
RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CON-
CURRING, That the Legislative Commission is hereby directed to conduct an interim study of the structure and financing of public elementary and secondary education in Nevada; and be it further

RESOLVED, That the study include a review of the present system of elementary and secondary education, as well as proposed reforms of that system locally and nationally; and be it further

RESOLVED, That the committee consist of:

1. Four members of the Nevada Legislature, appointed by the Legislative Commission, from whom the Legislative Commission shall appoint the chairman of the committee;

2. The Superintendent of Public Instruction; and

3. The Dean of the College of Education for the University of Nevada, Reno, or his designee;

and be it further

RESOLVED, That the results of the study and any recommended legislation be submitted to the 68th session of the Nevada Legislature.

APPENDIX B

The Nevada Plan

THE NEVADA PLAN

The *Nevada Plan* is the means used to finance elementary and secondary education in the State's public schools. The State develops a guaranteed amount of funding for each of the local school districts, and the revenue which provides the guaranteed funding is derived both from State and local sources. The guaranteed funding contributes approximately 75 to 80 percent of General Fund resources available to the school districts of the State. Nevada Plan funding for the districts consists of State support received through the Distributive School Account¹(DSA) and locally collected revenues from the 2.25-cent Local School Support Tax (sales tax) (LSST) and 25 cents of the Ad Valorem Tax (property tax).

To determine the level of funding for each district, a Basic Per Pupil Support Rate is established. The rate is determined by a formula that considers the demographic characteristics of the districts. In addition, transportation costs are included using 85 percent of the actual historical costs adjusted for inflation according to the Consumer Price Index. A Wealth Adjustment, based on a district's ability to generate revenues in addition to the guaranteed funding, is also included in the formula.

In each district, the Basic Per Pupil Support Rate is then applied to the number of students enrolled. The official count for apportionment purposes is taken in each district on the last day of the first school month. The number of kindergarten children and handicapped 3- and 4-year-olds is multiplied by 0.6 and added to the total number of all other enrolled children, creating the Weighted Enrollment. Each district's Basic Per Pupil Support Rate is multiplied by its Weighted Enrollment to determine the guaranteed level of funding.

To protect districts from decreases in enrollment, *Nevada Revised Statutes* contain a "hold harmless" provision. If a district's enrollment decreases, the guaranteed level of funding is based on the prior year's enrollment figures.

An additional provision assists districts that experience significant growth within the school year. If a district grows by more than 3 percent but less than 6 percent after the first school month, a growth increment consisting of an additional 2 percent of basic support is added to the guaranteed level of funding. If a district grows by more than 6 percent, the growth increment is 4 percent.

¹The Distributive School Account is financed by legislative appropriations from the State's General Fund and other revenues, including a 2.25 cent tax on out-of-state sales, an annual slot machine tax, mineral land lease income, and interest from investments of the Permanent School Fund.

Special Education is funded on a "unit" basis, with the amount of per unit established by the Legislature. A "unit" includes the full-time services of licensed personnel providing a program of instruction in accordance with minimum standards prescribed by the State Board of Education. Special education funding is provided in addition to the Basic Per Pupil Support Rate.

Local districts also receive funding through the Nevada Plan for Adult High School Diploma Programs. The maximum funding for Adult High School Programs in the school districts and in the State's prisons is established by the Legislature.

Source: Fiscal Analysis Division, Legislative Counsel Bureau

Nevada Plan Example--Summary

To understand how the system works, follow the steps in the example on the following page. The count of pupils for apportionment purposes (1) is the number of children enrolled on the last day of the first school month in regular or special education programs, except that each kindergarten pupil and handicapped or gifted and talented child under the age of five is counted as six-tenths of a pupil. In instances of declining enrollment, the previous year's enrollment is used. This weighted enrollment figure is multiplied by the basic support guarantee per pupil for the school district for that school year (2) to determine the school district's basic support (3). Next, the number of special education units maintained and operated by the district that year is multiplied by the amount per program unit established for that school year (4), and the product is added, along with an amount for adult high school diploma programs (5), to basic support to obtain the school district's total basic support (6). This product is the amount of funding guaranteed to the school district from a combination of state and local funds.

Revenue received by the school district from the 2.25 percent LSST and 25 cents of the property tax (7) is deducted from the school district's total basic support to determine the amount of state aid the district will receive (8). If local revenues from these two sources are less than anticipated, state aid is increased to cover the total basic support guarantee. If these two local revenues come in higher than expected, state aid is reduced. The difference between total guaranteed support and local resources is state aid, and it is funded by the DSA. Sources of revenue "outside" the formula are summed (14) and added to total guaranteed support (6) to determine the school district's total available resources (15).

THE NEVADA PLAN - AN EXAMPLE

The following example illustrates the guaranteed funding process based on the revenue of a hypothetical district and, in addition, shows other revenue outside of the guarantee, making up the total resources included in an operating budget.

BASIC SUPPORT GUARANTEE

DISTRICT EXAMPLE

1.	Number of Pupils (Weighted Enrollment ²)	\$ 5,500
2.	x Basic Support Per Pupil	<u>3,000</u>
3.	= Guaranteed Basic Support	<u>\$16,500,000</u>
4.	+ Special Education Allocation (35 units @ \$26,000 per unit)	\$ 910,000
5.	+ Adult High School Diploma Program (capped amount determined by Department of Education)	<u>4,000</u>
6.	= Total Guaranteed Support	<u>\$17,414,000</u>
7.	- Local Resources	
	2.25-cent Local School Support (sales) Tax	(\$ 7,500,000)
	25-cent Ad Valorem (property/mining) Tax	<u>(2,500,000)</u>
8.	= State Responsibility	<u>\$ 7,914,000</u>

RESOURCES IN ADDITION TO BASIC SUPPORT:

9.	50-cent Ad Valorem (property) Tax	\$ 4,000,000
10.	Motor Vehicle Privilege Tax	200,000
11.	Federal Revenues	150,000
12.	Miscellaneous Revenues	10,000
13.	Opening and Fund Balance	<u>150,000</u>
14.	Total Resources in Addition to Basic Support	<u>\$ 4,510,000</u>
15.	Total Resources Available (line 6 + line 14)	<u>\$21,924,000</u>

²Weighted Enrollment includes six-tenths the count of pupils enrolled in kindergarten, six-tenths of the count of handicapped 3- and 4-year-olds, a full count of pupils enrolled in grades 1 through 12, and a full count of handicapped minors age 5 and over receiving special education.

APPENDIX C

*Nevada Elementary and Secondary Schools
Revenue Reference Manual*

Nevada Elementary and Secondary Schools

Revenue Reference Manual

1994

Fiscal Division

Legislative Counsel Bureau

August 15, 1994

MEMORANDUM

TO: Interested Persons

FROM: Jeanne L. Botts, Program Analyst
Fiscal Analysis Division *JLB*

SUBJECT: Nevada Elementary and Secondary Schools Revenue Reference Manual

The Revenue Reference Manual attempts to identify most revenues Nevada school districts might receive and to categorize revenues as either state, local, or federal. Each of the major revenues is described, and the agency that administers the revenue program is identified. Legal references are provided to assist in identifying the legal authority for the revenue. Catalog numbers from the Catalog of Federal Domestic Assistance are supplied for federal aid.

To give an idea of the amounts of revenue involved, Table 1 attempts to match dollar amounts with each revenue source for fiscal year 1992-93. Amounts combined as "other local sources" or "other federal support" were reported as such by school districts, and no detailed breakdown of those amounts is readily available.

I hope this manual will be useful for school district personnel, staff of the Department of Education and other state agencies, students of school finance, legislators, lobbyists, school board members, and citizens. To facilitate updating after each legislative session, the manual has been designed in a loose-leaf format. I would appreciate your suggestions and comments on ways to improve the manual.

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Figure 1

GOVERNMENTAL SOURCES OF SCHOOL REVENUES

State of Nevada, FY 1993, All Funds

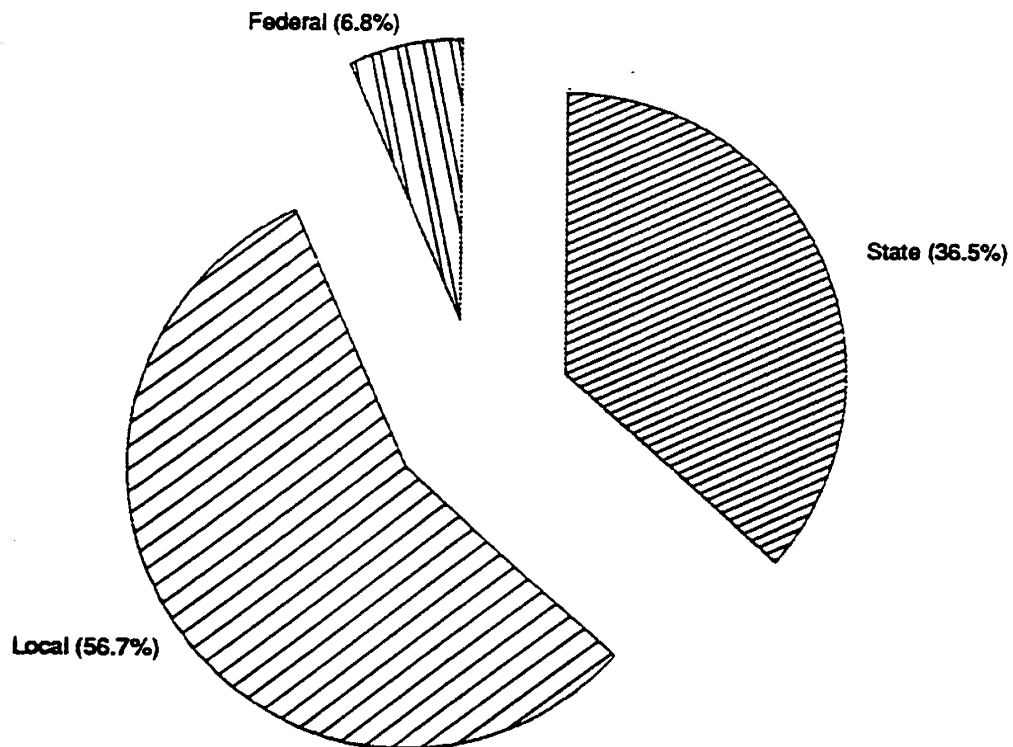
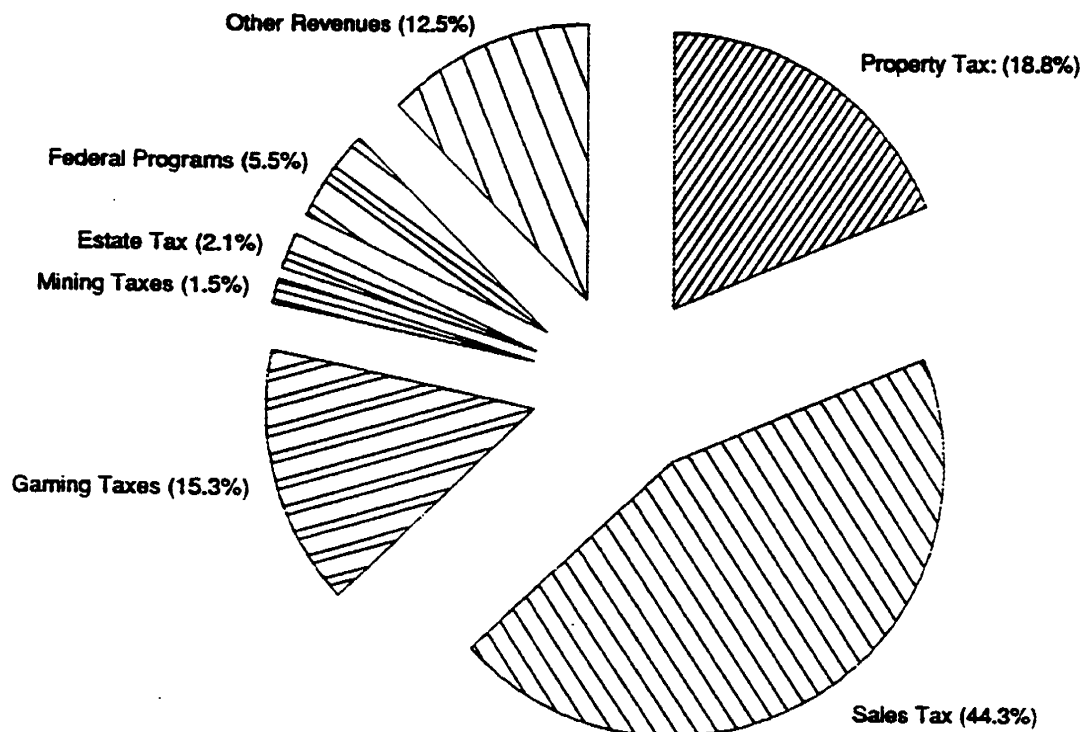


Figure 2

SCHOOL REVENUES BY MAJOR CATEGORIES

State of Nevada, FY 1993, All Funds



Sources of Funding for Public Elementary and Secondary Education in Nevada:
(Does not include Debt Service, Capital Projects or Building & Sites Funds)

Table 1

<u>Distributive School Account</u>	<u>Amount in FY 1992-93</u>	<u>Statutory Authority</u>
State General Fund Appropriation to DSA	\$298,767,705	School funding bill of each session: SB 658 in 1991 and SB 569 in 1993.
Annual Slot Machine Fee	\$27,056,869	NRS 463.385.
Local School Support Tax on Out-of-state Sales	\$27,865,375	NRS 374.015 and 374.785.
Federal Mineral Land Leasing Revenue	\$8,430,806	NRS 328.450 through 328.470 and 30 U.S.C. 191.
Interest from Permanent School Fund	<u>\$3,245,590</u>	NRS 387.030 and Art. 11, Sec. 6, Nevada Constitution.
Total Distributive School Account	\$365,366,345	
Note: NRS 375B.400 - .410 requires 50 percent of generation-skipping transfer tax to be deposited in the state general fund for support and maintenance of schools, but no money has been collected to date.		
<u>Local School District Revenue</u>		
Property Tax (75 cents per \$100 of assessed value)	\$183,410,218	NRS 387.195. Tax on net proceeds of minerals (NRS 362.170) included.
Local School Support Tax (2.25% sales tax)	\$316,545,603	NRS 374.110 and 374.190 (rate); 374.785 (distribution).
Motor Vehicle Privilege Tax	\$25,419,144	NRS 482.181.
Franchise Tax	\$1,170,419	NRS 709.230.
Tuition Charged to Other States or Districts	\$3,462,921	NRS 392.010.
Interest Earned By Local School District	\$4,152,470	NRS 355.170 and 387.195.
Other Local Sources:	\$1,898,161	
Revenues generated by school districts, such as income from activities, sale of property, donations, lunch sales, services provided to other governments, rent, rebates and reimbursements.		
Also includes: 50% of motorboat registration fees.		
Potentially, revenue might be derived from the following sources:		
Air Pollution fines		NRS 445.546 and 445.601.
Pesticide fines		NRS 555.470.
Fines for non-conforming motor fuel		NRS 590.071.
Sales of baggage left at hotels, motels, etc.		NRS 108.500.
Sales of property left at child care facilities.		NRS 108.515.
Sales of livestock left at feedlots.		NRS 108.550.
Law library fund when discontinued.		NRS 380.190.
Road district fund when discontinued.		NRS 404.040.
Fines against county treasurer or auditor for failure to perform required duties.		NRS 387.220.
Fines against county recorder for failure to preserve the county's newspapers.		NRS 247.070.
Federal Support (Unrestricted use):		
Payments in Lieu of Taxes	\$3,863,197	P.L. 81-874, assistance to districts impacted by Federal activities.* NRS 386.355.
Forest Reserve Revenue	\$203,583	NRS 354.140 and 16 USC 500.
Other Federal Support	<u>\$80,092</u>	
Total Local School District Revenue	\$540,205,808	

Sources of Funding for Public Elementary and Secondary Education in Nevada: (continued)

<u>Special Revenue Funds</u>	<u>Amount in FY 1992-93</u>	<u>Statutory Authority</u>
Class-size Reduction Trust Fund:		NRS 388.730 and 375A.700.
State General Fund appropriation	\$13,326,435	Class-size Reduction Act of each session: SB 653 of 1991 and SB 567 of 1993.
Estate Tax Revenue	\$21,021,501	Class-size Reduction Act of each session: SB 653 of 1991 and SB 567 of 1993. (Estate tax pledged to Trust Fund for Class-size Reduction NRS 375A.700.)
Elementary Counselors:		
State General Fund appropriation	\$972,456	AB 268 of 1991 session: General Appropriations Act of 1993 (AB 787).
Federal Chapter 1 Program for disadvantaged youth.	\$15,439,969	Elementary & Secondary Education Act of 1965, as amended.
Federal Chapter 2 Program for school improvements.	\$1,709,520	P.L. 100-297. Hawkins-Stafford Elementary and Secondary School Improvement Amendments of 1988.
Special Education Programs children with disabilities:		
School District Funds	\$681,134	
Federal Special Education Funds	\$9,470,806	P.L. 101-476. Individuals with Disabilities Education Act of 1990.
Occupational Education Programs:		
School District Funds	\$253,340	
Federal Carl Perkins Act Funds	\$4,821,585	Carl D. Perkins Vocational & Applied Technology Education Act, 1990.
Nutrition Education Programs:		
Federal Nutrition Funds	\$19,437,711	National School Lunch Program. Various federal laws.
Other Federal Categorical Programs:		
School District Funds	\$129,000	
Federal Grant Funds	\$4,463,080	Funding for English as a Second Language, drug and alcohol abuse, AIDS, teacher training, adult education and innovative programs.
Total Special Revenues	\$91,726,537	
Total All Sources	\$997,298,690	

Use of Revenue Reference Manual

This manual attempts to identify the various sources of revenue for Nevada's public elementary and secondary schools and is intended to be of use to school district employees, state agency staff, legislators, school board members, and students of school finance. To facilitate future updating, the manual has a loose-leaf format.

There has been an attempt to identify every source of funding designated for education, even some obscure ones from which most school districts have never benefited. If an unanticipated revenue surfaces, however, this manual might help school personnel identify the source.

The manual focuses on each revenue and is generally organized by fund. State-level accounts, funds and revenues are discussed in the first section. Revenue for local school districts' general funds and their special revenue funds follow. A brief description of the fund or revenue is followed with the name of the agency responsible for administering the fund or revenue, method for distributing the funds, and a legal reference. For federal funds, the catalog number from the Catalog of Federal Domestic Assistance has been provided to assist in identifying federal monies.

Sources of Funding for Nevada's Schools

Funding for Nevada's public elementary and secondary schools is derived from state, local, and federal sources. Figure 1 displays the governmental source of revenue for all school district funds, excluding Debt Service, Capital Projects, or Building & Sites Funds, received by Nevada schools in fiscal year 1992-93. Local sources contributed 56.7 percent, the state provided 36.5 percent, and the federal government supplied only 6.8 percent of funds received by local school districts.

Figure 2 differentiates revenues for Nevada schools by type of tax or other source. Sales tax, which comprised 44.3 percent of revenue in fiscal year 1992-93, is the major tax source supporting Nevada's schools. Property tax, the major source in many states, contributed 18.8 percent. Nevada's gaming industry provided 15.3 percent, and the mining industry furnished 1.5 percent. Estate tax made up 2.1 percent of the total; federal programs, 5.5 percent; and other taxes and revenues, 12.5 percent.

Table 1 displays the amounts of money received by Nevada school districts from various sources in fiscal year 1992-93. A legal reference is provided on the table for most revenues.

DISTRIBUTIVE SCHOOL ACCOUNT

I. State Distributive School Account

The State Distributive School Account is a budget account in the State General Fund from which direct financial aid is apportioned to Nevada's 17 local school districts.

One-fourth of each district's allotment for the year, less any reserve, is apportioned on or before August 1, November 1, February 1, and May 1 of each year. If insufficient funds are available in the account to make the quarterly apportionments, the State Controller may, after submitting a report to the Department of Administration (State Budget Office) and the Fiscal Division of the Legislative Counsel Bureau documenting the need for such action, pay the apportionments monthly (NRS 387.124).

The Chief of the State Budget Division, with the approval in writing of the Governor, may require the State Controller or the head of the State Department of Education to set aside a reserve in such amount as the Chief may determine to meet emergencies during each fiscal year in the expenditures of the Distributive School Account (NRS 353.225).

The Legislature determines the level of state aid for schools, and each school district's share is developed through a formula, called the Nevada Plan, which allows for differences across districts in the costs of providing education and in local wealth. A guaranteed amount of funding per pupil is developed for each school district through the formula, and this amount is set forth for each year of the coming biennium in the school funding bill of each legislative session.

The sources of revenue to the Distributive School Account (DSA) include all interest earned on the State Permanent School Fund and all money from other sources provided by law (NRS 387.030). Listed below are the DSA's revenue sources and the approximate portion of the account's total each source comprises. The following pages provide more detail for each of these sources. Additional information on the Nevada Plan is found in Appendix A.

Revenue Sources

	% of DSA
State General Fund Appropriation	82%
Portion of Annual Tax on Slot Machines	8%
Local School Support Tax on Out-of-state Sales	7%
Revenue from Mineral Leases on Federal Land	2%
Interest from the Permanent School Fund	<u>1%</u>
	100%

Administration

State Department of Education

Distribution

To each of the 17 local school districts.

Legal Reference

Chapter 387 of NRS.

A. State General Fund Appropriation

The primary source of revenue for the Distributive School Account (DSA) is a direct appropriation from the State General Fund. The appropriation to the DSA represents the largest single expenditure the State makes each year.

The appropriations for each fiscal year of the coming biennium are set forth in the school funding bill of each session and are available for either fiscal year. This means funds may be transferred from one fiscal year to the other within the biennium, but at the close of the biennium, any remaining funds revert to the State General Fund. The General Fund Appropriation may not be transferred to any other account or fund.

On or before July 1 of each fiscal year, the State Budget Division establishes the work program for the Distributive School Account for the fiscal year with the levels of revenue and expenditures authorized by the Legislature. The State Controller releases money from the State General Fund to the DSA in accordance with the approved work program.

Revenue Sources

Major sources of revenue to the State General Fund for the 1993-95 biennium, as well as a pie chart depicting the share each source contributes to the general fund, are displayed on Appendix B. Appendix C shows the State General Fund appropriations by function for the 1993-95 biennium.

Administration

State Budget Office and State Controller.

Distribution

By State Controller.

Legal Reference

School funding bill of each legislative session.

B. Annual Tax on Slot Machines

Nevada collects an annual excise tax of \$250 for each slot machine operated in the state. The tax is collected on or before June 20 of each year to license the operation of the machine for the ensuing fiscal year, but revenue from this tax is credited to the fiscal year in which the tax is due.

Administration

State Gaming Control Board

Distribution

The first \$5 million of tax collected is deposited to the Capital Construction Fund for Higher Education, and 20 percent of the tax is deposited to the Special Capital Construction Fund for Higher Education. The remainder is deposited in the DSA.

Legal Reference

NRS 463.385.

C. Local School Support Tax on Out-of-state Sales

Nevada levies a 2.25 percent sales and use tax on retail sales for the support of its local schools. The tax is collected from the retailer by the State Department of Taxation and remitted back to the county school district in which the sale was transacted. Since it cannot be returned to its county of origin, the tax on purchases made outside the state is collected by the Department of Taxation and deposited to the Distributive School Account.

Administration

State Department of Taxation

Distribution

To the Distributive School Account.

Legal Reference

NRS 374.015 and 374.785.

D. Federal Mineral Land Leasing Revenue

The state receives 50 percent (less administrative costs of the mineral leasing and royalty management program of the U.S. Department of the Interior) of all mineral receipts collected by the federal government for leases for mineral exploration and royalties paid on federal land located within Nevada.

Administration

Received from the Minerals Management Service of the Department of the Interior and distributed by the State Treasurer.

Distribution

The first \$10 million received in a fiscal year from the lease of federal lands is deposited in the Distributive School Account (DSA). Any revenue in excess of \$10 million is distributed as follows: 25 percent to the DSA; 50 percent to the counties from which the fuel, minerals, and geothermal resources are extracted; and 25 percent to the Department of Business and Industry for grants to agencies and political subdivisions for projects concerning geothermal, solar, or other alternative energy sources.

Legal Reference

NRS 328.450 through 328.470.

E. Interest from the Permanent School Fund

Article 11, Section 3, of the Nevada Constitution requires that all fines collected under the penal laws of the state, as well as all lands granted by Congress to the state for educational purposes, all estates that escheat to the state, and any proceeds from these sources be deposited to the State Permanent School Fund. Only the interest earned on these funds may be spent, and it must be spent for educational purposes. NRS 387.030 provides that the interest earned on the Permanent School Fund be deposited to the Distributive School Account (DSA).

Each quarter, the State Controller is required to prepare a complete financial report of the Permanent School Fund. The report must be submitted to the State Treasurer and the Fiscal Division of the Legislative Counsel Bureau (NRS 387.013).

Administration

State Controller

Distribution

Interest earned on the Permanent School Fund is calculated by the State Treasurer and distributed to the DSA.

Legal Reference

Article 11, section 3, of the Nevada Constitution and NRS 387.030.

PERMANENT SCHOOL FUND

II. Permanent School Fund

The Permanent School Fund was created as a nonexpendable trust fund, and therefore, the corpus of the fund must be preserved. Article 11, Section 3, of the Nevada Constitution requires all fines collected under the penal laws of the state, as well as all lands granted by Congress to the state for educational purposes, all estates that escheat to the state, and any proceeds from these sources be deposited to the Permanent School Fund. Only the interest earned on these funds may be spent, and it must be spent for educational purposes.

Each quarter, interest earned on the Permanent School Fund is transferred to the Distributive School Account to be apportioned among the 17 school districts, as required by NRS 387.030. Interest earnings amount to about \$3.5 million each year, which is less than one percent of the funding in the Distributive School Fund.

NRS 387.013 requires the State Controller to prepare quarterly reports on the Permanent School Fund, and a copy must be provided to the State Treasurer and the Fiscal Division of the Legislative Counsel Bureau for review.

Revenue Sources

Several sources of revenue for the Permanent School Fund are listed below with the corresponding legal reference:

All fines collected under the penal laws of the state. Includes fines for fish and game violations.	NV Constitution Art. 11, Sec 3.
All moneys accruing to the state from sale of lands given or bequeathed for public school purposes.	NV Constitution Art. 11, Sec 3.
Surplus on sale of unclaimed freight after charges of common carriers and warehousemen.	NRS 108.430
Surplus on sale of property after charges of bailees for hire.	NRS 108.460
Escheated estates.	NRS 154.115 & NV Constitution Art. 11, Sec 3.
Fees of the State Land Registrar.	NRS 322.160
Fines imposed by courts-martial.	NRS 412.086
Fines resulting from suits on	NRS 455.050

excavations.

All fines and penalties for violations
of criminal provisions of Unemployment
Compensation Act.

NRS 612.585

Penalties imposed on banks for failure
to make certain reports.

NRS 665.115

Administration

State Controller

Distribution

Interest earned on the Permanent School Fund is distributed to the Distributive School Account. Otherwise, the money in the fund is held in trust.

Legal Reference

Article 11, Section 3, of the Nevada Constitution.

OTHER STATE REVENUES FOR SCHOOLS

III. Other State Revenues for Elementary and Secondary Education

A. Estate Tax

Article 10, section 4, of the Nevada Constitution authorizes the taxation of estates taxed by the federal government but only to the extent of any credit allowed by federal law for the payment of state tax and only for the purpose of education.

Nevada's estate tax is assessed against the transfer of the taxable estate of a decedent who is a resident of Nevada or the property of non-resident decedents under the jurisdiction of this state. The tax is the maximum amount of the state credit against the federal estate tax which begins at 0.8 percent on adjusted taxable estate amounts between \$40,000 and \$90,000 and increases up to 16 percent on adjusted taxable estate amounts exceeding \$10,040,000; however, the amount of cumulative estate and gift taxes exempt from taxes is \$600,000. The tax is reduced by the amount of any death tax collected on the estate by another state.

Administration

Department of Taxation

Distribution

An amount is deducted from the proceeds of this tax to pay the Department of Taxation for administering the tax and to reserve funds for possible refunds. The remaining revenue is divided equally between the endowment of the University and Community College System of Nevada and the Trust Fund for Class-size Reduction administered by the Department of Education.

Legal Reference

Article 10, Section 4, of Nevada Constitution and NRS 375A.700.

B. Generation-skipping Transfer Tax

In 1989, with passage of Assembly Bill 940 (Chapter 652, Statutes of Nevada, 1989), Nevada imposed a tax on the transfer of property for which a credit on the federal generation-skipping transfer tax may be claimed.

The money collected from the tax is to be deposited in the State General Fund, accounted for separately, and expended only by legislative appropriation. The money must be used only for the purpose of education and is to be divided between the common schools and the University and Community College System for their support and maintenance.

Administration

Department of Taxation

Distribution

Even though the law became effective on July 2, 1989, the Department of Taxation reports that no proceeds from this tax have ever been received.

Legal Reference

NRS 375B.400 and 375B.410.

LOCAL SCHOOL DISTRICT REVENUES

IV. Local School District Revenue

Local revenues provide more than half of all funds for elementary and secondary education in Nevada. Property tax and the local school support (sales) tax are the major contributors at the local level, but it should be noted that local school districts have virtually no control over the revenue side of their budgets. The taxes identified as local sources are set by the Legislature. Federal revenues, mostly in the form of categorical aid, supply only a small percentage, and the state makes up the rest with state aid and state-funded categorical programs.

Revenues for school districts' general and special revenue funds are discussed below.

A. Local School District General Fund

The Nevada Plan supports about 80 percent of the operating needs of local school districts; the balance is provided by the 50-cent portion of the property tax, motor vehicle privilege tax, unrestricted federal funding, interest income, tuition, and rent.

Apportionments of state aid from the Distributive School Account are received quarterly by school districts and deposited to each district's general fund. In addition to state aid, local school districts receive funding from many sources.

I. Property Tax (Ad Valorem)

In addition to any property tax rate for debt service or "pay-as-you-go" financing of capital projects, state law requires a property tax of 75 cents per \$100 of assessed valuation for the operation of schools. Fifty cents of that amount is considered outside the state funding formula as a local revenue. The other 25 cents, however, is included inside the formula and is subtracted from the guaranteed basic support, along with proceeds of the local school support tax, to arrive at the state's responsibility.

The tax on net proceeds of minerals is included within property tax because school districts receive an amount equal to their tax rate times the net proceeds.

Administration

Property tax is collected and distributed by each county. The tax on net proceeds of minerals, however, is collected and distributed by the Department of Taxation.

Legal Reference

Article 10, Section 1, of the Nevada Constitution and NRS 387.195. For net proceeds of minerals: Article 10, Section 5 of the Nevada Constitution and NRS 362.170.

2. Local School Support Tax

The Local School Support Tax (LSST), which is 2.25 percent of the gross receipts of retail sales, is subtracted along with the proceeds of 25 cents of the property tax, from the guaranteed basic support to determine the state's responsibility.

Administration

Retailers pay the tax monthly to the Department of Taxation, and the Department returns the proceeds of in-state collections, less one percent to cover the state's costs in collecting the tax, to the school district in the county from which the tax was collected. Tax on out-of-state sales is deposited to the State Distributive School Account.

Legal Reference

NRS 374.110 and 374.190 (rate); 374.785 (distribution).

3. Motor Vehicle Privilege Tax

In lieu of a personal tax on vehicles, a statewide privilege tax of 4 cents per \$1 of the valuation of the vehicle is imposed to provide funds for the operation of local governments, including school districts. Counties also have an option to add an additional one cent for transportation projects or to recoup "Fair Share" revenue.

Administration

The motor vehicle privilege tax is paid at the time a vehicle is registered. As a commission to the state for collecting the privilege tax, the Department of Motor Vehicles (DMV) retains and deposits to the State Highway Fund 6 percent of the tax in the counties (Carson City, Churchill, Nye, Elko, Lyon, White Pine, Washoe, and Clark) in which DMV performs the registration duties and one percent in counties where the County Assessor performs those duties (NRS 482.180).

Distribution

Ninety-four percent of the motor vehicle privilege tax collected by the Department of Motor Vehicles is distributed among local governments in the county of origin. When the tax is collected by the County Assessor, 99 percent is distributed among local governments within the county. Distributions are made monthly. School districts' share of the tax is based on their 1978-79 tax rate plus the school district's current rate for debt service or its debt service rate in 1978-79, whichever is greater.

Legal Reference

NRS 482.181 and Article 10, Section 1(5) of the Nevada Constitution.

4. Franchise Tax

Counties may grant franchises to any person, company, corporation, or association to construct, install, operate, and maintain street railways, electric light, heat and power lines, gas and water mains, telephone and telegraph lines, and all necessary appurtenances along the streets of unincorporated towns and the roads and highways of the county. The applicant for a franchise must file an agreement to pay annually on July 1 of each year 2 percent of the net profits made on the public utility for which the franchise is granted to the county treasurer for the benefit of the county school district.

Distribution

The County Treasurer collects the franchise tax and remits it to the county school district fund.

Legal Reference

NRS 709.110 and 790.230; 709.270 (extensions of franchises).

5. Tuition Charged to Other States or School Districts

Local school districts may admit pupils who reside in adjoining school districts in Nevada or adjoining states and charge tuition for such pupils, but transportation costs must be paid by the district of residence. Tuition agreements between districts must be approved by the Superintendent of Public Instruction and may include payments of "reasonable amounts" to defray the cost of operation, maintenance, and depreciation of capital improvements.

Administration

Between local school districts.

Legal Reference

NRS 392.010.

6. Interest Earned by Local School District

NRS 355.170 specifies how school district funds may be invested, and Section 5 of that statute authorizes the local school board to designate whether that interest be credited to the fund from which the principal was taken or to the district's general fund.

Administration

Local school district, if district is investing its own funds.
County Treasurer, if district is in county investment pool.

State Treasurer, if district is in state pooled investment fund.

Legal Reference

NRS 355.170 specifies authorized investments and how interest is to be handled. NRS 355.168 authorizes the County Treasurer to pool local government funds. NRS 355.167 creates state pooled investment fund and 355.165, the long-term pooled investment fund.

7. Other Local Revenue Sources

This category includes numerous revenues raised by local school districts, such as income from activities, the sale of property, gifts and donations, meal sales, services provided to other governments, rents, rebates, and reimbursements. Potentially, revenue might also be realized from the following sources:

50 percent of motorboat registration fees collected and distributed by State Division of Wildlife.	NRS 488.075
Air pollution fines levied by State Environmental Commission or local air pollution control board.	NRS 445.546 and 445.601
Pesticide fines levied by State Division of Agriculture.	NRS 555.470
Fines for non-conforming fuel levied by State Board of Agriculture.	NRS 590.071
Sales of baggage left at hotels, motels, inns, boarding houses, or motor courts.	NRS 108.500
Sale of property left at child care facilities.	NRS 108.515
Sale of livestock left at feedlots.	NRS 108.550
Law library fund when discontinued.	NRS 380.190
If designated by petition, road-district fund when discontinued or at the end of year.	NRS 404.040
Fines against County Treasurer or County Auditor for failure to perform required duties.	NRS 387.220

Fines against County Recorder for failure to preserve the county's newspapers.

NRS 247.070

8. Federal Support (Unrestricted Use)

The majority of federal funding school districts receive is categorical aid, specifically limited to a given purpose. Categorical aid is not commingled within a school district's general fund but is accounted for separately in a special revenue fund. Some federal aid, however, is without such restrictions and is deposited in the school district's general fund for the general support of schools. The most notable source of federal funds with unrestricted use is the funding received under P.L. 81-874 for the impact on schools caused by federal activities.

a. Impact Aid (Maintenance and Operations) for Federally Affected Areas

Public Law 81-874 provides financial aid, called Impact Aid, to school districts where enrollments or availability of revenue are affected by federal activities, i.e., where the tax base of a school district is reduced through federal acquisition of real property or where there are a significant number of children who reside on federal lands (including Indian reservations) and/or children whose parents are employed on federal property or are in the military. Since federal property is tax-exempt, Impact Aid compensates school districts for the property tax revenues that would have helped support schools. These payments are also known as payments in lieu of taxes.

Administration

Impact Aid Program, Office of Elementary and Secondary Education, U.S. Department of Education.
CFDA # 84.041

Legal Reference

P.L. 81-874.

b. Forest Reserve Revenue (Schools and Roads)

Through the U.S. Forest Service's Schools and Roads Grants Program, receipts from the National Forests are shared with the state in which the forest is situated. Twenty-five percent of the receipts from the sale of forest products, minerals, and land use are passed on to the states.

Nevada state law (NRS 354.140) provides that all forest reserve revenues received by the state under this federal program be distributed proportionately among the counties in which the forests are located, with one half of the funds going to the county school district and the other half to the county road fund.

Administration

Forest Service, U.S. Department of Agriculture
CFDA # 10.665

Legal Reference

NRS 354.140 and 16 U.S.C. 500.

B. Local School District Special Revenue Funds

Since categorical aid from state or federal governments is limited to a given purpose and should not be commingled within a school district's general fund, it is generally accounted for separately in a special revenue fund. Most categorical aid received by school districts is for federal programs designed to meet specific needs found in schools, such as educating the disadvantaged, children with disabilities, children with limited proficiency in the English language, or those in need of free or reduced-price meals. There are also a few state-funded categorical programs, such as Nevada's Class-size Reduction Program and the Elementary School Counselors Program.

1. State-Funded Categorical Programs

In past years Nevada has provided state funds for specific uses such as school improvements or the purchase of vocational equipment. Generally these programs are authorized by the Legislature for two-year periods which correspond to the State's biennial budget. At this time, two state-funded categorical programs are operating: the Class-size Reduction Program and the Elementary School Counselors Program.

a. Class-size Reduction Program

Nevada's Class-size Reduction Program was authorized by the 1989 Legislature and began in school year 1990-91 with the reduction of pupil-teacher ratios to 15:1 in first grade and selected high-risk kindergartens. Pupil-teacher ratios were funded at 16:1 by the 1991 Legislature, and the program was expanded into second grade in 1991-92. The state's financial problems delayed the expansion of the program into third grade, which the Legislature had authorized for 1992-93. The program is currently covering first and second grades and high-risk kindergartens.

Funding for the Class-size Reduction Program comes from the Trust Fund for Class-size Reduction which is comprised of K-12 education's share of proceeds from the estate tax and appropriations from the State General Fund. Each legislative session, the Legislature authorizes expenditure of estate tax and interest from the Trust Fund for Class-size Reduction and appropriates from the State General Fund any additional funding necessary to support the program. Amounts appropriated and authorized for each year are set forth in the Class-size Reduction Act of each session.

Funds are distributed by the Superintendent of Public Instruction to the school districts on the basis of need and may only be used to pay the salary and benefits of teachers employed in order to comply with the required ratio of pupils per teacher.

Administration

Nevada Department of Education

Legal Reference

NRS 388.730 and 375A.700 (Trust Fund).

Class-size Reduction Act of each session: A.B. 964 of 1989, S.B. 653 of 1991, and S.B. 567 of 1993.

b. Elementary School Counselors Program

Assembly Bill 268 (Chapter 632, Statutes of Nevada, 1991) of the 1991 legislative session requires the State Board of Education, in cooperation with local boards of trustees, to develop programs for students in first through eighth grade to prevent dropouts and drug and alcohol abuse. The bill further specified that funds appropriated for school improvement (under the General Appropriations Act, A.B. 818, Chapter 494, Statutes of Nevada, 1991) be used to hire 22 elementary school counselors to assist in the development of the required programs. Funding was continued by the 1993 Legislature in its General Appropriations Act, A.B. 787 (Chapter 350, Statutes of Nevada, 1993).

Administration

Nevada Department of Education

Legal Reference

NRS 388.532 requires programs to be developed. A.B. 268 of 1991 specified funds appropriated for school improvement by the General Appropriations Act, A.B. 818, be used to hire elementary school counselors. A.B. 787 (General Appropriations Act) of 1993 appropriated funds to continue those positions.

2. Federally Funded Categorical Programs

Federally funded programs usually target a specific need in schools, such as students with disabilities, the disadvantaged, those with limited proficiency in English, or students in need of free or reduced-priced meals. The largest amounts of federal funds received by Nevada are for the following educational programs: nutrition education (including school lunch and breakfast), Chapter 1 for the educationally disadvantaged, special education for children with disabilities, occupational education, and Chapter 2 for school improvement. For each of the major federal programs for which school districts might receive funding, legal references and the

name of the program and catalog number from the Catalog of Federal Domestic Assistance is provided.

- a. **Chapter 1 ESEA for Disadvantaged Youth**
 Elementary and Secondary Education Act of 1965, as amended.
CFDA # 84.010 Disadvantaged youth
CFDA # 84.009 Handicapped in state-operated schools
CFDA # 84.013 Neglected and delinquent youth
CFDA # 84.011 Migrant education
CFDA # 84.213 Even Start
CFDA # 84.213 Program improvements
- b. **Chapter 2 ESEA for School Improvements**
 P.L. 100-297, Hawkins-Stafford Elementary and Secondary School Improvement Amendments of 1988.
CFDA # 84.151 Block grants for improving schools
- c. **Special Education for Children with Disabilities**
 P.L. 1011-476, Individuals with Disabilities Education Act of 1990.
CFDA # 84.027 State grants and pass-through funding for local school districts
CFDA # 84.173 Early childhood
CFDA # 84.029 Teacher training
- d. **Occupational Education**
 Carl D. Perkins Vocational & Applied Technology Education Act of 1990.
CFDA # 84.048 Basic vocational education
CFDA # 84.049 Consumer/homemaking
CFDA # 84.174 Community-based organizations
CFDA # 84.243 "Tech-Prep" programs
- e. **Nutrition Education Programs**
 National School Lunch Act of 1946, as amended.
CFDA # 10.555 School lunch
CFDA # 10.550 Commodity foods
CFDA # 10.553 School breakfast
CFDA # 10.556 Special milk
CFDA # 10.558 Child & adult day care
CFDA # 10.559 Summer food programs
CFDA # 10.564 Nutrition education
- f. **Other Federal Categorical Programs**
CFDA # 84.186 Drug-free schools and communities
CFDA # 93.118 Comprehensive health education/AIDS
CFDA # 84.164 Math, science and technology
CFDA # 17.250 Job Training Partnership Act
CFDA # 84.002 Adult education

CFDA # 84.192 Homeless adults
CFDA # 84.004 National desegregation training
CFDA # 84.003 Bilingual education
CFDA # 84.073 National Diffusion Network
CFDA # 84.196 Homeless children
CFDA # 84.162 Emergency immigrant education
CFDA # 84.249 Foreign language assistance
CFDA # 94.001 Community services

This list does not include all federal assistance available to local school districts, but it does contain federal programs for which the Nevada Department of Education is currently receiving funding and aid might be passed through to local school districts.

APPENDICES

THE NEVADA PLAN

The *Nevada Plan* is the means used to finance elementary and secondary education in the State's public schools. The State develops a guaranteed amount of funding for each of the local school districts, and the revenue which provides the guaranteed funding is derived both from State and local sources. The guaranteed funding contributes approximately 75 percent of General Fund resources available to the school districts of the State. *Nevada Plan* funding for the districts consists of State support received through the Distributive School Account¹(DSA) and locally collected revenues from the 2.25-cent Local School Support Tax (sales tax) (LSST) and 25 cents of the Ad Valorem Tax (property tax).

To determine the level of funding for each district, a Basic Per Pupil Support Rate is established. The rate is determined by a formula that considers the demographic characteristics of the districts. In addition, transportation costs are included using 85 percent of the actual historical costs adjusted for inflation according to the *Consumer Price Index*. A Wealth Adjustment, based on a district's ability to generate revenues in addition to the guaranteed funding, is also included in the formula.

In each district, the Basic Per Pupil Support Rate is then applied to the number of students enrolled. The official count for apportionment purposes is taken in each district on the last day of the first school month. The number of kindergarten children and handicapped 3- and 4-year-olds is multiplied by 0.6 and added to the total number of all other enrolled children, creating the Weighted Enrollment. Each district's Basic Per Pupil Support Rate is multiplied by its Weighted Enrollment to determine the guaranteed level of funding.

To protect districts from decreases in enrollment, *Nevada Revised Statutes* contain a "hold harmless" provision. If a district's enrollment decreases, the guaranteed level of funding is based on the prior year's enrollment figures.

An additional provision assists districts that experience significant growth within the school year. If a district grows by more than 3 percent but less than 6 percent after the first school month, a growth increment consisting of an additional 2 percent is added to the guaranteed level of funding. If a district grows by more than 6 percent, the growth increment is 4 percent.

Special Education is funded on a "unit" basis, with the amount of per unit established by the Legislature. A "unit" includes the full-time services of licensed personnel providing a program of instruction in accordance with minimum standards prescribed by the State Board of Education. Special education funding is provided in addition to the Basic Per Pupil Support Rate.

Local districts also receive funding through the *Nevada Plan* for Adult High School Diploma Programs. The maximum funding for Adult High School Programs in the school districts and in the State's prisons is established by the Legislature.

Source: Fiscal Analysis Division, Legislative Counsel Bureau

¹The Distributive School Account is financed by legislative appropriations from the State's General Fund and other revenues, including a 2.25 cent tax on out-of-state sales, an annual slot machine tax, mineral land lease income, and interest from investments of the Permanent School Fund.

THE NEVADA PLAN - AN EXAMPLE

The following example illustrates the guaranteed funding process based on the revenue of a hypothetical district and, in addition, shows other revenue outside of the guarantee, making up the total resources included in an operating budget.

BASIC SUPPORT GUARANTEE

DISTRICT EXAMPLE

1.	Number of Pupils (Weighted Enrollment ²)	\$ 5,500
2.	x Basic Support Per Pupil	<u>3,000</u>
3.	= Guaranteed Basic Support	<u>\$16,500,000</u>
4.	+ Special Education Allocation (35 units @ \$26,000 per unit)	\$ 910,000
5.	+ Adult High School Diploma Program (capped amount determined by Department of Education)	<u>4,000</u>
6.	= Total Guaranteed Support	<u>\$17,414,000</u>
7.	- Local Resources	
	2.25-cent Local School Support (sales) Tax	(\$ 7,500,000)
	25-cent Ad Valorem (property/mining) Tax	<u>(2,500,000)</u>
8.	= State Responsibility	<u>\$ 7,914,000</u>

RESOURCES IN ADDITION TO BASIC SUPPORT:

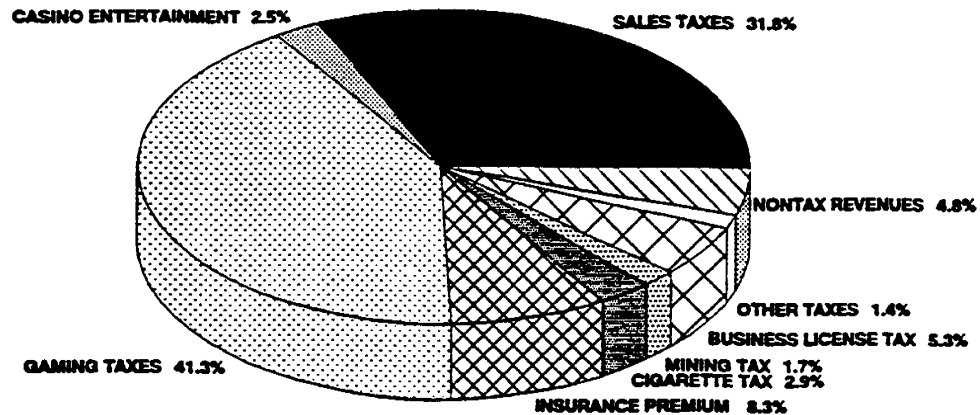
9.	50-cent Ad Valorem (property) Tax	\$ 4,000,000
10.	Motor Vehicle Privilege Tax	200,000
11.	Federal Revenues	150,000
12.	Miscellaneous Revenues	10,000
13.	Opening and Fund Balance	<u>150,000</u>
14.	Total Resources in Addition to Basic Support	<u>\$ 4,510,000</u>
15.	Total Resources Available (line 6 + line 14)	<u>\$21,924,000</u>

²Weighted Enrollment includes six-tenths the count of pupils enrolled in kindergarten, six-tenths of the count of handicapped 3- and 4-year-olds, a full count of pupils enrolled in grades 1 through 12, and a full count of handicapped minors age 5 and over receiving special education.

NEVADA GENERAL FUND REVENUES

LEGISLATURE APPROVED

1993 - 1995 BIENNIUM



LEGISLATURE APPROVED REVENUES--1993-95 BIENNIUM

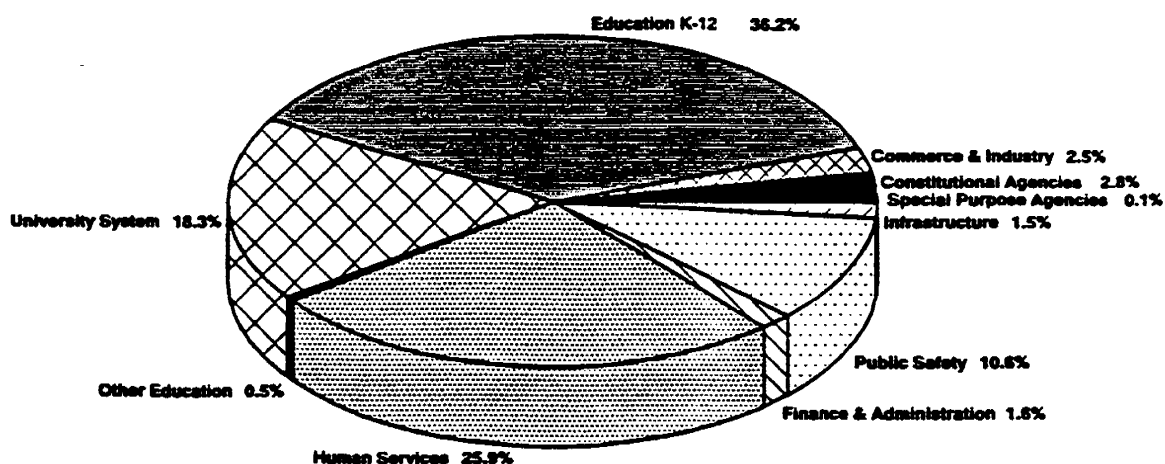
STATE GAMING TAXES	41.3%	NONTAX REVENUES	
CASINO ENTERTAINMENT TAX	2.5%	LICENSES	2.3%
SUBTOTAL GAMING TAXES	43.8%	FEES AND FINES	0.6%
SALES AND USE TAXES	31.8%	CHARGES FOR SERVICES	0.2%
BUSINESS LICENSE TAX	5.3%	USE OF MONEY AND PROPERTY	0.8%
INSURANCE PREMIUM TAX	8.3%	MISCELLANEOUS REVENUES	0.9%
CIGARETTE TAX	2.9%	SUBTOTAL NONTAX REVENUES	4.8%
MINING TAX	1.7%		
OTHER TAXES:			
LIQUOR TAX	1.2%		
TOBACCO & OTHER TAXES	0.2%		
SUBTOTAL OTHER TAXES	1.4%		
SUBTOTAL ALL TAXES	95.2%		

*Fiscal Analysis Division
September 3, 1993*

NEVADA GENERAL FUND APPROPRIATIONS

LEGISLATURE APPROVED

1993-1995 BIENNium



LEGISLATURE APPROVED APPROPRIATIONS – 1993-95 BIENNium

CONSTITUTIONAL AGENCIES	2.8%
FINANCE & ADMINISTRATION	1.6%
EDUCATION	55.0%
HUMAN SERVICES	25.9%
COMMERCE & INDUSTRY	2.5%
PUBLIC SAFETY	10.6%
INFRASTRUCTURE	1.5%
SPECIAL PURPOSE AGENCIES	0.1%

Financing School Construction

Appendix D

In Nevada, funding for school buildings and facilities is the responsibility of local school districts; state aid is not available for new buildings.

General Obligation Bonds (NRS 387.335)

The most prevalent form of financing the construction, remodeling or repair of school facilities or acquisition of sites for facilities is by the issuance of general obligation bonds of the school district. Voters must approve the issuance of bonds, and the total bonded indebtedness of a county school district must not exceed 15 percent of the total assessed valuation of the property within the county school district. For example, Clark County's total assessed valuation in 1993-94 is \$15,574,485,655; therefore, the limit on bonded indebtedness of the Clark County School District would be \$2.336 billion.

"Pay-as-you-go" (NRS 387.3285)

One alternative to bonding is the so-called "pay-as-you-go" funding mechanism whereby a county, after receiving voter approval, may levy a tax to gradually accumulate sufficient funding to enable the school district to construct, remodel, repair, or replace school facilities without issuing bonds. The "pay-as-you-go" tax is limited to 75 cents per \$100 of assessed valuation of taxable property in school districts with fewer than 25,000 pupils and 50 cents per \$100 of assessed valuation in districts with 25,000 pupils or more. Money raised from the "pay-as-you-go" tax may be used to renovate or replace the capital assets of the school district, but before any of the funds are used to construct new buildings, a majority of the voters must approve the expenditure. Elko, Humboldt, Lander and White Pine Counties are currently levying "pay-as-you-go" taxes. Most counties do not resort to this method of financing construction unless they have difficulty passing bond issues.

Fee on Residential Construction (NRS 387.331)

Another alternative for financing capital projects is available to small school districts in Nevada. In any county with a population less than 35,000, the school board may request that the board of county commissioners impose a tax on residential construction of up to \$1,000 for each house, apartment or mobile home lot. The school board must designate the areas of the county to be served by the school buildings to be erected or enlarged, and the county commission will tax new units in the areas of the county to which the tax applies.

APPENDIX D

Opinion by Nevada's Attorney General Regarding
Possible Requirement of Local School Districts to Provide
Special Education Classes for the Gifted and Talented



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Assistant Attorney General

August 26, 1994

Dr. Eugene T. Paslov
Superintendent of Public Instruction
Department of Education
400 West King Street
Capitol Complex
Carson City, Nevada 89710

Dear Dr. Paslov:

During the 1993-94 school year, programming for gifted and talented students in the State has been at issue. In response to a complaint, the Department of Education determined that the legislative intent and statutes authorizing gifted and talented programs under special education do not require school districts to serve the educational needs of this population in a manner different from the general educational program. A difference of opinion has arisen affecting local school districts and has prompted this opinion request.

QUESTION ONE

Are local school districts required by NRS 388.440 through 388.520 to provide programs for gifted and talented students in a manner different from the general educational program?

ANALYSIS

Pursuant to NRS 388.450(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 pupils with disabilities and gifted and talented pupils residing in Nevada." [Emphasis added.]¹ What appears to be a statutory mandate to provide as may be necessary for the educational needs of gifted and talented pupils is subject to the limitations

¹ Provisions for the education of pupils with disabilities is not the subject of this opinion and is not addressed.

Dr. Eugene T. Paslov
August 26, 1994
Page 2

found in NRS 388.520 and NRS 388.500. NRS 388.520 references to state regulations and thereby to the apportionment of state money.

NRS 388.520 provides as follows:

1. The state board of education shall prescribe minimum standards for the special education of . . . gifted and talented pupils.
2. Prescribed minimum standards must include standards for programs of instruction or special services maintained for the purpose of serving pupils with:

 (m) gifted and talented abilities.
3. No apportionment of state money may be made to any school district for the instruction of . . . gifted and talented pupils until the program of instruction maintained therein for such pupils is approved by the superintendent of instructions as meeting the prescribed minimum standards. .

Next, we shall examine the prescribed minimum standards. The State Board of Education has prescribed minimum standards in NAC 388.150. The regulation sets maximum number of pupils (cases) per teacher in a unit for the gifted and talented as 65, and the maximum number of pupils per instructional period as 20 gifted and talented pupils. NAC 388.150(1)(b) and (4)(b). Pursuant to the statute, it is clear that no apportionment of state money may be made unless the district meets the pupil/teacher ratio and class size standards of the regulation. However, our analysis does not end here.

There is one more applicable regulation and one more statute that are instructive. NAC 388.281 restricts the requirement of an individualized educational program to pupils with disabilities, thereby specifically excluding gifted and talented pupils from that requirement or any entitlement to an individualized educational program. In addition to the foregoing we are guided by NRS 388.500(1) which states that gifted or talented pupils may be instructed in special ungraded schools or with special programs established for the instruction of such pupils. The rule of construction requires that NRS 388.450(1) and NRS 388.500(1) be harmoniously construed. *First Am. Title Co. of Nevada v. State*, 91 Nev. 804, 806, 543 P.2d 1344, 1345 (1975). Moreover the language of NRS 388.450(1) makes that statute subject to the provisions of NRS 388.500(1). Therefore, we are persuaded that the proper conclusion to be drawn from the statutory scheme as a whole is that school districts may provide a special program for their gifted and talented pupils but are not required to do so.

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CONCLUSION TO QUESTION ONE

The local school district is not mandated by state law to serve the gifted and talented population in a manner different from the general educational program. If a school district chooses to have a special program for the gifted and talented students, and receives special education units apportioned for that purpose, it must meet the minimum standards set forth in regulation of no more than 65 pupils to one teacher and with no more than 20 pupils in any one instructional period.

QUESTION TWO

Does the Individuals with Disabilities Education Act amendments of 1991, 20 U.S.C. § 1400 *et seq.* (1991), require local school districts to serve the gifted and talented pupil population in a manner different from the general educational programs?

ANALYSIS

The Individuals with Disabilities Education Act (IDEA), and its predecessor, is a federal law mandating a free, appropriate education for pupils with disabilities when those disabilities interfere with their educational progress. *Id.* The federal mandate for an appropriate education requires an individualized educational program for the eligible pupil.

Determining who is eligible for the benefits of the law begins with the definition of the term "children with disabilities" which means children:

- (i) with mental retardation, hearing impairments including deafness, speech or language impairments, visual impairments including blindness, serious emotional disturbance, orthopedic impairment, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and
- (ii) who, by reason thereof, need special education and related services.

20 U.S.C. § 1401(1)(A)(i) & (ii) (1991). *See* 34 C.F.R. § 300.7 (1993).

The term, for children aged 3 to 5, may at the state's discretion include children experiencing developmental delays in physical, cognitive, communication, social, emotional, or adaptive development, and who, by reason thereof, need special education and related services. 20 U.S.C. § 1401(1)(B)(i) & (ii) (1991).

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We do not find gifted and talented children included in the definition of those children who are in need of special education and related services nor does IDEA provide anywhere that gifted children fall within its protection. *See Huldah A. v. Easton Area School District*, 18 IDELR 724, 726 (1992) (Pennsylvania Commonwealth Court affirmed that the school district was not required to provide a "pull out" program for 8th grade gifted student.)

We note that it is possible that a gifted and talented pupil could also fit within one or more of the federal statutory categories defining a child with disabilities and on that basis be eligible for the benefits of the federal law.

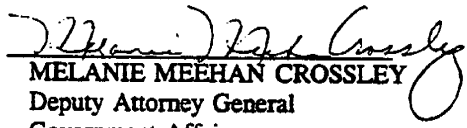
CONCLUSION TO QUESTION TWO

The Individuals with Disabilities Education Act amendments of 1991, 20 U.S.C. § 1400 *et seq.* (1991), does not require local school districts to serve the gifted and talented student in a manner different from the general educational programs.

Cordially,

FRANKIE SUE DEL PAPA
Attorney General

By:


MELANIE MEEHAN CROSSLEY
Deputy Attorney General
Government Affairs
(702) 687-3515

MMC:jf

APPENDIX E

"Code of Student Behavior"

Akron (Ohio) Public Schools

222

AKRON PUBLIC SCHOOLS

CODE OF STUDENT BEHAVIOR

Conrad C. Ott, Superintendent

February, 1989
(Revised)

STUDENT RIGHTS AND RESPONSIBILITIES

All students have the right to an education. That right carries with it responsibilities: primarily, to respect the rights of others.

The rights of all students are best served in a school that is well organized, safe and maintains a positive climate for learning. When inappropriate student behavior disrupts effective learning conditions, students may be denied participation in the educational system for varying periods of time.

Students also have the right to communicate grievances without threat to grades, course credits, college recommendation or other aspects of scholastic life.

Clearly stated rules and regulations ensure that all students know what is expected of them. The following *Code of Student Behavior* is designed to make students and parents aware of the rules and regulations and the consequences of failure to obey.

Parents are encouraged to carefully read the *Code* and review it with their children.

ADMINISTRATIVE REMOVAL FROM SCHOOL

Section 3313.66 of the Ohio Revised Code grants school authorities the right to remove students from school for violations of its *Code of Student Behavior*. Students may be suspended for up to ten (10) days (but not beyond the end of the school year) by the superintendent of schools or by a building principal. The superintendent of schools may expel students for periods not extending beyond the end of the school year or eighty (80) days, whichever is least, for persistent or flagrant violations of the *Code*.

The superintendent, principal or assistant principal may remove a pupil from a classroom, activity, or school premises without prior notice or hearing, if the pupil's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the educational process. A teacher including classroom teachers, counselors, program managers, and attendance coordinators may also remove a pupil under these circumstances from curricular or extra-curricular activities under his/her supervision.

A student may be suspended or expelled for violations of the *Code* which occur on school property, at school-sponsored activities on or off school property, or on the way to or from school or school-sponsored activities.

LIMITATIONS ON THE DISCIPLINING OF HANDICAPPED STUDENTS

A handicapped student is one whose education is governed by an Individualized Education Plan (IEP). Unless their IEP's provide otherwise, handicapped students may be suspended for a period not to exceed ten (10) days per semester without convening a placement or IEP conference. All handicapped students are subject to removal on an emergency basis as described in this *Code*. Repeated violation of the *Code* may indicate that a change in the student's placement or IEP is necessary.

RULES AND REGULATIONS FOR THE BEHAVIOR AND DISCIPLINE OF STUDENTS

Teaching personnel are responsible for managing student behavior and handling discipline problems that occur within their range of responsibility. Teachers may call on other school personnel to help in discharging their responsibilities. They may refer students to the building administrator who is then responsible for determining further disciplinary action.

An administrator may deal with student misconduct in a variety of ways including, but not limited to: counseling, parent involvement, detention (before or after school), referral to school or other support personnel, loss of privileges, corporal punishment, Saturday detention, suspension and recommendation of expulsion.

CORPORAL PUNISHMENT

Under Ohio law, school personnel have the right to administer corporal punishment. A person engaged as a teacher, principal or administrator in a school may use reasonable corporal punishment to preserve discipline while a student is subject to school authority. An adult witness should be present during the administration of corporal punishment.

Teachers, administrators, certificated school employees and school bus drivers may within the scope of their employment use and apply force and restraint as is reasonable and necessary:

- to quell a disturbance threatening physical injury to others
- to obtain possession of weapons or other dangerous objects on the person or in the control of a pupil
- for self-defense
- for the protection of persons or property.

LIABILITY OF PARENTS FOR STUDENT MISCONDUCT

Under Ohio law, parents having custody of a minor under 18 are liable for the student's willful damage to school or private property or the theft of such property. The Board of Education, or any other owner of property, can bring a civil action against the parents to recover compensatory damages up to \$3,000.00 and costs of the suit. Parents also are liable for the student's willful assaults on another person. The injured party may bring civil action against the parents to recover compensatory damages up to \$2,000.00 and costs of the suit.

SEARCH AND SEIZURE

The Akron Board of Education or its designee reserves the right to search the lockers, desks, person and personal belongings of a student when it is believed to be necessary for the maintenance of the educational process; to protect the health, safety, or welfare of other students; or whenever there are reasonable grounds for suspecting that such a search will turn up evidence that the student has violated or is violating the law or the rules of school. If possible, the student's consent prior to the search will be obtained. Students should be aware that their lockers, desks, persons and personal belongings are subject to such searches.

STUDENT INTERROGATION

Criminal investigation of students on school premises by the Akron Police or other law enforcement officers is permitted in the following situations:

1. When they enter in order to investigate a case of suspected child abuse reported by a teacher or administrator.
2. To pursue and arrest a lawbreaker or cope with conditions of riot or disorder or to serve legal documents.
3. To conduct an investigation at the request of school officials and with the permission of the superintendent of schools.
4. To question a student but only if the child's parent is present, or the parent has given permission to the principal for the interrogation to occur. School personnel will not be present during the interrogation.

AKRON BOARD OF EDUCATION

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It is the policy of the Akron Public Schools that educational activities, employment, programs and services are offered without regard to race, color, national origin, sex, religion, handicap, or age.

PS0006-0988

Listed below are the penalties for violations of the Akron Public Schools *Code of Student Behavior*. There are three types of penalties listed for *Code* violations. Offenses calling for a mandatory recommendation for expulsion will result in a hearing to consider whether an expulsion should occur. Expelled students will be out of school for up to eighty school days. Those offenses which are listed as requiring a mandatory suspension will cause a student to be suspended from school for one to ten days or possibly expelled. Those offenses that are discretionary may be penalized by expulsion, suspension, or lesser penalties. Specific penalties for these offenses may be established at the building level.

VIOLATION	Mandatory Recommendation For Expulsion	Mandatory Suspension	Discretionary Penalty
• Possession and/or use of a weapon against another person.	X		
• Selling, attempting to sell, or giving controlled substances, dangerous drugs, counterfeit drugs, intoxicating substances or alcohol. These infractions will be reported to the police.	X		
• Purposely setting a fire within a school.	X		
• Physically assaulting a staff member. This infraction will be reported to the police.	X		
• Persistent or flagrant violation of the CODE OF STUDENT BEHAVIOR following transfer to a new school setting for adjustment reasons.	X		
• Extortion.		X	
• Gambling.		X	
• Criminal Acts.		X	
• Providing false identification and/or forgery.		X	
• Setting a false alarm, filing a false bomb report, or making a false report to any agency which provides emergency services.		X	
• Smoking or using tobacco at any time or place that possession of tobacco is prohibited. Smoking means to burn any substance containing tobacco, including a lighted cigarette, cigar or pipe, or to burn a clove cigarette. Using tobacco means to chew or maintain any substance containing tobacco, including smokeless tobacco, in the mouth to derive the effects of tobacco, and also includes the use of snuff.		X	
• Possessing, concealing, or using intoxicating substances such as alcohol or drugs.		X	
• Intentionally or recklessly causing or threatening physical or emotional harm to another or behaving in such a manner as to present an imminent risk of such harm.		X	
• Use of explosives.		X	
• Possession of explosives.		X	
• Possession of fireworks.		X	
• Trespassing.		X	
• Theft.		X	
• Gross insubordination—failure to comply with directions or otherwise acting in defiance of school authority after specific warning and in the presence of others.		X	
• Intentionally or recklessly damaging school or private property or behaving so as to present an imminent risk of such damage.			X
• Persistently being absent for or late for school or classes.			X
• Unauthorized use of school or private property.			X
• Possessing counterfeit controlled substances or items designed for use with marijuana or illegal drugs.			X
• Possessing any substance containing tobacco (including snuff and chewing tobacco) while in school buildings or administrative offices; while on school grounds or at school-sponsored events; or while being transported in Akron Public Schools vehicles to or from school or school events.			X
• Refusing to accept discipline or punishment such as failing to serve a detention or submit to other forms of punishment.			X
• Insubordination, such as failing to comply with directions of school personnel or otherwise acting in defiance of school authority.			X
• Aiding or abetting any violation of this CODE.			X
• Possessing weapons, or other instruments of a similar nature.			X
• Engaging in sexual activity.			X
• Using profane, vulgar or other improper language or gestures.			X
• Hazing another student or school employee.			X
• Violation of individual school rules.			X
• Violation of individual classroom rules.			X

Students who have been suspended or expelled from school are not permitted on any school property or at any school-sponsored event for the duration of such disciplinary action. Students who are suspended and enter school property or attend a school-sponsored event will be subject to further disciplinary action.

PROCEDURES FOR SUSPENSION AND EXPULSION

1. No student may be suspended unless:
 - The student is given prior written notice of the intention to suspend and the reasons for the intended suspension.
 - The student is provided an opportunity to appear at an informal hearing before the building principal, unit principal, assistant principal, superintendent, or superintendent's designee to challenge the reason for the intended suspension or otherwise to explain his or her actions. This opportunity may be granted immediately upon the giving of written notice of the intended suspension.
2. No student may be expelled unless:
 - The student and his/her parent, guardian, or custodian are given prior written notice of the intention to expel the student. The notice shall include the reasons for the intended expulsion and notification of the opportunity of the pupil and his/her parent, guardian, custodian, or representative to appear before the superintendent or his designee to challenge the reasons for the intended expulsion or otherwise to explain the student's action, together with notification of the time and place to appear.
 - The time to appear shall be not earlier than three (3) nor later than five (5) days after the notice is given, unless the superintendent grants an extension of time at the request of the pupil or his/her parent, guardian, custodian, or representative. If an extension is granted after giving the original notice, the superintendent shall notify the pupil and his/her parent, guardian, custodian, or representative of the new time and place to appear.
3. If a student is removed on an emergency basis, as described in this Code, written notice of the hearing and of the reason for the removal shall be given to the student as soon as practicable prior to the hearing. The hearing shall be held within seventy-two (72) hours from the time the initial removal is ordered.
4. Within twenty-four (24) hours after the time of a student's expulsion or suspension, the superintendent or principal shall provide written notification of the suspension or expulsion to the parent, guardian, or custodian of the pupil, and the Treasurer of the Board of Education. The notice shall include the reasons for the expulsion or suspension and notification of the right of the pupil or his/her parent, guardian or custodian:
 - to appeal such action to the Board of Education through its designee
 - to be represented in all such appeal proceedings
 - to be granted a hearing before the designee of the Board in order to be heard against such suspension or expulsion
 - and to request that such hearing be held in executive session. Any such appeal must be filed with the Treasurer of the Board of Education, 70 North Broadway, in writing within seven (7) days after the notice of suspension or expulsion has been issued.

ATTENDANCE PROCEDURES

Attendance procedures are intended to promote regular attendance and help students attain educational goals.

When a student is marked absent or tardy for an excused reason, he/she is permitted to make up as much missed classroom work as is reasonably possible with the assistance of his/her classroom teachers. Students should be aware that it may not be possible to make up all classroom work.

Reasons for excused absence or tardiness include: • Personal illness or injury • Illness in the family • Funerals (of immediate family or relative) • Quarantine • Religious holidays • Medical and dental appointments • Appointment at the Board of Education Administration Building, Child Guidance Center or Court appointments • College visitation (reasonable number and verified by parent) • Emergencies (any emergency or set of circumstances judged as sufficient cause by the school principal or the superintendent)

A student suspended from school is permitted to make up as much classroom work as is reasonably possible with the assistance of his/her classroom teachers. Students should be aware that it may not be possible to make up all classroom work. It is the responsibility of the student to initiate the request for make-up work and complete the work within a specified time.

The student is not marked absent or tardy and is permitted to make up work for the class time he/she missed as a result of the following situations: • Field trips (authorized by the principal) • College visitations (school directed) • School activities, such as athletic team events, debate, choir, etc. which are authorized by the principal

The student is marked absent or tardy (unexcused) and the student is not permitted to make up classroom work for reasons such as: • Oversleeping • Hunting, fishing, or similar reasons • Shopping trips • Truancy or "flicking"

The principal is the final authority in determining whether an absence or tardy is excused or unexcused.

When a student is absent or tardy, it is the obligation of the parent, guardian, or custodian to report the absence and the reason for the absence or tardiness. This may be done by phone, written note, or any other means acceptable to the student's school.

APPENDIX F

"Building A Collaborative Educational System"

Excerpt from "Building Collaborative Education Systems: New Roles for State Education and Higher Education Agencies," State Higher Education Executive Offices, 1994.

Issues that the two education sectors could jointly address include the following:

1. As schools move toward outcomes-based education and away from grades, traditional transcripts or Carnegie units, how will higher education adjust its admissions standards to equitably and efficiently admit students?
2. Students in re-structured schools are changing the ways they learn, their study habits and their expectations for how courses are taught. How can state higher education boards influence higher education faculty to make similar changes in the way they teach courses in college so that teaching and learning strategies from one sector to the next complement and support each other?
3. Teacher-faculty exchange programs are being piloted as a strategy to improve the quality of teacher preparation programs. Master teachers (those identified as being the best in their field) are teaching in undergraduate pre-service programs and faculty from higher education institutions are teaching in schools. Should these programs be fostered by state education and higher education agencies?
4. Many states are adopting "postsecondary options programs" as a strategy for providing high school students greater diversity of academic curricula. Students are permitted, even encouraged to seek early admission to postsecondary study after completing high school requirements. In some cases this involves greater provision for joint enrollment in high school and college programs. How are these courses being defined and developed? What agreements have been worked out between the schools and colleges for dual acceptance of credit? How are colleges counting the credit?
5. Telecommunications systems and new technologies are providing greater opportunities to schools for access to postsecondary programs. What are the boundaries of jurisdiction for these courses? Who monitors electronically delivered course content? Who is accountable for student mastery and grades?
6. Apprenticeship and tech-prep programs suggest that instruction will be moved from the classroom to the work site. There are a number of potential participating entities, e.g., schools, colleges, employers, unions. How will the roles be defined and assigned? Which will play which role in program development and delivery? In instruction development and delivery? Who assesses the students' work? Who receives public payment? Who appoints and credentials faculty?
7. Federal community service funding will make it possible for experiential learning outside the classroom to count toward undergraduate degrees. For example, college students could earn college credit by tutoring children in local schools. How will schools and colleges work out agreements to ensure that the learning is valid? For example, will school personnel help develop the program for the college students?

Will they provide the supervision, mentoring and assessment of college students working in them?

8. A dramatic increase in minority student enrollment in high schools can mean a concomitant increase in minority college enrollment, especially where states and institutions have developed early outreach efforts that include tutorial assistance, academic and career counseling, and financial aid supports. Can a partnership between schools and colleges improve the preparation and participation rates of minority freshmen? How could such a partnership reduce postsecondary remediation and increase academic achievement and graduation rates?
9. Parents who are involved in the schools their children attend can significantly improve their children's educational success. Evidence shows direct correlation between parental involvement in school and improvements in students' study habits as well as responsiveness in class. Many children have only one parent or two working parents who are unable to attend school functions, conferences and other activities. To ensure the success of all students, are there strategies that states could support that replicate the role and influence of parents? For example, what efforts could empower communities to take action or enhance the capacity of schools to take on more responsibility?

APPENDIX G

**"A Shared Vision: Policy Recommendations for Linking
Teacher Education to School Reform
Executive Summary"**

A SHARED VISION: POLICY RECOMMENDATIONS FOR LINKING TEACHER EDUCATION TO SCHOOL REFORM

Executive Summary

by Calvin M. Frazier, associate director and professor,
School of Education, University of Denver

After a decade of reform effort following the 1983 report, *A Nation at Risk*, states have found educational change to be an elusive goal. One realization hitting legislators and governors is that higher education must be brought into the reform loop. Examining the way teachers are prepared is a major concern. Elementary and secondary schools struggling to restructure are handicapped with the arrival each year of an estimated 120,000 new teachers who come from teacher education programs that operate aloof from growing public demands for reform.

Through a grant from the Rockefeller Brothers Foundation, the Education Commission of the States (ECS) examined the literature on teacher education reform proposals, interviewed state leaders and developed and debated recommendations to bring the two worlds together. Recommendations for improved policy linking teacher education and K-12 reform are summarized below.

► Organizing at the state level

Major recommendations to link teacher education and public school reform efforts have encouraged institutions to take the lead. Legislative action has focused on rewriting teacher certification legislation, relying mainly on K-12 and higher education to jointly plan, but not necessarily implement, a better teacher education and certification process. Most efforts either concentrate on higher education or K-12 but fail to consider the entire education package. Few put reforms in the context of a comprehensive plan to ensure coordination of effort and to eliminate conflict and duplication. And few recognize that the committee structure of the legislature, the existence of a separate licensing commission or the divided responsibilities between the departments of K-12 education and higher education contribute to maintaining an education system that seldom works in harmony.

POLICY RECOMMENDATION 1. The state legislature should adopt statutory provisions declaring it to be the state's intent that institutions of higher education and the public schools shall collaborate in the preparation of teachers so that all new teachers shall be prepared to support and enhance school restructuring.

POLICY RECOMMENDATION 2. The state legislature should clearly designate the party or parties responsible for directing the "simultaneous renewal" of teacher education and school restructuring. The legislature should define the roles and responsibilities of each party and provide the structure to guide the working relationships of the various entities, i.e., the department of education, the department of higher education, the local school districts and the individual institutions of higher education.

➤ **Setting standards for licensing and measuring the attainment of these standards**

➤ **Setting program standards and evaluating programs for compliance**

When states established compulsory education, they committed themselves to establishing a public school system worthy of hosting the nation's children for almost 13,000 hours of their early life. Discussions with state and institutional leaders suggest this relationship has been forgotten. Teacher education often was left out of reform discussions of the early 1980s despite what seems to be an obvious connection between the quality of the school staff and the performance and achievement of students. Recently, as states have moved to tie public school reform to improvement of teacher education, colleges and universities have rebelled against what they perceive as state intrusion into their world of academic freedom and autonomy.

This paper argues that the state has an obligation to define what is expected for candidates seeking teacher certification and to identify and support the conditions needed for a high-quality teacher preparation program. Program specifics, however, should be left to the creativeness of the institution.

POLICY RECOMMENDATION 3. The state should set standards for the basic-skill levels, teaching performance and knowledge base expected of all candidates receiving a state teaching license and indicate how it will assess or confirm these requirements.

POLICY RECOMMENDATION 4. Through standards, the state should indicate its expectation for critical conditions and programs to undergird all teacher education programs. Emphasis should be on the collaborative efforts expected from institutions of higher education and the local school districts and those conditions that are absolutely essential to the preparation of teachers in meeting state licensing standards.

➤ **The induction period**

➤ **Continuing education recertification**

Given the complexity of teaching and the varied conditions in which beginning teachers find themselves, professionals and state policy makers appear to be giving greater consideration to the need to provide guidance and support to beginners through their first year of teaching. This view involves considering the first year of teaching as part of the preparation experience and continuing the joint participation of K-12 and higher education through this period. As professional development schools become more available throughout a state, these centers can serve not only as a key resource for beginning teachers but also for continuing inservice training programs for more experienced teachers who may be applying for recertification.

As the state vision evolves in regard to collaborative, school-level decision making and other reforms affecting the teacher's role, decisions made on recertification requirements also need to be related to the state's broader mission and to the local school district's priorities. Most states have allowed school districts to define the content of inservice education programs since they are responsible for adopting local salary schedules that recognize inservice hours earned. Districts in turn have left inservice class decisions to the teachers.

This situation results in a district expenditure designed to encourage teachers to take courses and classes having instructional value but offering little in the way of advancing school, district or state priorities. A better balance is needed between teacher choices regarding inservice experience and the needs of schools, districts and the state.

POLICY RECOMMENDATION 5. The state should see the beginning teacher's induction period as an integral part of the teacher preparation sequence. The state should express its expectation that the same collaborative effort involving arts and sciences faculty, pedagogical experts and school district personnel begun in the early stages of the teacher preparation program be continued through at least the first year of teaching.

POLICY RECOMMENDATION 6. As part of a comprehensive teacher education program, the state should require recertification programs related to individual teacher needs and advancement of school and district needs and objectives.

► Financing the "simultaneous renewal" effort

In addition to tuition income, public funding for teacher education programs comes from the legislature to the college to the school of education. These funds are appropriated by formula based on such units as student hours or full-time student equivalents. Such funding patterns force a certain uniformity in the higher education system. Seldom do the dollars appropriated relate directly to the quality of the programs. Seldom is there any relationship between achievement of desired goals and the costs involved. Colleges view education class revenues as contributing to their goals and priorities but give little attention to meeting state goals as well.

In the case of teacher preparation, the state has a distinct purpose in funding and a need to understand the institutional revenue and expenditure pattern and its impact on the quality of graduates seeking state certification. "Simultaneous renewal" of K-12 and teacher education requires a greater college faculty involvement with the public schools, increased use of arts and science faculty for teacher preparation purposes, a new pattern of collaboration in the professional development schools and incorporation of the first year of teaching into the teacher preparation sequence. While affecting campus budgets, a new state design for teacher preparation will in most cases cost more money at the K-12 level as well since public school staff members are being asked to increase their participation in the preparation of teachers.

POLICY RECOMMENDATION 7. The state should adopt funding mechanisms for establishing the components of a comprehensive teacher education and school renewal program. In doing so, state funding practices should be recognized as being a powerful vehicle for retarding or stimulating institutional change.

► **Evaluating the effectiveness of the teacher education system**

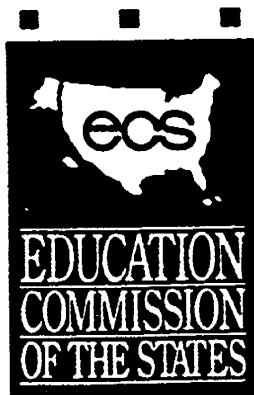
Anxious taxpayers have made state leaders even more concerned about the quality of service provided by all government agencies. Linking teacher education reform to school reform must include an effective accountability component.

Past accountability practices have been limited in scope and relationship to state policy makers. State agencies such as departments of education have conducted reviews of teacher education programs in their state. Some institutions have participated in an accreditation review by the National Council for the Accreditation of Teacher Education. In both cases, reviews look at the quality of institutional involvement and address those aspects related to conditions, program content and evaluation elements. Results are perhaps most meaningful to the institution and to the state education agency. But such an outside accreditation is usually not accorded great significance by the legislature, the source of critical funds to support the enterprise.

A more serious concern, however, is the absence of any significant evaluation of the entire state structure undergirding the teacher preparation program. While the parts might be judged, the system itself is commonly left to a very piecemeal examination. Recent discussions in various states as to the role of outside examinations miss the more serious need for a total system analysis.

POLICY RECOMMENDATION 8. The state should adopt a plan for evaluating the effectiveness of the teacher education system by which teachers are prepared to serve the schools of the state. This means a periodic review of the legislative structure, the validity and contribution of the standards set, the relationship of the teacher education system to other staff development efforts, and the adequacy and use of the resources invested.

The full report, **A Shared Vision: Policy Recommendations for Linking Teacher Education To School Reform**, will be available in September for \$7.50 plus \$2.50 postage and handling from ECS Distribution Center, 707 17th St., Suite 2700, Denver, CO 80202-3427; 303-299-3692.



APPENDIX H

Charts Depicting the Current and Proposed
Educational Requirements for Nevada's Teachers

TEACHER EDUCATION: CURRENT

		GENERAL STUDIES TAKEN DURING FIRST TWO YEARS RECRUITMENT: MOST CONTACT IN FIRST TWO YEARS. STUDENTS SEEK ADMISSION TO TEACHER EDUCATION.		MAJOR AREA OR SPECIALIZATION COURSES IN BIOLOGY, MATHEMATICS, HISTORY, ETC. PROFESSIONAL METHODS COURSES IN THE TEACHING OF SCIENCE, MATHEMATICS, HISTORY, ETC.		STUDENT TEACHING INTERNSHIP ONE SEMESTER SUPERVISION OF STUDENT TEACHERS BY ADJUNCT FACULTY SUPERVISOR AND COOPERATING SCHOOL TEACHER. ONE ADDITIONAL SEMESTER OF STUDIES TO FULFILL TEACHER EDUCATION SEQUENCE AND COMPLETE B.A. OR B.S. DEGREE
			UNIVERSITY SCREENING/SELECTION OF TEACHER EDUCATION CANDIDATES 60-100 HOURS OF UNSUPERVISED FIELD OBSERVATION			
JUNIOR	SENIOR	1ST YEAR	2ND YEAR	3RD YEAR	4TH YEAR	B.A. or B.S.
HIGH SCHOOL		COLLEGE				

TEACHER EDUCATION: RECOMMENDED

RECRUITMENT: STUDENTS CONTACTED DURING JUNIOR/MIDDLE SCHOOL AND HIGH SCHOOL		GENERAL STUDIES IN ARTS AND HUMANITIES		YEAR-LONG INTERNSHIP IN AT LEAST TWO SCHOOL - UNIVERSITY PARTNER SCHOOLS COMMITTED TO SCHOOL REFORM.			
		PROFESSIONAL SEMINAR: COURSE DISCUSSIONS INTEGRATE GENERAL STUDIES INTO TEACHER EDUCATION EXPECTATIONS	STUDENTS PUSHED TO RELATE GENERAL STUDIES AND EDUCATION CONCEPTS TO FIELD EXPERIENCES			INTEGRATION OF SPECIALIZATION AND PROFESSIONAL STUDIES	
		STUDENTS PLACED IN "COHERT" GROUPS: TESTING OF IDEAS AND SHARING OF EXPERIENCES LED BY FACULTY/SCHOOL TEAM PROVIDING ASSESSMENT AND ADVISEMENT TO STUDENTS.					
EARLY CONTACT IMPORTANT FOR UNDER- REPRESENTED POPULATIONS		SELECTION: COLLEGE/SCHOOL FACULTY IN JOINT CAREER DECISION MAKING WITH STUDENT.		CLINICAL EXPERIENCE IN DIVERSE AND EXEMPLARY SCHOOLS	CAREER GUIDANCE AND SUPERVISION BY SCHOOL/ COLLEGE STAFF		
JUNIOR	SENIOR	1ST YEAR	2ND YEAR	3RD YEAR	4TH YEAR	5TH YEAR	B.A. or B.S.
HIGH SCHOOL		COLLEGE					

APPENDIX I

Suggested Legislation

Appendix I

Suggested Legislation

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SUMMARY--Requires board of trustees of school district to account for and report donations of money and equipment. (BDR 34-266)

FISCAL NOTE: Effect on Local Government: Yes.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to education; requiring the board of trustees of a school district to account for and report donations of money and equipment; 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 387 of NRS is hereby amended by adding thereto a new section to read as follows:

As a condition of acceptance, the board of trustees of a school district shall account for all money and equipment that is donated to the school district for expenditure or use directly benefiting the pupils of the district. For the purposes of the accounting, the value of donated equipment is its fair market value at the time of donation.

Sec. 2. NRS 387.303 is hereby amended to read as follows:

387.303 1. Not later than November 15 of each year, the board of trustees of each school district shall submit to the superintendent of public instruction a report which includes the following information:

(a) For each fund within the school district, including without limitation, the school district's general fund and any special revenue fund which receives state money, the total number and salaries of licensed and nonlicensed persons whose salaries are paid from the fund and who are employed by the school district in full-time positions or in part-time positions added together to represent full-time positions. Information must be provided for the current school year based upon the school district's final budget, including any amendments and augmentations thereto, and for the preceding school year. An employee must be categorized as filling an instructional, administrative, instructional support or other position.

(b) The count of pupils computed pursuant to paragraph (a) of subsection 1 of NRS 387.1233.

(c) The average daily attendance for the preceding school year and the estimated average daily attendance for the current school year of part-time pupils enrolled in courses which are approved by the department as meeting the requirements for an adult to earn a high school diploma.

(d) The school district's actual expenditures in the fiscal year immediately preceding the report.

(e) The school district's proposed expenditures for the current fiscal year.

(f) The salary schedule for licensed employees in the current school year and a statement of whether salary negotiations for the current school year have been completed. If salary negotiations have not been completed at the time the salary schedule is submitted, the board of trustees shall submit a supplemental report to the superintendent upon completion of negotiations or the

determination of an arbitrator concerning the negotiations that includes the salary schedule agreed to or required by the arbitrator.

(g) The number of employees eligible for health insurance within the school district for the current and preceding fiscal years and the amount paid for health insurance for each such employee during those years.

(h) The rates for fringe benefits, excluding health insurance, paid by the school district for its licensed employees in the preceding and current fiscal years.

(i) The amount paid for extra duties, supervision of extracurricular activities and supplemental pay, and the number of employees receiving that pay in the preceding and current fiscal years.

(j) The total value of all money and equipment donated to the school district during the preceding fiscal year accounted for pursuant to section 1 of this act.

2. On or before November 25 of each year, the superintendent of public instruction shall submit to the department of administration and the fiscal analysis division of the legislative counsel bureau, in a format approved by the director of the department of administration, a compilation of the reports made by each school district pursuant to subsection 1.

3. The superintendent shall, in the compilation required by subsection 2, reconcile the revenues and expenditures of the school districts with the apportionment received by those districts from the state distributive school account for the preceding year.

Sec. 3. This act becomes effective on July 1, 1995.

SUMMARY--Requires department of education annually to compute and report total expenditure per pupil of each school district.
(BDR 34-267)

FISCAL NOTE: Effect on Local Government: No.
 Effect on the State or on Industrial Insurance: Yes.

AN ACT relating to education; requiring the department of education annually to compute the total expenditure per pupil of each school district and report that information to the department of administration and the legislative counsel bureau; 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 387 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Based on the reports of the annual audits of school districts filed with the department pursuant to NRS 354.624, the department shall compute the total expenditure per pupil of each school district. The computation must include:

(a) All expenditures from the funds listed in subsections 1, 2 and 3 of NRS 354.604; and

(b) Any other information which the department determines is necessary to compute accurately the total expenditure per pupil of each school district.

2. The department shall submit a report concerning the total expenditure per pupil of each school district to the director of the department of administration and the director of the legislative counsel bureau on or before December 1 of each year.

Sec. 2. This act becomes effective on July 1, 1995.

SUMMARY--Provides financial incentive to prevent dropouts. (BDR 34-268)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: Yes.

AN ACT relating to education; increasing the apportionment of state money to school districts whose percentage of pupils withdrawing from high school is small; 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. NRS 387.1243 is hereby amended to read as follows:

387.1243 1. The first apportionment based on an estimated number of pupils and special education program units and succeeding apportionments are subject to adjustment from time to time as the need therefor may appear.

2. A final apportionment must be computed as soon as practicable following the close of the school year, but not later than August 1. The final computation must be based upon the actual counts of pupils required to be made for the computation of basic support and the limits upon the support of special education programs, except that [for] :

(a) *For* any year when the total enrollment of pupils and children described in paragraphs (a), (b), (c) and (d) of subsection 1 of NRS 387.123 is greater on

the last day of any school month after the second school month and the increase in enrollment shows at least:

[(a)] (1) A 3 percent gain, basic support as computed from first month enrollment must be increased by 2 percent [.

(b)] ; or

(2) A 6 percent gain, basic support as computed from first month enrollment must be increased by [an additional 2 percent.] 4 percent, without regard to any increase required by paragraph (b).

(b) If the percentage of pupils in the school district who withdrew from grades 9 to 12, inclusive, during that school year:

(1) Is at least 2 percent less than the percentage of pupils in the school district who withdrew from grades 9 to 12, inclusive, during the previous school year, basic support as computed from first month enrollment must be increased by 0.5 percent; or

(2) Is not more than 5 percent of the total enrollment of pupils in grades 9 to 12, inclusive, in the school district during that school year, basic support as computed from first month enrollment must be increased by 1 percent, without regard to any increase required by paragraph (a). The state board shall adopt uniform regulations for determining, and the superintendent of public instruction shall determine, the percentage of pupils in each school district who withdraw from grades 9 to 12, inclusive, in each school year. For the purposes of this paragraph, "withdraw" does not include any transfer to another school, or any failure to attend school which is excused pursuant to NRS 392.060, 392.070 or 392.080.

3. If the final computation of apportionment for any school district exceeds the actual amount paid to the school district during the school year, the additional amount due must be paid before September 1. If the final computation of apportionment for any school district is less than the actual amount paid to the school district during the school year, the amount of overpayment must be deducted from the next apportionment payable to the school district. If the amount of overpayment is greater than the next apportionment payable, the difference must be repaid to the state distributive school account in the state general fund by the school district before September 1.

SUMMARY--Requires that computation of basic support of school districts include average daily attendance of certain part-time pupils.
(BDR 34-269)

FISCAL NOTE: Effect on Local Government: No.
 Effect on the State or on Industrial Insurance: Yes.

AN ACT relating to education; requiring that the computation of the basic support of school districts include the average daily attendance of certain part-time pupils; 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. 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 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 *full time* in grades 1 to 12, inclusive, on the last day of the first school month of the school year.

(3) The count of pupils not included under subparagraph (1) or (2) who are 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, excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.490 on that day.

(4) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.490 on the last day of the first school month of the school year.

(5) The count of children detained in detention homes, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570 on the last day of the first school month of the school year.

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

(c) Multiplying the average daily attendance of part-time pupils who are enrolled in courses which are approved by the department as meeting the requirements to earn a high school diploma by 20 percent of the average statewide basic support guarantee.

(d) Adding the amounts computed in paragraphs (a) [and (b).], (b) and (c).

2. If the sum of the counts prescribed in paragraph (a) of subsection 1 is less than the sum similarly obtained for the immediately preceding school year, the larger sum 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 must be credited with attendance during that period.

4. Pupils who are incarcerated in a facility or institution operated by the department of prisons must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the department of education.

5. [Part-time pupils who are enrolled in courses which are approved by the department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing basic support pursuant to this section.] The average daily attendance for [such] pupils *who are enrolled in courses which are approved by the department as meeting the requirements to earn a high school diploma* must be reported to the department.

Sec. 2. This act becomes effective on July 1, 1995.

SUMMARY--Makes various changes concerning state funding of special education. (BDR 34-270)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: Yes.

AN ACT relating to education; defining a "special education provider"; providing that state funding for special education be based on the number of such providers employed by a school district; providing a formula for determining the amount of funding per provider; requiring additional reporting by school districts with regard to special education; 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 387 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of each school district shall compile such data with regard to the school district as is necessary to determine:

(a) The count of pupils receiving special education pursuant to NRS 388.440 to 388.520, inclusive, and the number of special education providers employed by the school district during the current school year; and

(b) The estimated count of pupils who will receive special education pursuant to NRS 388.440 to 388.520, inclusive, and the estimated number of special education providers who will be employed by the school district during the succeeding school year.

2. In addition to reporting the data to the superintendent of public instruction pursuant to NRS 387.303, the board of trustees shall submit an updated estimated count of pupils who will receive special education pursuant to NRS 388.440 to 388.520, inclusive, and an updated estimated number of special education providers who will be employed by the school district during the succeeding school year to the superintendent on or before April 1. The superintendent shall submit a compilation of the updated estimates to the budget division of the department of administration and the fiscal analysis division of the legislative counsel bureau on or before April 15.

3. The actual and estimated count of pupils and the number of special education providers computed pursuant to this section must be used in the preparation of the biennial budget of the department of education.

Sec. 2. NRS 387.1211 is hereby amended to read as follows:

387.1211 As used in NRS 387.121 to 387.126, inclusive [:], and section 1 of this act:

1. "Average daily attendance" means the total number of pupils attending a particular school each day during a period of reporting divided by the number of days school is in session during that period.

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 persons licensed by the superintendent of public instruction providing a program of instruction in accordance with minimum standards prescribed by the state board.] *provider" means:*

(a) A licensed teacher who provides full-time instruction directly and exclusively to pupils in accordance with NRS 388.440 to 388.520, inclusive, and the minimum standards prescribed by the state board; and

(b) A person who provides full-time services directly and exclusively to pupils in accordance with NRS 388.440 to 388.520, inclusive, and the minimum standards prescribed by the state board, including a:

- (1) Licensed or certified school psychologist;*
- (2) Licensed social worker;*
- (3) Licensed occupational or physical therapist;*
- (4) Licensed or certified speech therapist;*
- (5) Licensed school nurse;*
- (6) School counselor; and*
- (7) Teacher's aide.*

Sec. 3. NRS 387.122 is hereby amended to read as follows:

387.122 For making the apportionments of the state distributive school account in the state general fund required by the provisions of this Title, the basic support guarantee per pupil for each school district and the basic support

guarantee for each special education [program unit maintained and operated during] *provider utilized by a school district* for at least 9 months of a school year are established by law for each school year.

Sec. 4. NRS 387.1221 is hereby amended to read as follows:

387.1221 1. The basic support guarantee for any special education [program unit maintained and operated during] *provider utilized by a school district* for 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 the [program unit] *provider* actually was [maintained and operated] *utilized* is to 9 school months.

2. Any unused allocations for special education [program units] *providers* may be reallocated to other school districts by the superintendent of public instruction. In such a 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 the 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 *the services of* a special education [program unit for] *provider to* pupils of the district pursuant to NRS 388.440 to 388.520, inclusive.

Sec. 5. 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 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 pupils not included under subparagraph (1) or (2) who are 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, excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.490 on that day.

(4) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.490 on the last day of the first school month of the school year.

(5) The count of children detained in detention homes, alternative programs and juvenile forestry camps receiving instruction pursuant to the

provisions of NRS 388.550, 388.560 and 388.570 on the last day of the first school month of the school year.

(b) Multiplying the number of special education [program units maintained and operated] *providers employed by the school district* by the amount per [program] *provider* established for that school year. *The amount per provider must equal the statewide average salary and rate of fringe benefits, including health insurance, of a teacher providing special education pursuant to NRS 388.440 to 388.520, inclusive, in the fiscal year ending on June 30 of the most recent even-numbered year.*

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

2. If the sum of the counts prescribed in paragraph (a) of subsection 1 is less than the sum similarly obtained for the immediately preceding school year, the larger sum 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 must be credited with attendance during that period.

4. Pupils who are incarcerated in a facility or institution operated by the department of prisons must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the department of education.

5. Part-time pupils who are enrolled in courses which are approved by the department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing basic support

pursuant to this section. The average daily attendance for such pupils must be reported to the department.

Sec. 6. NRS 387.1243 is hereby amended to read as follows:

387.1243 1. The first apportionment based on an estimated number of pupils and special education [program units] *providers* and succeeding apportionments are subject to adjustment from time to time as the need therefor may appear.

2. A final apportionment must be computed as soon as practicable following the close of the school year, but not later than August 1. The final computation must be based upon the actual counts of pupils required to be made for the computation of basic support and the limits upon the support of special education programs, except that for any year when the total enrollment of pupils and children described in paragraphs (a), (b), (c) and (d) of subsection 1 of NRS 387.123 is greater on the last day of any school month after the second school month and the increase in enrollment shows at least:

(a) A 3 percent gain, basic support as computed from first month enrollment must be increased by 2 percent.

(b) A 6 percent gain, basic support as computed from first month enrollment must be increased by an additional 2 percent.

3. If the final computation of apportionment for any school district exceeds the actual amount paid to the school district during the school year, the additional amount due must be paid before September 1. If the final computation of apportionment for any school district is less than the actual amount paid to the school district during the school year, the amount of

overpayment must be deducted from the next apportionment payable to the school district. If the amount of overpayment is greater than the next apportionment payable, the difference must be repaid to the state distributive school account in the state general fund by the school district before September 1.

Sec. 7. NRS 387.303 is hereby amended to read as follows:

387.303 1. Not later than November 15 of each year, the board of trustees of each school district shall submit to the superintendent of public instruction a report which includes the following information:

(a) For each fund within the school district, including , without limitation, the school district's general fund and any special revenue fund which receives state money, the total number and salaries of licensed and nonlicensed persons whose salaries are paid from the fund and who are employed by the school district in full-time positions or in part-time positions added together to represent full-time positions. Information must be provided for the current school year based upon the school district's final budget, including any amendments and augmentations thereto, and for the preceding school year. An employee must be categorized as filling an instructional, administrative, instructional support or other position.

(b) The count of pupils computed pursuant to paragraph (a) of subsection 1 of NRS 387.1233.

(c) The average daily attendance for the preceding school year and the estimated average daily attendance for the current school year of part-time

pupils enrolled in courses which are approved by the department as meeting the requirements for an adult to earn a high school diploma.

(d) The count of pupils receiving special education pursuant to NRS 388.440 to 388.520, inclusive, and the number of special education providers employed by the school district during the current school year.

(e) The estimated count of pupils who will receive special education pursuant to NRS 388.440 to 388.520, inclusive, and the estimated number of special education providers who will be employed by the school district during the succeeding school year.

(f) The school district's actual expenditures in the fiscal year immediately preceding the report.

[(e)] *(g) The school district's proposed expenditures for the current fiscal year.*

[(f)] *(h) The salary schedule for licensed employees in the current school year and a statement of whether salary negotiations for the current school year have been completed. If salary negotiations have not been completed at the time the salary schedule is submitted, the board of trustees shall submit a supplemental report to the superintendent upon completion of negotiations or the determination of an arbitrator concerning the negotiations that includes the salary schedule agreed to or required by the arbitrator.*

[(g)] *(i) The number of employees eligible for health insurance within the school district for the current and preceding fiscal years and the amount paid for health insurance for each such employee during those years.*

[(h)] (j) The rates for fringe benefits, excluding health insurance, paid by the school district for its licensed employees in the preceding and current fiscal years.

[(i)] (k) The amount paid for extra duties, supervision of extracurricular activities and supplemental pay, and the number of employees receiving that pay in the preceding and current fiscal years.

2. On or before November 25 of each year, the superintendent of public instruction shall submit to the department of administration and the fiscal analysis division of the legislative counsel bureau, in a format approved by the director of the department of administration, a compilation of the reports made by each school district pursuant to subsection 1.

3. The superintendent shall, in the compilation required by subsection 2, reconcile the revenues and expenditures of the school districts with the apportionment received by those districts from the state distributive school account for the preceding year.

Sec. 8. NRS 388.450 is hereby amended to read as follows:

388.450 1. The legislature declares that the basic support guarantee for each special education [program unit] *provider* established by law for each school year establishes financial resources sufficient to ensure a reasonably equal educational opportunity to pupils with disabilities and gifted and talented pupils residing in Nevada.

2. Subject to the provisions of NRS 388.440 to 388.520, inclusive, the board of trustees of each school district shall make such special provisions as may be

necessary for the education of pupils with disabilities and gifted and talented pupils.

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

Sec. 9. This act becomes effective on July 1, 1995.

SUMMARY--Requires that certain revenue from tax on net proceeds of minerals be reserved by school districts for expenditure in succeeding fiscal year. (BDR 34-271)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: Yes.

AN ACT relating to school funding; requiring that certain revenue from the tax on the net proceeds of minerals be reserved by school districts for expenditure in the succeeding fiscal year; providing for an apportionment to school districts from the state distributive school account for the fiscal year 1995-96 to offset the revenue reserved in that fiscal year; 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 387 of NRS is hereby amended by adding thereto a new section to read as follows:

All money apportioned during a fiscal year to a county school district pursuant to NRS 362.170 which is attributable to the tax levied for the support of the public schools within the district pursuant to subsection 1 of NRS 387.195 must be accounted for separately in the county school district fund and:

1. May not be expended for any purpose during that fiscal year;

2. *Must be reserved for expenditure in the succeeding fiscal year; and*
3. *Must not be considered in the negotiation of salaries and benefits of persons employed by the school district.*

Sec. 2. In addition to the apportionments to the county school districts required by NRS 387.124, the superintendent of public instruction shall, for the fiscal year 1995-96, apportion to each school district respectively from the state distributive school account in the state general fund an amount equal to the apportionment made for the fiscal year 1995-96 to that school district pursuant to NRS 362.170 which is attributable to the tax levied for the support of the public schools within the district pursuant to subsection 1 of NRS 387.195. The apportionments required by this section may be made quarterly.

Sec. 3. This act becomes effective on July 1, 1995.

SUMMARY--Repeals provision governing conferences of teachers and school administrators. (BDR 34-272)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to education; repealing provision governing conferences of teachers and school administrators; 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. NRS 385.190 is hereby repealed.

Sec. 2. This act becomes effective on July 1, 1995.

TEXT OF REPEALED SECTION

385.190 Conferences of teachers and administrators; expenses.

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 deems advisable.

(b) Engage such conference lecturers and leaders as he deems advisable.

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

2. No teachers' conference may continue more than 5 days.

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.

4. The expenses of holding teachers' and administrators' conferences must be paid from the state distributive school account in the state general fund, but the amount must 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.

SUMMARY--Directs Department of Education and Division of Child and Family Services of Department of Human Resources to conduct joint study of educational services available to pupils with violent and disruptive behavior. (BDR R-273)

CONCURRENT RESOLUTION--Directing the Department of Education and the Division of Child and Family Services of the Department of Human Resources to conduct a joint study of the educational services available to pupils with violent and disruptive behavior.

WHEREAS, The State of Nevada has a vital interest in ensuring that all children in this state receive a quality education; and

WHEREAS, Violent and disruptive behavior of pupils in classrooms is detrimental to the creation, promotion and maintenance of an effective learning environment; and

WHEREAS, Violent and disruptive behavior of pupils directly interferes with their ability to learn effectively; and

WHEREAS, Every pupil has the right to a learning environment free from the violent and disruptive behavior of another pupil; and

WHEREAS, It is important that all available educational services be used effectively and efficiently to minimize and, whenever possible, to eliminate violent and disruptive behavior of pupils, and the adverse effects of such behavior, in classrooms; now, therefore, be it

RESOLVED BY THE OF THE STATE OF NEVADA, THE

CONCURRING, That the Department of Education and the Division of Child and Family Services of the Department of Human Resources jointly study the continuum of educational services which are available to violent and disruptive pupils in Nevada; and be it further,

RESOLVED, That the Department of Education and the Division of Child and Family Services of the Department of Human Resources jointly report the results of the study and any recommended legislation to the 69th session of the Nevada Legislature; and be it further

RESOLVED, That the prepare and transmit a copy of this resolution to the Superintendent of Public Instruction and the Administrator of the Division of Child and Family Services of the Department of Human Resources.

SUMMARY--Establishes state program for funding local programs for intersession instruction of certain pupils. (BDR 34-274)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: Contains Appropriation.

AN ACT relating to the financial support of public schools; establishing a state program for funding local programs for the intersession instruction of certain pupils; making an appropriation; 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 387 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *As used in this section and sections 3 and 4 of this act, unless the context otherwise requires:*

1. *"Intersession instruction" means instruction:*

(a) Provided during periods between regularly scheduled sessions of instruction, whether or not those periods occur during June, July or August; and

(b) Which is remedial in character or provided for enrichment and reinforcement. For the purposes of this paragraph, instruction is provided for enrichment and reinforcement if the instruction:

(1) Is designed to increase the academic achievement of pupils beyond the minimum necessary to pass the courses required for graduation from high school; and

(2) Because of constraints on time, is not available to all pupils in a school district during regularly scheduled sessions of instruction.

2. "State program" means the state program for funding local programs for intersession instruction.

Sec. 3. 1. The state program for funding local programs for intersession instruction is hereby established.

2. The superintendent of public instruction shall administer the state program and, in consultation with the school districts of this state, adopt regulations for that purpose, including the establishment of criteria for eligibility to participate in the program.

3. Money appropriated for the state program must, except as otherwise provided in subsection 4, be used for the financial assistance of local programs operated by school districts for the intersession instruction of pupils:

(a) Who have disabilities.

(b) Who are from families of low income.

(c) Whose achievement and proficiency in reading, writing or mathematics is below the normal range for their age and grade in school, as measured by the examinations administered pursuant to NRS 389.015.

(d) Whose primary language is not English and whose proficiency in the English language is such that the probability of their academic success in classrooms where subjects are taught in English only is less than the probability of the academic success of pupils of the same age and grade whose primary language is English.

4. The superintendent of public instruction may expend not more than 1 percent of the money appropriated for the state program to pay the expenses of administering the state program.

Sec. 4. 1. To participate in the state program, a school district must apply to the superintendent of public instruction on a form provided by the superintendent. The application must contain, regarding the local program for intersession instruction:

(a) Information regarding the proposed operation of the program;

(b) Information regarding the courses of instruction proposed for the program;

(c) Information regarding the expected enrollment in the program, including the categories of pupils expected to participate;

(d) Information regarding the method by which the success of the program will be evaluated;

(e) Information regarding the need for funding;

(f) A schedule of fees to be charged participating pupils, established pursuant to a sliding scale based on the ability of a pupil's family to pay; and

(g) Such other information as the superintendent requires.

2. The superintendent of public instruction shall:

(a) Review applications for participation in the state program and approve applications submitted for local programs which meet the criteria for eligibility.

(b) Apportion money available for the state program among the school districts whose applications for participation have been approved. If applications from each school district have been approved, the superintendent shall distribute to each school district a percentage of the available money which is equal to the number obtained by dividing the total count of pupils enrolled in the school district by the total count of pupils enrolled in every school district in the state. If fewer than all of the school districts have been approved for participation, the superintendent shall distribute to each of the participating school districts a percentage of the available money which is equal to the number obtained by dividing the total count of pupils enrolled in the participating school district by the total count of pupils enrolled in every participating school district.

Sec. 5. The superintendent of public instruction shall, no later than March 1, 1997, report to the 69th session of the Nevada Legislature regarding the efficacy of the state program for funding local programs for intersession instruction.

Sec. 6. 1. There is hereby appropriated from the state general fund to the department of education:

For the fiscal year 1995-96	\$2,000,000

For the fiscal year 1996-97	\$2,000,000

2. The money appropriated by subsection 1 must be expended to carry out the provisions of sections 2, 3 and 4 of this act.

3. Any remaining balance of the appropriation made by subsection 1 for:

(a) The fiscal year 1995-96 must be transferred and added to the money appropriated for the fiscal year 1996-97.

(b) The fiscal year 1996-97, including any money added thereto pursuant to paragraph (a), must not be committed for expenditure after June 30, 1997, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 7. 1. This section and sections 1 to 5, inclusive, of this act become effective upon passage and approval.

2. Section 6 of this act becomes effective on July 1, 1995.

SUMMARY--Urges Budget Division of Department of Administration not to consider ending fund balances of school districts as sources of revenue in preparation of budgets. (BDR R-275)

CONCURRENT RESOLUTION--Urging the Budget Division of the Department of Administration not to consider ending fund balances of school districts as a source of revenue in the preparation of the budget of the Department of Education.

WHEREAS, The ability of a school district to provide education of the highest quality possible is directly dependent upon the amount of resources available and the ability of the school district to manage those resources; and

WHEREAS, The ending fund balance of a school district traditionally has been a valuable resource which the school district, in its discretion, could utilize to enhance the quality of education it provides to its pupils by adding additional services or improving existing services or to respond to unforeseen financial crises; and

WHEREAS, The existence and maintenance of an adequate ending fund balance is an important indicator of the financial stability of a school district; and

WHEREAS, The financial stability of a school district is an important consideration in the issuance of bonds in that a school district determined to be financially stable could receive a higher bond rating with a lower interest

rate, and consequently pay less interest and require less money from taxes to pay that interest; and

WHEREAS, In recent years, the ending fund balances of school districts, or projections of those balances, have been considered a source of revenue in the preparation of the budget of the Department of Education; and

WHEREAS, The designation of ending fund balances as a source of revenue has diminished the overall resources which are annually available to school districts and restricted the ability of school districts to provide additional and enhanced services to their pupils or respond to unforeseen financial crises; and

WHEREAS, The designation of ending fund balances as a source of revenue effectively discourages school districts from maintaining other than minimal ending fund balances, which could adversely affect the perception of financial stability of the school districts; now, therefore, be it

RESOLVED BY THE OF THE STATE OF NEVADA, THE

CONCURRING, That the Budget Division of the Department of Administration is hereby urged not to consider the ending fund balances of school districts of this state as a source of revenue in the preparation of the budget of the Department of Education; and be it further

RESOLVED, That the of the prepare and transmit a copy of this resolution to the Chief of the Budget Division of the Department of Administration.

SUMMARY--Requires state board of education to establish course of study to improve home and occupational skills. (BDR 34-276)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: Contains Appropriation.

AN ACT relating to education; requiring the state board of education to establish a course of study relating to home and occupational skills; making an appropriation; 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. NRS 388.380 is hereby amended to read as follows:

388.380 1. Except as otherwise provided in subsection 2, the board of trustees of a school district in a county whose population is 100,000 or more shall and any other board of trustees of a school district may:

(a) Establish and maintain occupational schools or classes giving instruction in the subjects approved by the state board for occupational education.

(b) Raise and expend money for the establishment and maintenance of occupational schools or classes.

2. The board of trustees of each school district shall incorporate into the curriculum:

- (a) Occupational guidance and counseling; [and]
- (b) *Home and occupational skills; and*
- (c) Technology,

in accordance with the courses of study adopted by the state board pursuant to NRS 389.170 and 389.180 [.] *and section 2 of this act.*

Sec. 2. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The state board shall, by regulation, establish a course of study relating to home and occupational skills.*

2. *The course of study must include:*

(a) *Instruction which introduces each pupil to skills relating to:*

(1) *Making decisions;*

(2) *Solving problems; and*

(3) *Management and leadership; and*

(b) *The opportunity to apply these skills to all areas of daily living.*

3. *The instruction required by this section must be made available to each pupil before his completion of the 8th grade. The board of trustees of a school district may direct that the course of study be given over a 2-year period during the 7th and 8th grades.*

4. *The board of trustees in each school district shall organize and offer the course of study within the limits of money made available to the district by the legislature for that purpose.*

Sec. 3. NRS 389.010 is hereby amended to read as follows:

389.010 Except as otherwise provided in NRS 389.170 and 389.180 [,) *and section 2 of this act*, boards of trustees of school districts shall enforce in schools the courses of study prescribed and adopted by the state board.

Sec. 4. 1. There is hereby appropriated from the state general fund to the state board of education the sum of \$1,376,341 for the purchase of equipment and instructional materials for use by the local school districts in providing the course of study designed to improve home and occupational skills required pursuant to section 2 of this act.

2. This appropriation must not be considered when determining the amount of money available for salaries of teachers or employees of the local school districts.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1997, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 5. This act becomes effective on July 1, 1995.

SUMMARY--Makes various changes to provisions governing fund for enhancement of occupational education. (BDR 34-277)

FISCAL NOTE: Effect on Local Government: No.
 Effect on the State or on Industrial Insurance: Contains
 Appropriation.

AN ACT relating to education; providing that the fund for the enhancement of occupational education be used for programs for pupils in certain grades; requiring the state board for occupational education to make certain allocations from the fund annually; making an appropriation; 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. NRS 388.367 is hereby amended to read as follows:

388.367 1. There is hereby created in the state treasury the fund for the enhancement of occupational education to be administered by the state board for occupational education. The interest and income earned on the money in the fund, after deducting any applicable charges, must be credited to the fund.

2. Money in the fund must be used for programs of occupational education for pupils *[.] in grades 9 to 12, inclusive*. The money may be used to establish classes to introduce pupils *in grades 9 and 10* to occupations in general, and to

improve occupational classes for pupils [.] *in grades 10, 11 and 12*. The state board for occupational education shall adopt courses of study establishing minimum standards for those programs and classes.

3. Money in the fund must not be:

(a) Considered in negotiations between a recognized organization of employees of a school district and the school district; or

(b) Used to reduce the amount of money which would otherwise be made available for occupational education in the absence of this section.

4. The state board for occupational education shall annually establish a basic allocation of \$25,000 to each school district which provides occupational instruction in grades 9 to 12, inclusive, and distribute the remainder of the money in the fund in proportion to the number of pupils in grades 9 to 12, inclusive, who are enrolled in programs of occupational education on the last day of the first month of the school year.

Sec. 2. 1. There is hereby appropriated from the state general fund to the fund for the enhancement of occupational education created pursuant to NRS 388.367:

For the fiscal year 1995-96	\$2,252,781
For the fiscal year 1996-97	\$2,252,781

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 3. This act becomes effective on July 1, 1995.

SUMMARY--Urges Congress not to require states to provide educational programs unless it provides necessary funding. (BDR R-278)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

JOINT RESOLUTION--Urging Congress not to require the states to provide educational programs unless it provides the funding necessary for those programs.

WHEREAS, Since the mid-1980s, Congress has increasingly shifted the cost of federally mandated programs to the states; and

WHEREAS, Requiring the states to pay for educational programs that were created and favored by Congress seriously impairs the ability of a state to establish the academic, social and nutritional programs that it determines are best suited to the particular educational situation in the state; and

WHEREAS, The 10th Amendment to the Constitution of the United States defines the total scope of federal power as being that specifically granted by the United States Constitution and no more; and

WHEREAS, Shifting the cost of federal programs to the states enables Congress to expand its federal power and encroach upon the states' power; now, therefore, be it

RESOLVED BY THE AND OF THE STATE OF NEVADA, JOINTLY, That the Nevada Legislature hereby urges that before

Congress adopts legislation which mandates the states to provide particular educational programs, Congress determines the approximate amount of money it will cost the respective states to comply with the mandate; and be it further

RESOLVED, That the Nevada Legislature hereby urges Congress not to enact a mandate requiring the states to provide educational programs unless it also appropriates to the respective states an amount of money sufficient to cover the anticipated costs associated with the mandate; and be it further

RESOLVED, That copies of this resolution be transmitted forthwith by the
of the to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage and approval.

SUMMARY--Directs Department of Education to study desirability and feasibility of lengthening school day and school year, increases availability of school facilities and provides financial assistance to teachers. (BDR R-279)

CONCURRENT RESOLUTION--Directing the Department of Education to study the desirability and feasibility of lengthening the school day and school year, increasing the number of hours that school facilities are available for the use of pupils and establishing a program to provide financial assistance to certain teachers.

WHEREAS, The evolution of our society has constantly increased the emphasis of a formal education for all children; and

WHEREAS, The world which a child must face today is filled with many complex and complicated situations and issues; and

WHEREAS, The actual amount of time which a child spends in formal schooling may not be sufficient to prepare him for this complex and complicated world; and

WHEREAS, Many children during those times in which schools are closed choose to engage in activities which are detrimental to themselves and to society as a whole; and

WHEREAS, The facilities of a school, if available, would provide a safe environment in which a child could further improve his academic and social

skills to prepare him to take a more meaningful and productive role in our society; and

WHEREAS, To prepare our children effectively for the constantly changing demands of our society, it is desirable for teachers to further their own education; now, therefore, be it

RESOLVED BY THE _____ OF THE STATE OF NEVADA, THE
CONCURRING, That the Department of Education is hereby directed to study the desirability and feasibility for the State of Nevada of:

1. Increasing the number of hours that pupils spend in classrooms during the day;
2. Increasing the number of days in a school year;
3. Increasing the number of hours which facilities of a public school, such as a science laboratory, library, computer facility and gymnasium, are available for the use of pupils; and
4. Establishing a program pursuant to which school districts would provide financial assistance to teachers within that district who wish to further their education in their areas of expertise;

and be it further

RESOLVED, That the Superintendent of Public Instruction report the results of the study and any recommended legislation to the 69th session of the Nevada Legislature; and be it further

RESOLVED, That the _____ of the _____ prepare and transmit a copy of this resolution to the Superintendent of Public Instruction.

SUMMARY--Establishes uniform grounds for suspension and expulsion of pupils. (BDR 34-280)

FISCAL NOTE: Effect on Local Government: Yes.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to education; establishing uniform grounds for the suspension and expulsion of pupils from public school; 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. NRS 392.463 is hereby amended to read as follows:

392.463 1. Each school district shall prescribe written rules of behavior required of and prohibited for pupils attending school within [their] *the* district and shall , *except as otherwise provided in NRS 392.466*, prescribe appropriate punishments for violations of the rules. [If suspension or expulsion is used as a punishment for a violation of the rules, the school district shall follow the procedures in NRS 392.467.]

2. A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be distributed to each pupil at the beginning of the school year and to each new pupil who enters school during the year. Copies must also be made available for inspection at each

school located in that district in an area on the grounds of the school which is open to the public.

Sec. 2. NRS 392.466 is hereby amended to read as follows:

392.466 1. Except as otherwise provided in this section, [any pupil who commits a battery which results in the bodily injury of an employee of the school or sells or distributes any controlled substance,] *a pupil must be expelled from school if, while on the premises of any public school, at an activity sponsored by a public school or on any school bus [must, for the first occurrence, be suspended or expelled from that school, although he may be placed in another kind of school, for at least a period equal to one semester for that school. For a second occurrence, he must be permanently expelled from that school, but he may be required to attend another kind of school.] the pupil:*

(a) Commits a battery which results in the bodily injury of an employee of the school;

(b) Possesses or uses a dangerous weapon;

(c) Sells, distributes or attempts to sell or distribute any alcoholic beverage or controlled substance; or

(d) Willfully and maliciously sets a fire.

For a first violation of this subsection, a pupil may be placed in another kind of school, for at least a period equal to one semester for that school. For a second violation of this subsection, a pupil must be permanently expelled from school, but he may be required to attend another kind of school.

2. Except as otherwise provided in this section, [any pupil who is found in possession of a dangerous weapon] *a pupil must be suspended from school if, while on the premises of any public school, at an activity sponsored by a public school or on any school bus [must, for the first occurrence, be suspended or expelled from the school, although he may be placed in another kind of school for a period not to exceed the equivalent of one semester for that school. For a second occurrence, he must be permanently expelled from the school, but he may be required to attend another kind of school.] the pupil:*

(a) Commits extortion;

(b) Commits forgery;

(c) Commits theft;

(d) Gambles;

(e) Intentionally or recklessly causes or threatens to cause physical or emotional harm to another person or behaves in such a manner as to present an imminent risk of such harm;

(f) Knowingly gives a false alarm of fire, makes a false report concerning a bomb or other explosive or gives a false report to any agency which provides emergency services;

(g) Possesses any alcoholic beverage or controlled substance;

(h) Possesses or uses explosives or fireworks;

(i) Commits gross insubordination by refusing to obey school personnel in the presence of other persons and after a specific warning to obey; or

(j) Smokes or uses tobacco on the premises of a school which is located within a school district that prohibits the use of tobacco by pupils.

A pupil may be suspended for not more than 10 days for each occurrence of conduct proscribed by this subsection.

3. Each school district shall adopt and enforce measures for disciplining any pupil who:

(a) Aids or abets another pupil to violate any provision of this section;

(b) Engages in sexual activity;

(c) Engages in the hazing of another pupil or an employee of the school;

(d) Is deemed a truant or declared an habitual truant in accordance with NRS 392.130 or 392.140;

(e) Possesses drug paraphernalia or tobacco;

(f) Refuses to obey school personnel in a manner not constituting gross insubordination;

(g) Uses school property or the property of another person without the owner's consent;

(h) Violates the rules of the school or classroom;

(i) Willfully and maliciously damages school property or the property of another person; or

(j) Writes or uses vile, obscene, profane or indecent language.

[3. Subsection 2]

4. Subsection 1 does not prohibit a pupil from having in his possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district.

[4.] 5. Any pupil in grades 1 to 6, inclusive, may be suspended from school or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.

[5.] 6. A pupil who is participating in a program of special education pursuant to NRS 388.520, other than a pupil who is gifted and talented, may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters, be:

(a) Suspended from school pursuant to this section for not more than 10 days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsections 1 [and 2.] , 2 and 3.

(b) Suspended from school for more than 10 days or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act (20 U.S.C. §§ 1400 et seq.).

[6.] 7. As used in this section:

(a) "*Alcoholic beverage*" has the meaning ascribed to it in NRS 202.015.

(b) "*Battery*" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

[(b)] (c) "*Dangerous weapon*" includes, without limitation, a blackjack, slung shot, billy, sand-club, sandbag, metal knuckles, explosive substance or device, dirk, dagger, pistol, revolver or other firearm, a nunchaku, switchblade

knife or trefoil, as defined in NRS 202.350, a butterfly knife or any other knife described in NRS 202.350.

(d) "*Drug paraphernalia*" has the meaning ascribed to it in NRS 453.554.

(e) "*Explosive*" has the meaning ascribed to it NRS 202.750.

(f) "*Extortion*" means the acts specified in NRS 205.320.

(g) "*Forgery*" has the meaning ascribed to it in NRS 205.085.

(h) "*Hazing*" means to harass another person with banter, ridicule or criticism.

(i) "*Theft*" means the acts specified in NRS 205.0832.

Sec. 3. NRS 392.467 is hereby amended to read as follows:

392.467 1. [Except as otherwise provided in subsections 4 and 5, the board of trustees of a school district may authorize the suspension or expulsion of any pupil from any public school within the school district.

2.] Except as otherwise provided in subsection [5,] 3, no pupil may be suspended or expelled *from any public school* until he has been given notice of the charges against him, an explanation of the evidence and an opportunity for a hearing, except that a pupil who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process or who [is selling or distributing any controlled substance or is found to be in possession of a dangerous weapon as provided in] *engages in conduct proscribed by* NRS 392.466 may be removed from the school immediately upon being given an explanation of the reasons for his removal, and pending proceedings, to be conducted as soon as practicable after removal, for his suspension or expulsion.

[3.] 2. The provisions of chapter 241 of NRS do not apply to any hearing conducted pursuant to this section. Such hearings must be closed to the public.

[4. The board of trustees of a school district shall not authorize the expulsion, suspension or removal of any pupil from the public school system solely because the pupil is declared a truant or habitual truant in accordance with NRS 392.130 or 392.140.

5.] 3. A pupil who is participating in a program of special education pursuant to NRS 388.520, other than a pupil who is gifted and talented, may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters, be:

(a) Suspended from school pursuant to this section for not more than 10 days.

(b) Suspended from school for more than 10 days or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act (20 U.S.C. §§ 1400 et seq.).

Sec. 4. NRS 392.464 is hereby repealed.

TEXT OF REPEALED SECTION

392.464 Adoption and enforcement by trustees of disciplinary measures for pupil in possession of alcoholic beverage or controlled substance on premises of school.

1. The board of trustees of each school district shall adopt and enforce measures for disciplining any pupil who is found in possession of an alcoholic beverage or a controlled substance, while on the premises of any public school in its district.

2. As used in this section, "alcoholic beverage" has the meaning ascribed to it in NRS 202.015.

SUMMARY--Requires school districts to report certain additional information to residents of district and to state board of education.
(BDR 34-281)

FISCAL NOTE: Effect on Local Government: Yes.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to education; requiring the board of trustees of each school district to report certain additional information concerning pupils, teachers and schools to the residents of the district and to the state board of education; 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. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this state, in cooperation with associations recognized by the state board as representing licensed personnel in education in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the state board for the quality of the schools and the educational achievement of the pupils in the district.

2. The board of trustees of each school district must report during March of each year to the residents of the district concerning:

- (a) The educational goals and objectives of the school district;
- (b) A comparison of pupil achievement for each school in the district and the district as a whole at each age and grade level for the current school year with that of previous school years;
- (c) The ratio of pupils to teachers at each grade level for each school in the district and the district as a whole and other data concerning licensed and unlicensed employees of the school district;
- (d) A comparison of the types of classes that each teacher has been assigned to teach with the qualifications and licensure of the teacher, for each school in the district and the district as a whole;
- (e) The total expenditure per pupil, set forth individually for each source of funding, for each school in the district and the district as a whole;
- (f) The curriculum used by the school district, including any special programs for pupils at an individual school;
- (g) [Records of the attendance] *The count of pupils in each grade level and a record of their daily attendance* and advancement , [of pupils in all grades,] for each school in the district and the district as a whole, and of graduation rates for pupils in each high school in the district;
- (h) Efforts made by the school district and by each school in the district to increase communication with the parents of pupils in the district; [and]
- (i) *All incidents of violence which occurred on school property for each school in the district and the district as a whole;*

(j) All books, materials and supplies that are in shortage for each school in the district;

(k) The average salary of teachers for each school in the district and the district as a whole;

(l) The number and age of computers used by each school in the district;

(m) The number of pupils receiving special education and the number of pupils for whom special education was determined during the year to be no longer necessary for each school in the district and the district as a whole;

(n) The number of pupils who have dropped out of school for each school in the district and the district as a whole; and

(o) Such other information as is directed by the superintendent of public instruction.

3. The superintendent of public instruction shall:

(a) Prescribe forms for the reports required pursuant to subsection 2 and provide the forms to the respective school districts.

(b) Provide statistical information and technical assistance to the school districts to ensure that the reports provide comparable information with respect to each school in each district and among the districts.

(c) Consult with a representative of:

(1) The Nevada State Education Association;

(2) The Nevada Association of School Boards;

(3) The Nevada Association of School Administrators; and

(4) The Nevada Parent Teachers Association,

concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

4. On or before April 15 of each year, the board of trustees of each school district shall submit to the state board the report made pursuant to subsection 2. On or before June 15 of each year, the board of trustees of each school district shall submit to the state board:

(a) A separate report summarizing the effectiveness of the district's program of accountability during the school year; and

(b) A description of the efforts the district has made to correct deficiencies identified in the report submitted pursuant to paragraph (a).

5. On or before February 1 of each year, the superintendent of public instruction shall analyze the information submitted to the state board and report to the legislature concerning the effectiveness of the programs of accountability adopted pursuant to this section. In even-numbered years, the report must be submitted to the legislative commission.

Sec. 2. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this state, in cooperation with associations recognized by the state board as representing licensed personnel in education in the district, shall adopt a program providing for the accountability of the school district to the residents of the district [and to the state board] for the quality of the schools and the educational achievement of the pupils in the district.

2. [The board of trustees of each school district must report during March of each year to the residents of the district concerning:] *The board of trustees*

of each school district may design its own program or may adopt the program developed by the Northwest Association of Schools and Colleges.

3. The program must require the board of trustees of the school district to report not less than annually to the residents of the district concerning:

- (a) The educational goals and objectives of the school district;
- (b) A comparison of pupil achievement [for each school in the district and the district as a whole] at each age and grade level for the current school year with that of previous school years;
- (c) The ratio of pupils to teachers at each grade level [for each school in the district and the district as a whole] and other data concerning licensed and unlicensed employees of the school district;
- (d) A comparison of the types of classes that each teacher has been assigned to teach with the qualifications and licensure of the teacher ; [, for each school in the district and the district as a whole;]
- (e) The total expenditure per pupil, set forth individually for each source of funding ; [, for each school in the district and the district as a whole;]
- (f) The curriculum used by the school district, including any special programs for pupils ; [at an individual school;]
- (g) The count of pupils in each grade level and a record of their daily attendance and advancement, [for each school in the district and the district as a whole,] and of graduation rates for pupils in [each] high school ; [in the district;]
- (h) Efforts made by the school district and by each school in the district to increase communication with the parents of pupils in the district;

(i) All incidents of violence which occurred on school property [for each school] in the district ; [and the district as a whole;]

(j) All books, materials and supplies that are in shortage [for each school] in the district;

(k) The average salary of teachers [for each school] in the district ; [and the district as a whole;]

(l) The number and age of computers used by each school in the district;

(m) The number of pupils receiving special education and the number of pupils for whom special education was determined during the year to be no longer necessary [for each school in the district and the district as a whole;] ;
and

(n) The number of pupils who have dropped out of school [for each school] in the district . [and the district as a whole; and

(o) Such other information as is directed by the superintendent of public instruction.

3. The superintendent of public instruction shall:

(a) Prescribe forms for the reports required pursuant to subsection 2 and provide the forms to the respective school districts.

(b) Provide statistical information and technical assistance to the school districts to ensure that the reports provide comparable information with respect to each school in each district and among the districts.

(c) Consult with a representative of:

(1) The Nevada State Education Association;

(2) The Nevada Association of School Boards;

(3) The Nevada Association of School Administrators; and

(4) The Nevada Parent Teachers Association,

concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

4. On or before April 15 of each year, the board of trustees of each school district shall submit to the state board the report made pursuant to subsection 2. On or before June 15 of each year, the board of trustees of each school district shall submit to the state board:

(a) A separate report summarizing the effectiveness of the district's program of accountability during the school year; and

(b) A description of the efforts the district has made to correct deficiencies identified in the report submitted pursuant to paragraph (a).

5. On or before February 1 of each year, the superintendent of public instruction shall analyze the information submitted to the state board and report to the legislature concerning the effectiveness of the programs of accountability adopted pursuant to this section. In even-numbered years, the report must be submitted to the legislative commission.]

Sec. 3. Section 2 of chapter 644, Statutes of Nevada 1993, at page 2746, is hereby amended to read as follows:

Sec. 2. This act becomes effective on July 1, 1993 . [, and expires by limitation on July 1, 1997.]

Sec. 4. 1. This section and sections 1 and 3 of this act become effective on July 1, 1995.

2. Section 2 of this act becomes effective on July 1, 1997.

SUMMARY--Urges board of trustees of each county school district to develop policies and strategies to increase parental involvement in educational process. (BDR R-282)

CONCURRENT RESOLUTION--Urging the board of trustees of each county school district to develop policies and strategies to increase parental involvement in the educational process.

WHEREAS, Numerous studies show that it is crucial that parents take an active role in the education of their children, both at home and at school; and

WHEREAS, Learning and education are an essential part of every aspect of life and are not confined to a classroom; and

WHEREAS, The attitude of children toward learning and school is a reflection of their parents' attitudes; and

WHEREAS, Parents who take an active role in the education of their children have a positive impact on the success of those children both inside and outside of a classroom; and

WHEREAS, Parents who work with their children at home reinforce the lessons taught at school and the importance of the learning process; and

WHEREAS, Parents can provide important information and insights into the abilities and needs of their children and give valuable assistance to teachers and other school officials in maximizing those abilities and addressing those needs; and

WHEREAS, The involvement of the family and community is integral to the educational development of our children, and parents, as members of a culturally and ethnically diverse society, can assist teachers in locating and accessing the many resources of the community to educate our children better; and

WHEREAS, Parents often wish to take a more active role in the education of their children but are dissuaded or prevented from doing so because of the cultural, social or economic demands which society places on them; now, therefore, be it

RESOLVED BY THE OF THE STATE OF NEVADA, THE

CONCURRING, That the board of trustees of each county school district in the State of Nevada is hereby urged to develop policies and strategies to encourage and improve the involvement of the family in the educational process; and be it further

RESOLVED, That the of the prepare and transmit a copy of this resolution to the board of trustees of each county school district in this state.

SUMMARY--Urges colleges of education of University and Community College System of Nevada to provide students with training in communication skills. (BDR R-283)

CONCURRENT RESOLUTION--Urging the colleges of education of the University and Community College System of Nevada to provide their students with training to enhance communication between teachers and parents.

WHEREAS, The involvement of parents in the education of their children is of paramount importance to improve and maintain the quality of education provided to pupils attending schools in this state; and

WHEREAS, Effective communication between teachers and parents will improve the ability of both teachers and parents to meet the educational needs of pupils; and

WHEREAS, A person seeking a license to teach should have training in skills that will foster communication with parents and encourage the involvement of parents in the education of their children; now, therefore, be it

RESOLVED BY THE OF THE STATE OF NEVADA, THE

CONCURRING, That the College of Education of the University of Nevada, Las Vegas, and the College of Education of the University of Nevada, Reno, are hereby urged to provide their students with training that will enhance a teacher's ability to:

1. Communicate effectively with parents of pupils; and

2. Encourage parents to become involved in the education of their children;
and be it further

RESOLVED, That the of the prepare and transmit a copy
of this resolution to the Dean of the College of Education of the University of
Nevada, Las Vegas, and the Dean of the College of Education of the
University of Nevada, Reno.

SUMMARY--Requires training for teachers concerning persons with disabilities. (BDR 34-284)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to education; requiring that teachers be trained in the instruction of and laws relating to persons with disabilities; authorizing an expenditure; 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 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who is granted a license to teach or perform other educational functions in the public schools of Nevada, in the school conducted at the Nevada youth training center or the Caliente youth center or for any program of instruction for kindergarten or grades 1 to 12, inclusive, conducted at an institution of the department of prisons must possess adequate knowledge concerning the instruction of persons with disabilities in a regular classroom and concerning the laws relating to such persons, acquired through study in a college, university or normal school.

2. The commission shall specify the required courses of study, amounting to no less than 3 semester-hours or the equivalent.

Sec. 2. 1. In addition to other authorized expenditures, the University and Community College System of Nevada may expend \$500,000 in each of the fiscal years 1995-96 and 1996-97 to provide the instruction required by section 1 of this act, if available from a federal program.

2. If the money authorized for expenditure is not available, or if the state board of education finds that for any other reason compliance with section 1 of this act is not feasible, the board may extend the time for compliance with section 1 of this act to a date no later than October 1, 1999.

Sec. 3. 1. Section 1 of this act becomes effective upon passage and approval for the purpose of specifying the required courses of study, and on October 1, 1997, for all other purposes.

2. Section 2 of this act becomes effective on July 1, 1995.

3. This section becomes effective upon passage and approval.

SUMMARY--Requires state board of education to establish program to promote professional development of teachers. (BDR 34-285)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to education; requiring the state board of education to establish a program to promote the professional development of teachers; 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 391 of NRS is hereby amended by adding thereto a new section to read as follows:

- 1. The state board shall establish a program to encourage and promote:*
 - (a) The continuous learning and development of teachers as professionals;*
 - (b) Collaboration and cooperation among teachers throughout this state; and*
 - (c) Collaboration and cooperation between teachers and educators from institutions of higher education,**in addressing the common issues and problems faced by teachers in the classroom.*
- 2. The program may include, without limitation:*

(a) A network or forum through which teachers may discuss, develop or recommend strategies for identifying and solving issues and problems faced by teachers;

(b) Educational conferences; and

(c) Training and workshops which address the issues and problems faced by teachers.

3. The state board may request the assistance of the board of regents of the University of Nevada in carrying out the provisions of this section.

4. The state board may adopt such regulations as it deems necessary to carry out the provisions of this section.

SUMMARY--Authorizes grants of money to elementary schools for programs of early intervention for certain pupils. (BDR 34-286)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: Yes.

AN ACT relating to education; authorizing the department of education to make grants of money to elementary schools to develop programs of early intervention for certain pupils; 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 and 3 of this act.

Sec. 2. 1. *The department, to the extent of available money, may grant money to elementary schools to develop programs of early intervention which are designed to provide health and social services to pupils who are educationally disadvantaged and for whom early intervention would improve:*

- (a) The literacy skills of the pupils;*
- (b) The chance of the pupils to advance and succeed academically; and*
- (c) The ability of the pupils to participate in society in a meaningful and productive way as competent, productive, caring and responsible citizens.*

2. *An application for a grant of money may be made by the principal of each elementary school in this state and must include:*

(a) A detailed summary of the services to be provided through the program, including the cost of the services;

(b) The number of pupils who would be assisted by the program;

(c) The long-range goals of the program; and

(d) Any other information which the department may require.

3. *The department:*

(a) Shall adopt regulations to establish the minimum requirements for eligibility of elementary schools to receive grants of money; and

(b) May adopt such regulations as are necessary to administer the provisions of this section.

Sec. 3. *1. The department may accept gifts, grants and bequests of money from any private or public source for use in carrying out the provisions of section 2 of this act. All money received by the department for that purpose must be deposited with the state treasurer for credit to the state general fund and accounted for separately.*

2. The superintendent of public instruction or his designee shall administer the money credited to the state general fund pursuant to subsection 1. The money may be expended only for use in carrying out the provisions of section 2 of this act.

Sec. 4. *This act becomes effective on July 1, 1995.*

SUMMARY--Urges Department of Education and Department of Human Resources to participate fully in "Kids Count" survey.
(BDR R-287)

CONCURRENT RESOLUTION--Urging the Department of Education and the Department of Human Resources to participate fully in the national "Kids Count" survey.

WHEREAS, The "Kids Count" survey, conducted by the Annie E. Casey Foundation and the Center for the Study of Social Policy, profiles the condition of children in the United States by measuring the health and the economic, educational and social well-being of those children; and

WHEREAS, The overarching goal of the "Kids Count" survey, and the policies and programs established by individual states in response to the survey, is to foster a greater statewide and national commitment to improving the outcomes for vulnerable children and their families; and

WHEREAS, The profile of the condition of children generated by the "Kids Count" survey is a powerful indicator of the needs of those children which can be used to improve existing policies and programs, or establish new policies and programs, affecting the children of the State of Nevada; and

WHEREAS, The accuracy and value of this information for the benefit of the children of this state is wholly dependent upon the full participation of the State of Nevada; now, therefore, be it

RESOLVED BY THE OF THE STATE OF NEVADA, THE

CONCURRING, That the Department of Education and the Department of Human Resources is hereby urged to participate fully in the national "Kids Count" survey; and be it further

RESOLVED, That the of the prepare and transmit a copy of this resolution to the Superintendent of Public Instruction and the Director of the Department of Human Resources.

this state to encourage their employees to obtain high school diplomas or high school equivalency certificates based on General Education Development credentials; and be it further

RESOLVED, That the of the prepare and transmit a copy of this resolution to the Nevada Association of Independent Businesses, the Nevada Resort Association, the Nevada Restaurant Association and each Chamber of Commerce in Nevada.

SUMMARY--Urges school districts in Nevada to improve nutritional value of foods served in school lunch and breakfast programs.
(BDR R-289)

CONCURRENT RESOLUTION--Urging the school districts in this state to improve the nutritional value of the foods served in the school lunch and breakfast programs by decreasing the amount of fats and sodium, and by increasing the amount of fiber contained therein.

WHEREAS, A report issued in 1993 by the United States Department of Agriculture indicates that the calories in a typical school lunch are comprised of 38 percent fat, of which 15 percent is artery-damaging saturated fat, and that each such lunch provides twice the recommended amount of sodium; and

WHEREAS, Nutritional studies indicate that a diet high in fat and sodium can be a major contributor to the development of cancers and heart disease; and

WHEREAS, The United States Dietary Guidelines suggest that foods served in school lunch and breakfast programs should contain no more than 30 percent fat and should be rich in fiber and low in sodium; and

WHEREAS, A recent study conducted by the United States Department of Agriculture indicates that less than 1 percent of public schools nationwide currently meet the United States Dietary Guidelines; now, therefore, be it

RESOLVED BY THE OF THE STATE OF NEVADA, THE

CONCURRING, That the Nevada Legislature urges the school

districts in the State of Nevada to revise their current school lunch and breakfast programs to comply with the United States Dietary Guidelines and to ensure that the foods served to pupils are high in fiber and low in fat and sodium; and be it further

RESOLVED, That the _____ of the _____ prepare and transmit a copy of this resolution to each school district in the State of Nevada and to the Superintendent of Public Instruction.

SUMMARY--Requires program of instruction and related funding for extremely gifted and talented pupils. (BDR 34-290)

FISCAL NOTE: Effect on Local Government: Yes.

Effect on the State or on Industrial Insurance: Yes.

AN ACT relating to education; requiring a program of instruction for extremely gifted and talented pupils; requiring the state board of education to establish criteria for identifying such pupils and minimum standards for such programs; requiring state funding for such programs; 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 387 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The basic support guarantee for an educational program for extremely gifted and talented pupils 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 the educational program actually was maintained and operated is to 9 school months.

2. Any unused allocations for educational programs for extremely gifted and talented pupils must be reallocated to other school districts by the

superintendent of public instruction. In such a reallocation, first priority must be given to educational programs for extremely gifted and talented pupils with statewide implications, and second priority must be given to educational programs for extremely gifted and talented pupils 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 programs eligible for payment from reallocations, then payment for the 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 educational programs for the extremely gifted and talented pupils of the district pursuant to NRS 388.440 to 388.520, inclusive, and sections 9 and 10 of this act.

Sec. 2. NRS 387.047 is hereby amended to read as follows:

387.047 1. Except as otherwise provided in this section, each school district shall separately account for all money received for [the] :

(a) *The instruction of and the provision of related services to pupils with disabilities and gifted and talented pupils described by NRS 388.520 [.] ; and*

(b) The instruction of extremely gifted and talented pupils provided in accordance with sections 9 and 10 of this act.

2. The separate accounting must include:

(a) The amount of money provided to the school district for special education for basic support;

(b) Transfers of money from the school district's general fund needed to balance the special revenue fund; and

(c) The cost of:

(1) Instruction provided by licensed special education teachers and supporting staff;

(2) Related services, including, but not limited to, services provided by psychologists, therapists [,] and health-related personnel;

(3) Transportation of the handicapped minors to and from school;

(4) The direct supervision of educational and supporting programs; and

(5) The supplies and equipment needed for providing special education.

3. Money received from federal sources must be:

(a) Accounted for separately; and

(b) Excluded from the accounting required pursuant to this section.

4. *As used in this section, "special education" includes educational programs for extremely gifted and talented pupils established pursuant to sections 9 and 10 of this act.*

Sec. 3. NRS 387.1211 is hereby amended to read as follows:

387.1211 As used in NRS 387.121 to 387.126, inclusive [:] , *and section 1 of this act:*

1. "Average daily attendance" means the total number of pupils attending a particular school each day during a period of reporting divided by the number of days school is in session during that period.

2. *"Educational program for extremely gifted and talented pupils" means a full-time program of instruction provided by a teacher licensed by the superintendent of public instruction to a pupil who is identified as being extremely gifted and talented pursuant to NRS 388.440 to 388.520, inclusive, and sections 9 and 10 of this act, and any regulations adopted pursuant thereto.*

3. "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.] 4. "Special education program unit" means an organized instructional unit which includes full-time services of persons licensed by the superintendent of public instruction providing a program of instruction in accordance with minimum standards prescribed by the state board.

Sec. 4. NRS 387.122 is hereby amended to read as follows:

387.122 For making the apportionments of the state distributive school account in the state general fund required by the provisions of this Title, the basic support guarantee per pupil for each school district and the basic support guarantee for each special education program unit *and educational program for extremely gifted and talented pupils* maintained and operated during at least 9 months of a school year are established by law for each school year.

Sec. 5. NRS 387.123 is hereby amended to read as follows:

387.123 1. The count of pupils for apportionment purposes includes all those who are enrolled in programs of instruction of the school district for:

- (a) Pupils in the kindergarten department.
- (b) Pupils in grades 1 to 12, inclusive.
- (c) Pupils not included under paragraph (a) or (b) who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive [.] , *and sections 9 and 10 of this act.*

(d) Children detained in detention homes, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570.

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

2. The state board of education shall establish uniform regulations for counting enrollment and calculating the average daily attendance of pupils. In establishing such regulations for the public schools, the state board:

(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 prohibit the counting of any pupil specified in subsection 1 more than once.

3. Except as otherwise provided in NRS 388.700, 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 the school district with respect to the number and distribution of pupils in each grade; and
- (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, reduce the count of pupils for apportionment purposes by the percentage which the number of pupils attending those classes is of the total number of pupils in the district, and the state board may direct him to withhold the quarterly apportionment entirely.

Sec. 6. 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 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 pupils not included under subparagraph (1) or (2) who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive, *and sections 9 and 10 of this act*, on the last day of the first school month of the school year, excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.490 *or section 10 of this act*, on that day.

(4) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.490 , *or section 10 of this act*, on the last day of the first school month of the school year.

(5) The count of children detained in detention homes, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570 on the last day of the first school month of the school year.

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

(c) *Multiplying the number of educational programs for extremely gifted and talented pupils maintained and operated by the school district by the amount per program established for that school year.*

(d) Adding the amounts computed in paragraphs (a) [and (b).] , (b) and (c).

2. If the sum of the counts prescribed in paragraph (a) of subsection 1 is less than the sum similarly obtained for the immediately preceding school year, the larger sum 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 must be credited with attendance during that period.

4. Pupils who are incarcerated in a facility or institution operated by the department of prisons must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the department of education.

5. Part-time pupils who are enrolled in courses which are approved by the department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the department.

Sec. 7. NRS 387.1243 is hereby amended to read as follows:

387.1243 1. The first apportionment based on an estimated number of pupils , [and] special education program units *and educational programs for extremely gifted and talented pupils* and succeeding apportionments are subject to adjustment from time to time as the need therefor may appear.

2. A final apportionment must be computed as soon as practicable following the close of the school year, but not later than August 1. The final computation must be based upon the actual counts of pupils required to be made for the computation of basic support and the limits upon the support of

special education programs [,] *and educational programs for extremely gifted and talented pupils*, except that for any year when the total enrollment of pupils and children described in paragraphs (a), (b), (c) and (d) of subsection 1 of NRS 387.123 is greater on the last day of any school month after the second school month and the increase in enrollment shows at least:

(a) A 3 percent gain, basic support as computed from first month enrollment must be increased by 2 percent.

(b) A 6 percent gain, basic support as computed from first month enrollment must be increased by an additional 2 percent.

3. If the final computation of apportionment for any school district exceeds the actual amount paid to the school district during the school year, the additional amount due must be paid before September 1. If the final computation of apportionment for any school district is less than the actual amount paid to the school district during the school year, the amount of overpayment must be deducted from the next apportionment payable to the school district. If the amount of overpayment is greater than the next apportionment payable, the difference must be repaid to the state distributive school account in the state general fund by the school district before September 1.

Sec. 8. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 9 and 10 of this act.

Sec. 9. *The state board shall establish by regulation:*

1. *Criteria to identify extremely gifted and talented pupils. The state board may prescribe such testing as it determines is necessary to identify such pupils.*

2. *Minimum standards for programs of instruction for extremely gifted and talented pupils.*

Sec. 10. *1. Except as otherwise provided in subsection 2, the board of trustees of a school district shall:*

(a) Provide a program of instruction for each pupil within the district who is identified as an extremely gifted and talented pupil; and

(b) Admit an extremely gifted and talented pupil into the program when the pupil is 4 years of age, or immediately upon the determination that the pupil is extremely gifted and talented, whichever occurs later.

2. A pupil must not be required to participate in a program of instruction for extremely gifted and talented pupils if the parent or guardian of the pupil files a statement with the board of trustees of the school district showing that the pupil is receiving adequate educational advantages.

3. The enrollment or attendance of a pupil in a program of instruction pursuant to this section may be counted for apportionment purposes, except that no apportionment of state money may be made to any school district for such a program until the program is approved by the superintendent of public instruction as meeting the prescribed minimum standards.

Sec. 11. NRS 388.440 is hereby amended to read as follows:

388.440 As used in NRS 388.440 to 388.520, inclusive [:

1.] , and sections 9 and 10 of this act:

1. "Extremely gifted and talented pupil" means a person under the age of 18 years who:

(a) *Demonstrates such outstanding academic skills or aptitudes that he cannot progress effectively, and would be adversely affected, in a regular school program and therefore needs special instruction or special services; and*

(b) *Satisfies the criteria established by the state board for identifying such pupils.*

2. "Gifted and talented pupil" means a person under the age of 18 years who demonstrates such outstanding academic skills or aptitudes that he cannot progress effectively in a regular school program and therefore needs special instruction or special services.

[2.] *The term does not include an extremely gifted and talented pupil.*

3. "Pupil with a disability" means a person under the age of 22 years who deviates either educationally, physically, socially or emotionally so markedly from normal patterns that he cannot progress effectively in a regular school program and therefore needs special instruction or special services.

Sec. 12. NRS 388.450 is hereby amended to read as follows:

388.450 1. The legislature declares that the basic support guarantee for each special education program unit *and educational program for extremely gifted and talented pupils* established by law for each school year establishes financial resources sufficient to ensure a reasonably equal educational opportunity to pupils with disabilities , [and] gifted and talented pupils *and extremely gifted and talented pupils* residing in Nevada.

2. Subject to the provisions of NRS 388.440 to 388.520, inclusive, *and sections 9 and 10 of this act*, the board of trustees of each school district shall make such special provisions as may be necessary for the education of pupils

with disabilities , [and] gifted and talented pupils [.] *and extremely gifted and talented pupils.*

3. The board of trustees of a school district shall establish uniform criteria governing eligibility for instruction under the special education programs provided for by NRS 388.440 to 388.520, inclusive [.] , *and sections 9 and 10 of this act.* The criteria are subject to such standards as may be prescribed by the state board of education.

Sec. 13. NRS 388.470 is hereby amended to read as follows:

388.470 1. Before any child is placed in a special program for pupils with disabilities or gifted and talented pupils [:] *or into an educational program for extremely gifted and talented pupils:*

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

(b) An examination must be conducted for the purpose of finding the extent to which the child deviates from normal growth and development patterns. The examination must be conducted in accordance with standards prescribed by the state 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. 14. NRS 388.500 is hereby amended to read as follows:

388.500 1. Pupils with disabilities , [or] gifted and talented pupils [, or both,] *or extremely gifted and talented pupils, or any combination thereof,* may be instructed in special ungraded schools or within special programs established for the instruction of such pupils.

2. Boards of trustees of school districts may:

(a) Purchase sites and erect buildings for those purposes in the same manner as other school sites or school buildings may be purchased and erected.

(b) Rent suitable property at an economical rental for special or ungraded rooms.

(c) Accept gifts or donations of sites and buildings for those purposes.

Sec. 15. NRS 392.300 is hereby amended to read as follows:

392.300 1. As provided in this Title, the board of trustees of any school district may furnish transportation for all resident children of school age in the school district attending a public school, including pupils assigned to special schools or programs pursuant to NRS 388.440 to 388.520, inclusive [:] , *and sections 9 and 10 of this act:*

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

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

2. When the board of trustees of a school district whose population is less than 100,000 furnishes transportation for pupils attending public schools pursuant to subsection 1, the board may also provide transportation for all resident children of school age in the school district attending private schools not operated for profit, over bus routes established for pupils attending public schools. If such transportation is provided, the pupils attending such private schools must be transported, if space is available, to and from the points on the established routes nearest to the schools which they attend.

3. The board of trustees of any school district 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 of the state board of education or with law.

Sec. 16. 1. This section and section 9 of this act become effective upon passage and approval.

2. Sections 1 to 8, inclusive, and 10 to 15, inclusive, of this act become effective on July 1, 1996.

SUMMARY--Authorizes formation and operation of charter schools in Nevada. (BDR 34-291)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to education; authorizing the formation and operation of charter schools in this state; specifying the procedures and requirements for establishing and operating such schools; 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 386 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 15, inclusive, of this act.

Sec. 2. *A charter school must have as its purpose the goal of:*

- 1. Increasing and improving the learning opportunities for pupils;*
- 2. Encouraging the use of different and innovative teaching methods;*
- 3. Improving the measurement of the educational achievement of pupils and creating different and innovative methods of measuring such achievement;*
- 4. Establishing new forms of accountability for schools; or*
- 5. Creating new professional opportunities for teachers, including the opportunity to be responsible for the program of instruction at a school.*

Sec. 3. 1. The board of trustees of a school district may authorize one or more teachers who are licensed pursuant to chapter 391 of NRS to form a charter school within the district by:

(a) Creating a new school; or

(b) Converting an existing school into a charter school if not less than 90 percent of the teachers who teach full time at the school sign a petition requesting conversion. Such a conversion must not occur during a school year.

2. The teacher or teachers authorized to form the charter school constitute the board of directors of the charter school until a board of directors is elected pursuant to section 6 of this act.

3. No more than five charter schools may exist in a school district at any time.

Sec. 4. 1. If the board of trustees of a school district authorizes the formation of a charter school, the board shall enter into a proposed written agreement with the board of directors of the charter school. The agreement must include the following information:

(a) A description of how the school will carry out one or more of the purposes specified in section 2 of this act;

(b) A description of the specific goals which the board of directors intends each pupil attending the school to attain;

(c) A list of admission policies and procedures;

(d) A description of how the school will be managed and administered, including a description of how much involvement the board of trustees will have in the management and administration;

- (e) A list of required facilities and supplies;*
- (f) A list of requirements and procedures for auditing the programs and finances of the charter school; and*
- (g) The term of the agreement.*

2. An agreement entered into pursuant to subsection 1 is not effective unless the charter school is approved by the state board.

3. An agreement entered into pursuant to subsection 1, and each renewal of such an agreement, must be for a term of not longer than 3 years.

Sec. 5. *If the board of trustees of a school district authorizes the formation of a charter school, the board of trustees shall file an application with the state board seeking approval of the charter school. A charter school cannot begin operating without the approval of the state board. The application must include the terms and conditions under which the charter school will operate, and must include a copy of the proposed agreement between the school district and the charter school. The state board shall approve or disapprove of the proposed charter school within 30 days after receiving the application. If the state board fails to take action on an application within 30 days after receiving it, the application shall be deemed approved.*

Sec. 6. *1. If a charter school is approved by the state board, the teacher or teachers who received authorization from the board of trustees of a school district to form the charter school shall, within 90 days after the school has been formed, hold an election to select a board of directors of the school.*

2. The board of directors must be comprised of five members and may consist of licensed teachers who are employed at the school and parents of

pupils enrolled in the school, except that licensed teachers must make up a majority of the members of the board.

3. The board of directors must be elected by the:

- (a) Licensed teachers who are employed at the school;*
- (b) Other staff members who are employed at the school; and*
- (c) Parents of pupils who are enrolled in the school.*

Sec. 7. *The board of directors of a charter school shall prescribe:*

- 1. Except for those courses required by specific statute, the courses of study for the pupils in the charter school;*
- 2. The textbooks to be used by the pupils in the charter school;*
- 3. The hours of employment of teachers and other persons at the charter school;*
- 4. Rules concerning the assignment of pupils to classes and programs; and*
- 5. The practices of instruction to be used by teachers at the charter school.*

Sec. 8. *1. A charter school may limit admission to:*

- (a) Pupils within a particular age group or grade level.*
- (b) Residents of a particular geographic area so long as the:*

(1) Percentage of the population of persons in that area who are of a race other than Caucasian is greater than the percentage of the population of such persons in the congressional district in which the geographic area is located; and

(2) School reflects the racial and ethnic diversity of that area.

2. The board of directors of a charter school shall enroll an eligible pupil who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level or building.

3. *If the number of applications exceeds such capacity, pupils must be accepted on the basis of a random drawing.*

4. *The board of directors of a charter school shall not base admission on intellectual ability, measures of achievement or aptitude, or athletic ability.*

Sec. 9. *Subject to any limiting terms in the written agreement with the board of trustees of a school district, a charter school may:*

1. *Employ or contract with a teacher who is licensed pursuant to chapter 391 of NRS to perform the particular service for which he is employed at the school; and*

2. *Employ or contract with a person who does not hold a teaching license to perform duties other than teaching.*

Sec. 10. 1. *The board of trustees of a school district may unilaterally terminate an agreement with a charter school upon any of the following grounds:*

(a) *Failure of the charter school to meet the requirements for pupil performance contained in the agreement;*

(b) *Failure of the charter school to meet generally accepted standards of fiscal management; or*

(c) *Failure of the charter school to comply with any applicable statute or regulation.*

2. *The board of trustees of a school district shall provide written notice of its decision to terminate an agreement pursuant to this section to the board of directors of the charter school at least 30 days before the termination is to become effective.*

Sec. 11. *If a school district terminates or fails to renew an agreement between a charter school and the school district entered into pursuant to section 4 of this act, and the effective date of the termination or expiration of the agreement is:*

- 1. During a school year, the charter school must cease operations at the end of that school year.*
- 2. At any other time, the charter school must cease operations before the beginning of the next school year.*

Sec. 12. *1. The board of directors of a charter school shall report at least annually to the board of trustees of the school district and the state board.*

2. The board of trustees of the school district and the state board shall inform the charter school concerning the required contents of such reports.

3. The board of directors of the charter school shall make the reports available to the public.

Sec. 13. *The department shall disseminate information to the public concerning how to form and operate a charter school.*

Sec. 14. *The provisions of NRS 385.110 and 389.010, and chapter 390 of NRS, do not apply to a charter school formed pursuant to sections 2 to 15, inclusive, of this act.*

Sec. 15. *The state board shall adopt such regulations as it determines are necessary to carry out the provisions of sections 2 to 15, inclusive, of this act.*

Sec. 16. NRS 385.007 is hereby amended to read as follows:

385.007 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 [.] *or the board of directors of a charter school formed pursuant to sections 2 to 15, inclusive, of this act.*

3. "State board" means the state board of education.

Sec. 17. NRS 388.040 is hereby amended to read as follows:

388.040 [In] 1. *Except as otherwise provided in subsection 2, in any school district having and maintaining more than one school offering instruction in the same grade or grades, the board of trustees shall have the power to zone the school district and to determine which pupils shall attend each school.*

2. *The establishment of zones does not preclude a pupil from attending a charter school.*

Sec. 18. NRS 391.260 is hereby amended to read as follows:

391.260 Every teacher in the public schools shall enforce the *applicable* course of study as prescribed by law [.] *or selected by the board of directors of a charter school formed pursuant to sections 2 to 15, inclusive, of this act,* the use of [legally authorized textbooks,] *the applicable textbooks which have been approved by the state board or the board of directors of a charter school formed pursuant to sections 2 to 15, inclusive, of this act,* and the rules and regulations prescribed for teachers and schools.

Sec. 19. NRS 393.170 is hereby amended to read as follows:

393.170 1. The board of trustees of a school district shall purchase all new library books and supplies, all new textbooks and supplementary schoolbooks which are necessary and have been approved by the state board of education [.] *or the board of directors of a charter school formed pursuant to sections 2 to 15, inclusive, of this act,* and school supplies necessary to carry out the mandates of the *various* school [curriculum] *curricula* to be used by the pupils of the school district. The cost of the books and supplies is a legal charge against the school district fund.

2. All books purchased by the board of trustees must be held as property of the school district [.] and must be loaned to the pupils of the school in the school district while pursuing a course of study therein.

3. The parents and guardians of pupils are responsible for all books and any and all other material or equipment loaned to the children in their charge, and shall pay to the clerk of the board of trustees, or to any other person authorized by the board to receive the same, the full purchase price of all such books, material or equipment destroyed, lost or so damaged as to make them unfit for use by other pupils succeeding to their classes. The board of trustees shall establish reasonable rules and regulations governing the care and custody of such school property, and for the payment of fines for damage thereto.

4. Equipment and materials for use in manual training, industrial training and teaching domestic science may be supplied to the pupils in the same manner, out of the same fund, and on the same terms and conditions as books. No private ownership may be acquired in such equipment or material, unless

sold in the manner prescribed by law when such equipment or material are no longer used or required for the schools of the school district.

5. Authorized supplementary books and desk books for the use of teachers must be purchased under NRS 393.160 to 393.210, inclusive, and remain the property of the school district for which they were purchased, unless sold in accordance with the provisions of this chapter.

6. The clerk of the board of trustees shall turn over to the county treasurer, within 30 days after receiving it, all money, collected under the provisions of this section, and the money must be credited to the school district fund.

7. Any person violating any of the provisions of this section is guilty of a misdemeanor.

SUMMARY--Requires public schools to be accredited. (BDR 34-292)

FISCAL NOTE: Effect on Local Government: Yes.

Effect on the State or on Industrial Insurance: Yes.

AN ACT relating to education; requiring all public schools in this state to be accredited; 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, 3 and 4 of this act.

Sec. 2. 1. *Each public school in this state must be accredited by a national or regional organization approved by the state board.*

2. If a public school is denied accreditation by the national or regional organization, the principal of the school and the board of trustees of the school district in which the school is located shall take all action reasonable and necessary to qualify the school for such accreditation.

Sec. 3. 1. *The state board shall inspect each public school in this state biennially to determine if the school is in compliance with the standards of accreditation established pursuant to subsection 3 of NRS 385.080.*

2. If the state board determines that a school:

(a) Is in compliance with the standards, the board shall accredit the school.

(b) Is not in compliance with the standards, the board shall withhold or withdraw accreditation, as the case may be, and give immediate written notice of noncompliance to the principal of the school and the board of trustees of the school district in which the school is located. The notice must specify the standards with which the school is not in compliance.

3. The principal of a school which is the subject of a notice of noncompliance and the board of trustees of the school district in which the school is located shall take all action reasonable and necessary to qualify the school for accreditation. If such a school subsequently provides proof satisfactory to the state board that the school is in compliance with all standards of accreditation, the board shall accredit the school.

Sec. 4. 1. The state board shall keep records concerning the state and national or regional accreditation of the public schools pursuant to sections 2 and 3 of this act. The records must be available for public inspection in the main office of the department during regular business hours. The records must include:

(a) The history of accreditation of each school, including dates of inspection and accreditation;

(b) If a notice of noncompliance was issued pursuant to section 3 of this act, the date that the notice was issued and a summary of the standards of accreditation with which the school was not in compliance; and

(c) Any other information which the state board determines is necessary to inform the general public concerning the accreditation of the school.

2. *The state board shall publish at least once each year in a newspaper of general circulation in each county of this state a list setting forth all public schools in the respective county and whether those schools are accredited pursuant to sections 2 and 3 of this act.*

Sec. 5. NRS 385.080 is hereby amended to read as follows:

385.080 1. The state board may adopt regulations for its own government and as necessary for the execution of the powers and duties conferred upon it by law.

2. The state board may adopt regulations for the approval of programs for the education of teachers which are accredited by the National Council of Accreditation of Teacher Education.

3. *The state board shall adopt regulations establishing standards for accreditation by the board of the public schools of this state.*

4. *The state board shall adopt regulations specifying a national or regional organization which is approved by the board to provide accreditation to the public schools of this state on a national or regional level.*

Sec. 6. Each public school in this state must qualify for accreditation by a national or regional organization pursuant to section 2 of this act not later than July 1, 1997.

Sec. 7. The initial inspections by the state board of education of all public schools in this state, and the initial determinations concerning the accreditation of those schools, as required by section 3 of this act, must be completed not later than July 1, 1997.

Sec. 8. This act becomes effective on July 1, 1995.

SUMMARY--Creates council for collaborative preparation of teachers.

(BDR 34-293)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: Yes.

AN ACT relating to education; creating a council for the collaborative preparation of teachers; providing its duties; 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 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *As used in sections 2 to 5, inclusive, of this act, "council" means the council for the collaborative preparation of teachers.*

Sec. 3. 1. *The council for the collaborative preparation of teachers is hereby created. The council consists of:*

(a) Four administrators of public schools, including:

(1) At least one administrator from a school within a county whose population is 100,000 or more; and

(2) At least one administrator from a school within a county whose population is less than 35,000;

(b) Three administrators from the University and Community College System of Nevada, one of whom must represent a community college;

(c) A representative of the teachers in this state; and

(d) The superintendent of public instruction.

2. The governor shall appoint the members of the council as follows:

(a) The members who are administrators of schools must be appointed from a list of at least eight persons which is submitted by an organization of administrators for schools in which the majority of administrators of schools in this state have membership.

(b) The members who are administrators from the University and Community College System of Nevada must be appointed from a list of at least six persons submitted by the board of regents of the University of Nevada.

(c) The member who is a representative of teachers must be appointed from a list of at least three persons submitted by an organization of teachers in which the majority of teachers in this state have membership.

Sec. 4. 1. The council shall elect one of its members as chairman, to serve at the pleasure of the council.

2. A majority of the council members constitutes a quorum for the transaction of business.

3. The council shall meet not less than twice each year at the call of the chairman.

4. The department of education shall provide such staff assistance to the council as is necessary to carry out the provisions of sections 2 to 5, inclusive, of this act.

5. *The members of the council are entitled to the travel expenses and subsistence allowances provided by law for state officers and employees generally while attending meetings of the council.*

Sec. 5. *1. The council shall consider establishing policies and programs for the preparation, training and evaluation of teachers which utilize the resources of the University and Community College System of Nevada, the department of education and the county school districts.*

2. In developing collaborative policies and programs, the council shall:

(a) Consider the desirability and feasibility of:

(1) Emphasizing the actual proficiencies and skills of teachers as they relate to the proficiencies and skills that are required of pupils in this state;

(2) Exposing a student teacher to a wide variety of classroom settings, such as classrooms in both urban and rural settings; and

(3) Continuing the training and evaluation of a teacher through at least the end of his first year in the classroom.

(b) Integrate effective programs for recruiting minorities for enrollment in the programs for the preparation of teachers within the University and Community College System of Nevada and employment by the department of education or a county school district.

(c) Consider the necessity for a professional school through which the University and Community College System of Nevada, the department of education and the county school districts could collaborate to carry out such policies and programs.

(d) Consider and propose possible funding mechanisms through which such policies and programs can reasonably be financed, including, without limitation, the creation of a separate account to which a portion of the budgets of the University and Community College System of Nevada, the department of education and the county school districts would be allocated.

(e) Define the roles and responsibilities of the University and Community College System of Nevada, the department of education, and the county school districts in carrying out such policies and programs. In defining these roles, the council shall consider mechanisms through which each of those entities would be held accountable for fulfilling its responsibilities.

3. The council shall submit a report and:

(a) Any recommended legislation to the 69th session of the Nevada Legislature; and

(b) Any recommended policies and programs to the board of regents of the University of Nevada, the superintendent of public instruction and the board of trustees of each county school district in this state.

Sec. 6. This act expires by limitation on June 30, 1997.