

Legislative Committee on Education

(Nevada Revised Statutes 218E.605)

WORK SESSION DOCUMENT

(With Appendices)



August 5, 2014

Prepared by the Research Division
Legislative Counsel Bureau



WORK SESSION DOCUMENT

NEVADA LEGISLATURE'S LEGISLATIVE COMMITTEE ON EDUCATION (NEVADA REVISED STATUTES 218E.605)

August 5, 2014

The following “Work Session Document” has been prepared by the staff of the Legislative Committee on Education (*Nevada Revised Statutes* [NRS] 218E.605). Pursuant to NRS 218D.160, the Committee is limited to ten legislative measures and must submit its bill draft requests (BDRs) for drafting by September 1, 2014, unless the Legislative Commission authorizes submission of a request after that date.

This document contains a summary of BDRs and other actions that have been presented during public hearings, through communication with individual Committee members, or through correspondence or communications submitted to the Committee. It is designed to assist Committee members in making decisions during the work session. The Committee may accept, reject, modify, or take no action on any of the proposals. The concepts contained within this document are arranged under broad topics to allow members to review related issues. Actions available to the Committee members include legislation to amend the NRS, add transitory sections that do not amend the statutes, or for a resolution; statements in the Committee’s final report; and letters of recommendation or support from the Committee to specific persons or entities.

Committee members should be advised that Legislative Counsel Bureau staff may, at the direction of the Chair, coordinate with interested parties to obtain additional information for drafting purposes or for information to be included in the final report. The recommendations may be modified by combining similar or related proposals or by adding necessary legal or fiscal information. It should also be noted that some of the recommendations may contain an unknown fiscal impact.

Additional recommendations may be considered based upon discussions held and presentations made at the August 5, 2014, hearing. Please see the agenda for details concerning the scheduled presentations.

The approved recommendations for legislation resulting from these deliberations will be prepared as BDRs and submitted for introduction as bills to the 2015 Legislature.

Committee members will use a “Consent Calendar” to quickly approve those recommendations, as determined by the Chair, that do not need further consideration or clarification beyond what is set forth in the recommendation summary. Any Committee member may request that items on the consent calendar be removed from the consent calendar for further discussion and consideration. A summary of the consent calendar is included on page 14.

RECOMMENDATIONS

PROPOSALS RELATING TO SCHOOL SAFETY

(NOTE: The following item is included on the “Consent Calendar for Work Session.”)

1. **School Safety Planning**—Propose legislation relating to State-level planning, coordination, and responding to crisis and emergency situations. A proposed markup has been provided by the requesting agencies and is included in Appendix A. (See NRS 392.624 and 392.640.)

(Proposed by Dale Erquiaga, Superintendent of Public Instruction, Nevada’s Department of Education, and Christopher B. Smith, Administrator, Division of Emergency Management, Department of Public Safety, during the January 22, 2014, meeting)

(NOTE: The following item is included on the “Consent Calendar for Work Session.”)

2. **Bullying Prevention**—Send a letter to the Nevada Association of School Superintendents and the Nevada Association of School Boards encouraging their members to consider implementing the student bullying survey, a tool used annually by the White Pine County School District, which has received national recognition for its effectiveness.

(Proposed by Bob Dolezal, Superintendent, White Pine County School District, during the May 28, 2014, meeting)

3. **Penalties for Bullying**—Propose legislation to:
 - Provide for the imposition of specific penalties for a minor who is found to have intentionally engaged in bullying or cyberbullying in violation of NRS 388.135. The penalties will be the same as those prescribed in NRS 200.900 (see Appendix B), providing that a minor who engages in bullying or cyberbullying for the first violation is a child in need of supervision, and for the second or subsequent violation is a delinquent child.
 - Require a court to order appropriate counseling services for a minor found to have engaged in bullying or cyberbullying.
 - Require a school principal who determines that an incident of bullying or cyberbullying has occurred, after an investigation conducted pursuant to NRS 388.1351, to report such findings to the District Attorney.
 - Specify it is a misdemeanor to violate NRS 388.135.

(Proposed by Jason Lamberth, parent of Hailee Lamberth, Clark County School District, and others, during the May 28, 2014, meeting)

4. **Required Reporting of Bullying**—Propose legislation to specify it is a misdemeanor for any teacher or staff person to fail to report an incident of bullying to their principal, or a principal to fail to report an incident to the parents of the involved students, as currently required by NRS 388.1351.

(Proposed by Jason Lamberth, parent of Hailee Lamberth, Clark County School District, and others, during the May 28, 2014, meeting)

PROPOSALS RELATING TO CHARTER SCHOOLS

(NOTE: The following item is included on the “Consent Calendar for Work Session.”)

5. **Equal Access to Public Funds**—Include a statement in the final report that Nevada’s Department of Education (NDE) should provide the governing body of each charter school in this State equal notice of opportunity to apply for funding when opportunities are made available to the school districts.

(Proposed by Kathleen Conaboy, Chair, State Public Charter School Authority, during the March 26, 2014, meeting)

PROPOSALS RELATING TO PERSONNEL

(NOTE: The following item is included on the “Consent Calendar for Work Session.”)

6. **Long-term Substitute Teachers**—Include a statement in the final report urging Nevada’s school districts to track both the number and duration of long-term substitute teachers employed in the classroom so that this data may be used to determine the impact of substitute teachers on student or school performance.

(Proposed by the Nevada State Education Association, during the July 15, 2014, meeting)

(NOTE: The following item is included on the “Consent Calendar for Work Session.”)

7. **Personnel Demographic Data**—Include a statement in the final report urging school districts, whenever practical and possible, to track and report school-level demographic data about school personnel.

(Proposed by Jose Solorio, Latino Leadership Council, during the January 22, 2014, meeting)

(NOTE: The following item is included on the “Consent Calendar for Work Session.”)

8. **Alternative Route to Licensure**—Send a letter from the Committee to the Commission on Professional Standards in Education urging the Commission to adopt regulations defining specific admission standards to be used by providers of Alternative Route to Licensure

programs, and suggesting that the Commission consider the use of cohort grade point averages and performance averages on nationally normed student assessments as part of the admission standards, as recommended in the testimony of StudentsFirst.

(Proposed by Rae Shih, StudentsFirst, during the March 26, 2014, meeting)

(NOTE: The following item is included on the “Consent Calendar for Work Session.”)

9. **Teacher Preparation**—Send a letter from the Committee to the State Board of Education encouraging the Board, through policy or regulation, to:
- Link the State’s databases on teacher licensure and teacher performance evaluation;
 - Create minimum performance standards for courses of study and training for the education of teachers based upon metrics that consider graduate effectiveness;
 - Prescribe improvement plans for teacher preparation programs not meeting performance standards; and
 - Establish criteria to decertify teacher preparation programs that consistently underperform.

(Proposed by Rae Shih, StudentsFirst, during the March 26, 2014, meeting)

(NOTE: The following item is included on the “Consent Calendar for Work Session.”)

10. **Training for Paraprofessionals**—Include a statement in the final report urging school districts and the Regional Professional Development Programs (RPDPs), whenever possible and practical, to deliver paraprofessional training simultaneously to the paraprofessional and the teacher with whom they work.

(Proposed by the Nevada State Education Association, during the July 15, 2014, meeting)

11. **Educator Professional Development Governance**—Propose legislation to abolish the Statewide Council for the Coordination of the Regional Training Programs and transfer its responsibilities to the State Board of Education. Furthermore, extend the State Board’s coordination of professional development programs to those provided directly by school districts. (See NRS 391.516.)

(Proposed by Dale Erquiaga, Superintendent of Public Instruction, Nevada’s Department of Education, in correspondence and discussion)

AND

Educator Professional Development Standards—Propose legislation to require the Nevada State Board of Education to adopt uniform professional development standards that apply to the RPDs, school districts, and charter schools. The standards must ensure the training provided is of high quality and is evaluated to determine its impact on instruction and student achievement. (See NRS 391.520.)

(Proposed by Victoria Carreón, Director of Research and Policy, the Guinn Center for Policy Priorities, in correspondence dated July 18, 2014)

12. **Reductions in Force**—Propose legislation to require that a school district’s decision to lay off a teacher or administrator must include consideration of their performance evaluation. This provision would become effective upon the effective date of the regulation adopted pursuant to NRS 391.465, which requires the establishment of a statewide performance evaluation system. A proposed markup has been provided by the Nevada Association of School Boards and is included in Appendix C. (See NRS 288.151.)

(Proposed by Dotty Merrill, Ed.D, Executive Director, Nevada Association of School Boards, during the July 15, 2014, meeting)

(NOTE: The following item is included on the “Consent Calendar for Work Session.”)

13. **Teacher Reemployment Notices**—Propose legislation to allow local school boards, in odd-numbered years, to extend from May 1 to May 15 the deadline to notify post-probationary employees of their reemployment status for the next school year. Further, require notice of such an extension be provided by April 1 to the recognized employee organization that represents the employee or directly to an unrepresented post-probationary employee. For any licensed employee receiving notice under this optional extension, the deadline shall be extended from May 10 to May 25 for the employee to notify the local school board of his or her acceptance of the employment offer. A proposed markup has been provided by the Nevada Association of School Boards and is included in Appendix C. (See NRS 391.3196.)

(Proposed by Dotty Merrill, Ed.D, Executive Director, Nevada Association of School Boards, during the July 15, 2014, meeting)

14. **School Counselor and Psychologist Caseloads**—

- a. Propose legislation to require the State Board of Education to prescribe, by regulation, the maximum ratio of enrolled students to school counselors or school psychologists in each school or school district, and to prescribe how to calculate that ratio. Further, include a statement in the final report urging the Board to consider the ratios prescribed by the American School Counselor Association and the National Association of School Psychologists as long-term objectives for Nevada. (See NRS 391.274)

(Proposed by the Nevada School Counselor Association and others, during the July 15, 2014, meeting)

AND/OR

- b.** Propose legislation to appropriate \$684,365 to NDE during each year of the biennium to provide grants to: add one school counselor to two high schools and two middle schools in Clark County School District; one high school and one middle school in Washoe County School District; and one high school and one middle school in one or more other school districts. Further, direct NDE to track, analyze, and report the impact of the increase in the ratio of school counselors on student achievement, discipline, post-secondary planning and other appropriate metrics, and to report its findings to the Committee during the 2015-2016 Interim.

(Proposed by Senator Joyce Woodhouse, Chair)

AND/OR

- c.** Propose legislation to require that the annual reports of accountability submitted by the board of trustees of each school district include pupil-to-counselor and pupil-to-psychologist ratios for each school, and information about each district's efforts and progress in reducing those ratios. (See NRS 385.347, *et seq.*)

(Proposed by Senator Joyce Woodhouse, Chair)

PROPOSALS RELATING TO STUDENT LITERACY

- 15. Expand Student Demographic Reporting**—Propose legislation to require the annual report of accountability, prepared by the board of trustees of each school district, to include information regarding African-American pupils who are eligible for Free and Reduced Lunch under federal guidelines. The information reported about such pupils shall include their:
 - a. Overall number and percentage;
 - b. Achievement and proficiency in comparison to the general student population;
 - c. Retention rate;
 - d. Graduation rate;
 - e. Dropout rate;
 - f. Average grade point averages; and
 - g. Average scores on examinations administered pursuant to NRS 389.550, 389.805, and 389.807.

(See NRS 385.347, et seq.)

(Proposed by the Clark County Black Caucus during the July 15, 2014, meeting)

16. **Home Language Survey**—Propose legislation to require the State Board of Education to adopt regulations requiring a single, statewide home language survey protocol to be used by public school districts and charter schools to evaluate whether a pupil is required to be screened for classification as an English Language Learner (ELL). (See NRS 388.405.)

(Proposed by Nevada’s Department of Education in correspondence dated June 16, 2014)

17. **Prekindergarten Program Evaluation**—Propose legislation to require the State Board of Education to adopt regulations requiring consistent, statewide quality and evaluation measures for public and private pre-kindergarten programs and requiring the use of appropriate assessment tools to identify Dual Language Learners (DLL). The regulations shall further require that pre-kindergarten pupils identified as DLL to be screened for identification as ELL and to be classified as either ELL or English proficient according to the screening results, upon enrollment for kindergarten.

(Proposed by Nevada’s Department of Education, in correspondence dated June 16, 2014)

(NOTE: The following item is included on the “Consent Calendar for Work Session.”)

18. **Federal Support of Pre-kindergarten DLL**—Write a letter from the Committee to Nevada’s congressional delegation urging them to propose or support legislation providing federal funding for language services and supports, including those for pre-kindergarten DLL, and highlighting Nevada’s concerns about ELL accountability related to forthcoming federal sanctions.

(Proposed by Nevada’s Department of Education in correspondence dated June 16, 2014)

PROPOSALS RELATED TO STUDENT DATA

19. **Expand Protections for Student Data Privacy and Use**—Propose legislation to address issues relating to student data privacy and use. Such legislation will ensure that school districts and the NDE:
- Limit the scope of student data collected to only those data points which are required by law or which serve a compelling public purpose;
 - Prohibit the unauthorized disclosure or reuse of student data;
 - Prohibit the marketing of student information without express parental consent for each occurrence;
 - Limit the entry of student data in systems not under contract or control of a school district or NDE; and

The legislation would also:

- Provide that NDE is not responsible for providing student data to parents and guardians unless NDE is the original collector of said data;
- Require public posting of the data dictionary and data governance policies in use by the NDE; and
- Authorize the State Board of Education to adopt regulations to ensure that vendor contracts and subcontracts protect student data.

(See NRS 386.650, *et seq.*)

(Proposed by Paige Kowalski, Director, State Policy and Advocacy, Data Quality Campaign; Eric Creighton, Chief Operations Officer, Infinite Campus; and others during the April 22, 2014, meeting)

20. **Limit the Use of Data in Nevada’s Statewide Longitudinal Data System (SLDS)** — Propose legislation to address the use and purpose of the SLDS. Such legislation will:

- Require the system be managed by an entity other than NDE and utilize a federated data approach;
- Clarify the system is intended for the compilation of longitudinal data and related research and not for gathering individually-identified information;
- Require each research project that is granted access to the SLDS to enter into a written agreement with limited, need-to-know data access;
- Prohibit data sharing among participating SLDS State agencies without a valid agreement between the agencies limiting data use and reuse; and
- Limit the use of student data by vendors to only those purposes specifically provided for by contract.

(See NRS 386.650, *et seq.*)

(Proposed by Eric Creighton, Chief Operations Officer, Infinite Campus, during the April 22, 2014, meeting)

**PROPOSALS RELATING TO THE
NEVADA SYSTEM OF HIGHER EDUCATION**

21. **Millennium Scholarship: Eligibility Requirements**—Propose legislation to increase the maximum credits funded per semester from 12 to 15. (See NRS 396.934.)

(Proposed by Daniel J. Klaich, J.D., Chancellor, Nevada System of Higher Education, during the March 26, 2014, meeting)

AND

Millennium Scholarship: Eligibility Requirements—Propose legislation to increase, from 6 to 12, the minimum credits that must be taken by scholarship recipients attending a community college. Effective August 1, 2015, a Millennium Scholarship recipient would be required to take at least 9 semester credits, and effective August 1, 2016, that number would increase to 12 semester credits. (See NRS 396.930.)

A proposed markup has been provided by Nevada System of Higher Education (NSHE) and is included in Appendix D.

(Proposed by Daniel J. Klaich, J.D., Chancellor, Nevada System of Higher Education, during the March 26, 2014, meeting)

(NOTE: The following item is included on the “Consent Calendar for Work Session.”)

22. **College Readiness**—Send a letter from the Committee to NSHE, NDE, each school district in this State, and each charter school in this State encouraging them to collaboratively produce and make available a document, which shows pupils and parents the courses and test scores necessary in high school, to ensure a pupil will not need to enroll in remedial courses in college.

(Proposed by Ray Bacon, Executive Director, Nevada Manufacturers Association, in correspondence dated June 10, 2014)

PROPOSALS RELATING TO FUNDING OF EDUCATION

(NOTE: The following item is included on the “Consent Calendar for Work Session.”)

23. **Institutionalized Pupils**—Propose legislation to require rather than authorize NDE to fund from the Distributive School Account (DSA) reimbursement for pupils in a hospital or other facility licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services, that provides residential treatment to children, and operates a private school licensed pursuant to Chapter 394 (“Private Educational Institutions and Establishments”) of NRS. In addition, remove the requirement to reduce that amount from school district funding. Reimbursement must be in an amount equal to the statewide average basic support per pupil. (See NRS 387.1225.)

(Proposed by Dale Erquiaga, Superintendent of Public Instruction, Nevada’s Department of Education, in correspondence dated June 25, 2014)

24. **K-12 Public Education Stabilization Account**—Redraft Senate Bill 435 (See Appendix E) from the 2013 Legislative Session to establish the K-12 Public Education Stabilization Account. Funding reverting to the DSA at the end of odd-numbered years would be transferred to the Stabilization Account. Authorize the Superintendent of Public Instruction to request a transfer of funds from the Stabilization Account to the DSA when there is a shortfall in the DSA. The request would be made of the Legislature when in session or of the Interim Finance Committee during the interim period between sessions.

(Proposed by Joyce Haldeman, Associate Superintendent, Community and Government Relations, Clark County School District, and others during the May 28, 2014, meeting)

25. **Professional Development Funding**—Draft legislation requiring the State Board of Education, to the extent allowable under federal law, to establish by regulation specific percentages of the following funding sources that must be used for professional development:

- Elementary and Secondary Education Act (ESEA) Title I, Part A funds;
- ESEA, Title I, Section 1003(a) funds for Focus Schools;
- The set-aside equal to 5 to 15 percent of Title I, Part A funds for low performing schools required by the ESEA waiver; and
- The Individuals with Disabilities in Education Act (IDEA) early intervening services set-aside.

(Proposed by Victoria Carreon, Director of Research and Policy, Guinn Center for Policy Priorities, and Seth Rau, Policy Director, Nevada Succeeds, during the May 28, 2014, meeting)

PROPOSALS RELATING TO MISCELLANEOUS MATTERS

(NOTE: The following item is included on the “Consent Calendar for Work Session.”)

26. **Committee Alternates**—Send a letter from the Committee to the Legislative Commission urging them to propose legislation requiring the appointment of alternate members to the Legislative Committee on Education. (See NRS 218E.605.)

(Proposed by Senator Joyce Woodhouse, Chair)

(NOTE: The following item is included on the “Consent Calendar for Work Session.”)

27. **Disparities in Student Discipline**—Include a statement in the final report urging the Legislative Committee on Education to study, during the 2015-2016 Interim, disparities in the frequency and severity of discipline among various demographic groups in Nevada’s K–12 schools.

(Proposed by Jose Solorio, Latino Leadership Counsel, during the January 22, 2014, meeting)

(NOTE: The following item is included on the “Consent Calendar for Work Session.”)

28. **Student Advancement**—Include a statement in the final report emphasizing the necessity for students to demonstrate grade-level competency in English language arts by the end of third grade and mathematics by the end of sixth grade.

(Proposed by Ray Bacon, Executive Director, Nevada Manufacturers Association, in correspondence dated June 10, 2014)

(NOTE: The following item is included on the “Consent Calendar for Work Session.”)

29. **Student Advancement**—Include a statement in the final report encouraging the implementation of competency- or mastery-based student advancement in K–12 schools, in place of standards currently based upon time in the classroom. Further, urge the State Board of Education to lengthen the school day and school year to better enable schools to meet the educational achievement needs of each student.

(Proposed by Ray Bacon, Executive Director, Nevada Manufacturers Association, in correspondence dated June 10, 2014)

(NOTE: The following item is included on the “Consent Calendar for Work Session.”)

30. **Pupil Wellness**—Propose legislation to require the annual report of accountability prepared by the board of trustees of each school district to include information concerning wellness of pupils. Such information must include:

- Whether the school district has a wellness policy;
- Whether the school district has completed a wellness policy evaluation;
- If available, the district’s evaluation score for the most recent year; and
- The district’s plan for improving or maintaining the wellness of pupils.

(See NRS 385.347, et seq.)

(Proposed by Benjamin Schmauss, M.P.H., Government Relations Director, American Heart Association, in correspondence dated July 18, 2014).

(NOTE: The following item is included on the “Consent Calendar for Work Session.”)

31. **Teacher Placement**—Send a letter from the Committee to each superintendent of Nevada’s school districts urging them to establish a policy (if no such policy already exists) placing the most highly effective teachers in schools with the greatest percentage of at-risk pupils, and to further align this policy with actual practice, to the greatest extent possible. The letter shall also indicate the Committee’s intent to examine, during the 2015-2016 Interim, data on the placement of highly effective teachers in Nevada’s school districts.

(Proposed by Bill Hanlon, Regional Director, Southern Nevada Regional Professional Development Program, in correspondence dated July 14, 2014)

(NOTE: The following item is included on the “Consent Calendar for Work Session.”)

32. **End-of-Course Exams**—Send a letter from the Committee to NDE urging the NDE to include in its vendor contract(s) for end-of-course exams a requirement the vendor provide parallel constructed materials; these may include practice exams and other materials. Furthermore, the letter shall encourage the NDE to share such materials with those entities providing professional development to education professionals in Nevada for use in training and the development of further support materials for teachers and students.

(Proposed by Bill Hanlon, Regional Director, Southern Nevada Regional Professional Development Program in correspondence dated July 14, 2014)

33. **School Facilities**—Include a statement in the final report:
- a. Urging the creation of a state-level public school capital construction fund, similar to those created in Colorado and New Mexico;
 - b. Urging the institution of a per-pupil facilities allowance for each charter school in Nevada based upon historical school facilities costs in the State; and
 - c. Expressing the Committee’s opinion that no State or local entity should impose any facility-related or site-related requirements on a charter school that are stricter than those applied to traditional public schools.

(Proposed by Kathleen Conaboy, Chair, Nevada’s State Public Charter School Authority, in correspondence dated July 24, 2014)

34. **Teacher Evaluation**—Propose legislation related to performance evaluations of school administrators and licensed education personnel to reduce, from 50 percent to 40 percent, the percentage of pupil achievement data that must be accounted for in each evaluation. (See NRS 391.3125 and 391.3127.)

(Proposed by Senator Joyce Woodhouse, Chair)

CONSENT CALENDAR FOR WORK SESSION

Legislative Committee on Education

Nevada Revised Statutes 218E.605

August 5, 2014

NOTE TO COMMITTEE MEMBERS: The recommendations listed below have been placed on a Consent Calendar by the Chair and Committee staff to assist the Committee in quickly taking action on selected items. Committee members may request to remove items from this list for further discussion and consideration. If so desired, other recommendations from the “Work Session Document” may be added to the Consent Calendar with the approval of the Committee.

ITEM NUMBE	BRIEF DESCRIPTION OF RECOMMENDATION (Please see “Work Session Document” for full description)
1	School Safety Planning
2	Bullying Prevention
5	Equal Access to Public Funds
6	Long-term Substitute Teachers
7	Personnel Demographic Data
8	Alternative Route to Licensure
9	Teacher Preparation
10	Training for Paraprofessionals
13	Teacher Reemployment Notices
18	Federal Support of Pre-kindergarten Dual Language Learners
22	College Readiness
23	Institutionalized Pupils
26	Committee Alternates
27	Disparities in Student Discipline
28	Student Advancement – grade level competency
29	Student Advancement – competency- or mastery-based student advancement
30	Student Wellness
31	Student Placement
32	End-of-Course Exams

Appendix A

Work Session Item 1

Possible Amendments Concerning State-level School Safety Planning
February 2104
Submitted by the Nevada Department of Education and Department of Public Safety

NRS 392.624 Annual review and update of plan for responding to crisis or emergency; maintenance, posting and distribution of plan; annual training for school employees in responding to crisis or emergency; acceptance of gifts and grants.

1. Each development committee shall, at least once each year, review and update as appropriate the plan that it developed pursuant to [NRS 392.620](#). In reviewing and updating the plan, the development committee shall consult with the director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

2. Each development committee shall provide an updated copy of the plan to the board of trustees of the school district that established the committee or the governing body of the charter school that established the committee.

3. The board of trustees of each school district and the governing body of each charter school shall:

(a) Post a notice of the completion of each review and update that its development committee performs pursuant to subsection 1 at each school in its school district or at its charter school, **and file a copy of the notice with the Department of Education;**

(b) Post a copy of [NRS 392.600](#) to [392.656](#), inclusive, at each school in its school district or at its charter school;

(c) Retain a copy of each plan developed pursuant to [NRS 392.620](#), each plan updated pursuant to subsection 1 and each deviation approved pursuant to [NRS 392.636](#);

(d) Provide a copy of each plan developed pursuant to [NRS 392.620](#) and each plan updated pursuant to subsection 1 to:

~~(1) The State Board;~~

(2) Each local law enforcement agency in the county in which the school district or charter school is located;

(3) The Division of Emergency Management of the Department of Public Safety; and

(4) The local organization for emergency management, if any;

(e) Upon request, provide a copy of each plan developed pursuant to [NRS 392.620](#) and each plan updated pursuant to subsection 1 to a local agency that is included in the plan and to an employee of a school who is included in the plan;

(f) Upon request, provide a copy of each deviation approved pursuant to [NRS 392.636](#) to:

(1) The State Board;

(2) A local law enforcement agency in the county in which the school district or charter school is located;

(3) The Division of Emergency Management of the Department of Public Safety;

(4) The local organization for emergency management, if any;

(5) A local agency that is included in the plan; and

(6) An employee of a school who is included in the plan; and

(g) At least once each year, provide training in responding to a crisis and training in responding to an emergency to each employee of the school district or of the charter school, including, without limitation, training concerning drills for evacuating and securing schools.

4. The board of trustees of each school district and the governing body of each charter school may apply for and accept gifts, grants and contributions from any public or private source to carry out the provisions of [NRS 392.600](#) to [392.656](#), inclusive.

NRS 392.640 State Board: Development of plan for management of crisis or emergency; authorized dissemination of plan prepared by State Board or development committee.

1. The ~~State Board~~ **Department of Education** shall, with assistance from other state agencies, including, without limitation, the Division of Emergency Management, the Investigation Division, and the Nevada Highway Patrol Division of the Department of Public Safety, develop a **sample base** plan for the management of a crisis or an emergency that involves a public school, including, without limitation, a charter school, or a private school and that requires immediate action. The **sample base** plan must include, without limitation, a procedure for coordinating the resources of local, state and federal agencies, officers and employees, as appropriate, **and annexes covering the following information:**

- a) **Communications**
- b) **Evacuation**
- c) **Shelter in Place**
- d) **Lockdown**
- e) **Accounting for all persons**
- f) **Reunification**
- g) **Continuity of Operations**
- h) **Security**
- i) **Recovery**
- j) **Health and Medical**
- k) **Threat/Hazard Specific information for the following:**
 1. **Severe Storm**
 2. **Earthquake**
 3. **Fire**
 4. **Flood**
 5. **Hazardous Materials Incident**
 6. **Mass Casualty Incident**
 7. **Active Shooter**
 8. **Pandemic / Disease Outbreak**

In developing the plan, the State Board shall consider the plans developed pursuant to [NRS 392.620](#) and [394.1687](#) and updated pursuant to [NRS 392.624](#) and [394.1688](#).

2. The State Board may disseminate to any appropriate local, state or federal agency, officer or employee, as the State Board determines is necessary:

- (a) The plan developed by the State Board pursuant to subsection 1;
- (b) A plan developed pursuant to [NRS 392.620](#) or updated pursuant to [NRS 392.624](#);
- (c) A plan developed pursuant to [NRS 394.1687](#) or updated pursuant to [NRS 394.1688](#); and
- (d) A deviation approved pursuant to [NRS 392.636](#) or [394.1692](#).

NRS 394.1688 and 394.1694 similarly apply to private schools

Appendix B

Work Session Item 3

NRS 200.900 Penalties; definitions.

1. A minor shall not knowingly and willfully use an electronic communication device to transmit or distribute, or otherwise knowingly and willfully transmit or distribute, an image of bullying committed against a minor to another person with the intent to encourage, further or promote bullying and to cause harm to the minor.

2. A minor who violates subsection 1:

(a) For the first violation, is a child in need of supervision, as that term is used in title 5 of NRS, and is not a delinquent child; and

(b) For the second or a subsequent violation, commits a delinquent act, and the court may order the detention of the minor in the same manner as if the minor had committed an act that would have been a misdemeanor if committed by an adult.

3. For the purposes of this section, to determine whether a person who is depicted in an image of bullying is a minor, the court may:

(a) Inspect the person in question;

(b) View the image;

(c) Consider the opinion of a witness to the image regarding the person's age;

(d) Consider the opinion of a medical expert who viewed the image; or

(e) Use any other method authorized by the rules of evidence at common law.

4. As used in this section:

(a) "Bullying" means a willful act which is written, verbal or physical, or a course of conduct on the part of one or more persons which is not otherwise authorized by law and which exposes a person one time or repeatedly and over time to one or more negative actions which is highly offensive to a reasonable person and:

(1) Is intended to cause or actually causes the person to suffer harm or serious emotional distress;

(2) Poses a threat of immediate harm or actually inflicts harm to another person or to the property of another person;

(3) Places the person in reasonable fear of harm or serious emotional distress;

or

(4) Creates an environment which is hostile to a pupil by interfering with the education of the pupil.

(b) "Electronic communication device" means any electronic device that is capable of transmitting or distributing an image of bullying, including, without limitation, a cellular telephone, personal digital assistant, computer, computer network and computer system.

(c) "Image of bullying" means any visual depiction, including, without limitation, any photograph or video, of a minor bullying another minor.

(d) "Minor" means a person who is under 18 years of age.

(Added to NRS by [2013, 1634](#))

Appendix C

Work Session Items 12 and 13

Reduction in Force Proposal

Existing law (NRS 288.151) authorizes the board of trustees of a school district, upon making a decision to reduce the existing workforce of the licensed educational personnel in the school district, to consider certain factors before laying off a teacher or administrator.

This proposal would require that a decision to lay off a teacher or administrator under such circumstances include consideration of the performance evaluations of the teacher or administrator. Doing so will ensure that the most effective educators are retained to promote greater student learning and achievement. Several school districts have successfully negotiated with educator bargaining units a requirement to consider performance evaluations. Not all school districts have been successful in doing so. It is the Association's position that performance evaluations must be considered in order to ensure that highly effective teachers and administrators are retained during times when layoffs become necessary in all seventeen counties. All Nevada students should be taught by highly effective teachers. Moreover, highly effective principals will enhance both effective classroom instruction which leads to increased learning and success for students.

NRS 288.151 would be amended in two places to read as follows:

If the board of trustees of a school district determines that a reduction in the existing workforce of the licensed educational personnel in the school district is necessary, the decision to lay off a teacher or an administrator must not be based solely on the seniority of the teacher or administrator and **must include consideration of the performance evaluations of the teacher or administrator. The decision of the board of trustees to lay off a teacher or an administrator** may include, without limitation, a consideration of the following factors:

1. Whether the teacher or administrator is employed in a position which is hard to fill;
2. Whether the teacher or administrator has received a national board certification;
3. The disciplinary record of the teacher or administrator within the school district.... [remainder of statute as is]

Flexibility for Issuing Notices of Reemployment during Legislative Sessions

Existing statute (NRS 391.3196) requires that on or before May 1 of each year, post probationary employees shall be notified about their possible reemployment for the following year. During several recent legislative sessions [2013—Senate Bill 510; 2011— Assembly Bill 565; 2009—Assembly Bill 542], the legislature approved a bill which gave school boards limited

flexibility on the notice requirement. This flexibility was been particularly helpful to districts whose boards anticipate reductions in force due to decreasing resources or declining student populations or a combination of other factors, especially since agreements regarding K-12 public education funding are not yet been finalized.

Rather than continue the practice of having a separate bill approved each session on a temporary basis for this purpose, this proposal seeks to provide limited flexibility for boards to use this option during legislative years only. The option is conditioned upon notification of bargaining units or unrepresented employees, whichever is applicable.

NRS 391.3196 Reemployment of post probationary employees:
Notice of reemployment or delivery of contract; acceptance of employment.

1. **Except as otherwise applicable under subsection 4, on** or before May 1 of each year, the board shall notify post probationary employees in their employ, in writing, by certified mail or by delivery of the employee's contract, concerning their reemployment for the ensuing year. If the board, or the person designated by it, fails to notify a post probationary employee who has been employed by a school district of the employee's status for the ensuing year, the employee shall be deemed to be reemployed for the ensuing year under the same terms and conditions as he or she is employed for the current year.

2. This section does not apply to any licensed employee who has been recommended to be demoted, dismissed or not reemployed if proceedings have commenced and no final decision has been made by the board. A licensed employee may be demoted or dismissed for grounds set forth in NRS 391.31297 after the employee has been notified that he or she is to be reemployed for the ensuing year.

3. **Except as otherwise applicable under subsection 4, a**Any licensed employee who is reemployed pursuant to subsection 1 shall, by May 10, notify the board in writing of the employee's acceptance of employment. Failure on the part of the employee to notify the board of his or her acceptance within the specified time is conclusive evidence of the employee's rejection of the contract.

4. **During each odd-numbered year, the board may extend the deadline to May 15 to notify post-probationary employees pursuant to subsection 1 if it provides notice of the extension on or before April 1 to the recognized employee organization that represents the employees or to an unrepresented post probationary employee, whichever is applicable. For any notice provided by the board under this subsection, the deadline for any licensed employee to notify the board of his or her acceptance of employment under subsection 3 shall be extended to May 25.**

Appendix D

Work Session Item 21

**2015 BILL DRAFT PROPOSAL
MILLENNIUM SCHOLARSHIP:
REVISING CREDIT LIMITATIONS TO SUPPORT STUDENT GRADUATION**

This document is submitted for consideration by the Legislative Committee on Education at its work session.

Intent of the Proposed Legislation

The Millennium Scholarship award is calculated at a per-credit rate for a maximum of 12 credits per semester. The unfortunate reality is that this 12-credit cap is working against student success because it encourages students to take less than the 15 credits per semester needed to graduate on time. The proposed legislation to increase the maximum per semester award to 15 credits will encourage timely degree completion and will support the State's completion agenda. In addition, Millennium students attending a community college may receive a Millennium award by enrolling in as few as six credits. Students who enroll part-time are far less likely to graduate with a degree or credential.

The NSHE recommends increasing the maximum funded credits from 12 to 15 credits and increasing the minimum credit load for community college students from 6 to 12 credits, thereby aligning it with the minimum enrollment requirements at Nevada's 4-year institutions.

Proposed Legislation

1. **Amend NRS 396.934 to increase the maximum credits funded per semester from 12 to 15 credits as follows:**

NRS 396.934

...

In no event may a student who is eligible for a Millennium Scholarship receive more than the cost of [~~12~~] **15** semester credits per semester pursuant to this subsection.

...

2. **Amend NRS 396.930 to increase the minimum credit load requirement for students attending a community college from 6 to 12 credits over two years as follows:**

NRS 396.930

1. Except as otherwise provided in subsections 2 and 3, a student may apply to the Board of Regents for a Millennium Scholarship if the student:

...

- (e) Is enrolled in at least:

- (1) [~~Six~~] **Nine** semester credit hours in a community college within the System
(effective August 1, 2015)

- (1) **Twelve semester credit hours in a community college within the System**
(effective August 1, 2016)

- (2) Twelve semester credit hours in another eligible institution; or

- (3) A total of 12 or more semester credit hours in eligible institutions if the student is enrolled in more than one eligible institution.

...

Background – Student Completion Agenda and 15 to Finish Campaign

The Board of Regents and the Nevada System of Higher Education (NSHE) have embraced a strong completion agenda, including initiatives advocated by Complete College America, to significantly increase the number of students who not only complete their degrees or certificates, but complete them on-time: four years for a bachelor’s degree and two years for an associate’s degree. One of these initiatives includes the “15 to Finish” publicity campaign to encourage students to enroll full-time (15 not 12 credits) and graduate on time. The campaign stresses academics and completion through state and national data that show students who enroll in 15 or more credits graduate at significantly higher rates and have higher grade point averages. Importantly, NSHE and national data demonstrate that regardless of academic preparedness, work schedules, race, gender, or socioeconomic categories, students are more likely to graduate with a real full-time load.

The benefits of taking 15 credits per semester are not only intuitive but compelling: students who take 15 credits per semester (or 30 credits per year) are more likely to graduate, pay less in tuition and living expenses, accumulate less debt, and gain additional years of earnings. The following table highlights the higher graduation rates for NSHE students who take 15 credits:

Graduation Rates by First-Term Enrollment Load by Institution Type			
	< 12	12-14	15+
4-year institutions (Fall 2004 cohort)	21.0%	43.4%	58.1%
2-year institutions (Fall 2008 cohort)	2.6%	11.4%	22.6%

Note: Fall 2004 cohort, first-time, degree-seeking students who earned a bachelor’s degree within 200% time to a degree at a 4-year institution. Fall 2008 cohort of students who earned a certificate or associate’s degree at a community college within 200% time to degree.

Millennium students who enroll in fewer credits are also far less likely to graduate. The following table highlights graduation rates for Millennium students based on credit loads:

Graduation Rates by First-Term Enrollment Load for Millennium Eligible Students				
	≤ 6*	7-11	12-14	15+
Millennium Eligible (all institutions)	7.0%	10.5%	33.2%	50.6%

Note: Fall 2007 cohort, first-time, degree-seeking students who earned a bachelor’s degree within 150% time.

*Although six credits is the minimum for community college students, disabled students may receive an exception.

In addition, students taking 15 credits generally have higher persistence rates and GPAs than their counterparts taking fewer credits. For institutions, the benefits include not only higher graduation rates and demonstrated student success, but also freeing up limited classroom space for other students. For the State of Nevada, employers will benefit as graduates enter the workforce more quickly.

The presentation NSHE made to the Legislative Committee on Education on March 23, 2014, includes an overview of all of the Board’s completion initiatives, as well as data on student success (graduation rates, persistence and GPA) utilized in support of the 15 to Finish campaign. As part of the presentation, NSHE provided a handout on why the State should invest more dollars in financial aid to students:

- [Creating a Culture of Completion – NSHE Presentation to the Legislative Committee on Education](#)
- [NSHE Handout - Why Should the State of Nevada Invest More in the Millennium Scholarship & Need-Based Financial Aid?](#)

Fiscal Impact

Based on historical data, it is estimated that increasing the maximum funded credits from 12 to 15 credits and increasing the minimum credit load for community college students from 6 to 12 credits will cost between \$5 and \$6.5 million annually.

Appendix E

Work Session Item 24

SENATE BILL NO. 435—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE LEGISLATIVE COMMITTEE
ON EDUCATION)

MARCH 25, 2013

Referred to Committee on Finance SUMMARY—

Creates the K-12 Public Education Stabilization
Account. (BDR 31-202)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

~

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

AN ACT relating to public financial administration; creating the K-12 Public Education Stabilization Account; reallocating money reverted from the State Distributive School Account; revising provisions governing the setting aside of reserves out of appropriated or other funds to meet emergencies; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 **Section 2** of this bill creates the K-12 Public Education Stabilization Account
2 within the State General Fund and requires the State Controller to deposit any
3 money reverted from the State Distributive School Account at the close of each
4 odd-numbered fiscal year into the K-12 Public Education Stabilization Account and
5 into the Account for Programs for Innovation and the Prevention of Remediation.
6 **Sections 4 and 5** of this bill authorize the Superintendent of Public Instruction to
7 submit a request to the Legislature or, if the Legislature is not in session, to the
8 Interim Finance Committee, for an allocation from the K-12 Public Education
9 Stabilization Account. **Section 3** of this bill requires that all available allocations be
10 made from the K-12 Public Education Stabilization Account to cover a shortfall in
11 the State Distributive School Account before any allocation to cover the shortfall is
12 made from the Account to Stabilize the Operation of the State Government.
13 **Section 6** of this bill limits the amount of money that may be set aside as
14 proposed reserves to meet emergencies during a fiscal year for the State
15 Distributive School Account and certain other funds and accounts for education to
16 the average that is reserved for all other departments, institutions and agencies.
17 **Section 6** also requires the Chief of the Budget Division of the Department of
18 Administration to submit a request to the Legislature or, if the Legislature is not in



19 session, to the Interim Finance Committee, to determine whether an allocation
20 should be made from the K-12 Public Education Stabilization Account in lieu of
21 setting aside a reserve in the State Distributive School Account and certain other
22 funds and accounts for education.

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

1 **Section 1.** Chapter 353 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 5, inclusive, of this
3 act.

4 **Sec. 2. 1. *The K-12 Public Education Stabilization Account***
5 ***is hereby created within the State General Fund.***

6 ***2. The State Controller shall, after the close of each odd-***
7 ***numbered fiscal year and before the issuance of the State***
8 ***Controller's annual report, transfer from the State General Fund:***

9 ***(a) Fifty percent of any money which was reverted from the***
10 ***State Distributive School Account at the close of the previous***
11 ***fiscal year to the Account for Programs for Innovation and the***
12 ***Prevention of Remediation created by NRS 385.379. Money***
13 ***transferred pursuant to this paragraph to the Account for***
14 ***Programs for Innovation and the Prevention of Remediation is a***
15 ***continuing appropriation solely for the purpose of carrying out the***
16 ***provisions of NRS 385.3781 to 385.379, inclusive.***

17 ***(b) Except as otherwise provided in subsection 3, 50 percent of***
18 ***any money which was reverted from the State Distributive School***
19 ***Account at the close of the previous fiscal year to the K-12 Public***
20 ***Education Stabilization Account. Money transferred pursuant to***
21 ***this paragraph to the K-12 Public Education Stabilization Account***
22 ***is a continuing appropriation solely for the purpose of authorizing***
23 ***the expenditure of the transferred money for the purposes set forth***
24 ***in sections 2 to 5, inclusive, of this act.***

25 ***3. The balance in the K-12 Public Education Stabilization***
26 ***Account must not exceed 20 percent of the combined sum of:***

27 ***(a) The total anticipated apportionments pursuant to NRS***
28 ***387.124 for the fiscal year in which the transfer pursuant to***
29 ***paragraph (b) of subsection 2 is made;***

30 ***(b) The total anticipated local funds available pursuant to NRS***
31 ***387.1235 for the fiscal year in which the transfer pursuant to***
32 ***paragraph (b) of subsection 2 is made; and***

33 ***(c) The amount appropriated by the Legislature, if any, to***
34 ***carry out the program to reduce the ratio of pupils per class per***
35 ***licensed teacher prescribed in NRS 388.700, 388.710 and 388.720***
36 ***for the fiscal year in which the transfer pursuant to paragraph (b)***
37 ***of subsection 2 is made.***



1 4. *The money in the K-12 Public Education Stabilization*
2 *Account may only be allocated by the Legislature or, if the*
3 *Legislature is not in session, by the Interim Finance Committee,*
4 *pursuant to sections 2 to 5, inclusive, of this act. Not more than 50*
5 *percent of the money in the Account may be so allocated in even-*
6 *numbered fiscal years.*

7 5. *Except as otherwise provided in subsection 3, the interest*
8 *and income earned on the sum of:*

9 (a) *The money in the K-12 Public Education Stabilization*
10 *Account; and*

11 (b) *Unexpended appropriations made to the K-12 Public*
12 *Education Stabilization Account from the State General Fund,*
13 *◆ must be credited to the Account. If the amount of such credit*
14 *would cause the K-12 Public Education Stabilization Account to*
15 *exceed the maximum allowed balance in the Account established*
16 *pursuant to subsection 3, the amount of such excess credit must be*
17 *deposited for credit to the Account to Stabilize the Operation of the*
18 *State Government or, if the amount of such excess credit would*
19 *cause the Account to Stabilize the Operation of the State*
20 *Government to exceed the maximum allowed balance in that*
21 *Account established pursuant to subsection 3 of NRS 353.288, the*
22 *amount of such excess credit must be deposited for credit to the*
23 *State General Fund.*

24 6. *The money in the K-12 Public Education Stabilization*
25 *Account must not be used to replace or supplant money otherwise*
26 *available from other sources for the operation of the K-12 public*
27 *schools in this State.*

28 7. *The actual or projected balance of money in the K-12*
29 *Public Education Stabilization Account must not be included in*
30 *the calculation of the basic support guarantee per pupil*
31 *established for each school year pursuant to NRS 387.122 or the*
32 *basic support guarantee for special education program units*
33 *established pursuant to NRS 387.122 and 387.1221.*

34 **Sec. 3.** 1. *For the purposes of sections 4 and 5 of this act, a*
35 *shortfall exists in the State Distributive School Account if the*
36 *projections of local funds available pursuant to NRS 387.1235 are*
37 *at least 2 percent less than what was anticipated when the*
38 *Legislature determined the amount of basic support for the*
39 *biennium.*

40 2. *If a shortfall exists in the State Distributive School*
41 *Account:*

42 (a) *An allocation to cover the shortfall must be made from the*
43 *K-12 Public Education Stabilization Account in accordance with*
44 *the provisions of section 4 or 5 of this act before any allocation to*



1 cover the shortfall is made from the Account to Stabilize the
2 Operation of the State Government; and

3 (b) No allocation to cover the shortfall may be made from the
4 Account to Stabilize the Operation of the State Government until
5 all money which is available in the K-12 Public Education
6 Stabilization Account for allocation to cover the shortfall has been
7 so allocated.

8 **Sec. 4. 1.** *If there is a shortfall in the State Distributive*
9 *School Account and the Legislature is in session, the*
10 *Superintendent of Public Instruction may submit a request for an*
11 *allocation from the K-12 Public Education Stabilization Account*
12 *to the Director of the Legislative Counsel Bureau for transmittal*
13 *to the Legislature.*

14 2. *If the Legislature finds that an allocation should be made*
15 *from the K-12 Public Education Stabilization Account, the*
16 *Legislature shall by resolution establish the amount and purpose*
17 *of the allocation, giving first priority to the shortfall in the State*
18 *Distributive School Account, and direct the State Controller to*
19 *transfer that amount to the State Distributive School Account. The*
20 *State Controller shall thereupon make the transfer.*

21 **Sec. 5. 1.** *If there is a shortfall in the State Distributive*
22 *School Account and the Legislature is not in session, the*
23 *Superintendent of Public Instruction may submit a request to the*
24 *State Board of Examiners for an allocation from the K-12 Public*
25 *Education Stabilization Account by the Interim Finance*
26 *Committee.*

27 2. *The State Board of Examiners shall consider the request*
28 *and may require additional information from the Superintendent*
29 *of Public Instruction as the Board deems appropriate. If the State*
30 *Board of Examiners finds that an allocation should be made, the*
31 *Board shall recommend the amount of the allocation to the*
32 *Interim Finance Committee for its independent evaluation and*
33 *action. The Interim Finance Committee is not bound to follow the*
34 *recommendations of the State Board of Examiners.*

35 3. *If the Interim Finance Committee, after independent*
36 *determination, finds that an allocation should and may lawfully be*
37 *made from the K-12 Public Education Stabilization Account, the*
38 *Committee shall by resolution establish the amount and purpose*
39 *of the allocation, giving first priority to the shortfall in the State*
40 *Distributive School Account, and direct the State Controller to*
41 *transfer that amount to the State Distributive School Account. The*
42 *State Controller shall thereupon make the transfer.*

43 4. *In acting upon a request for an allocation, the Interim*
44 *Finance Committee shall consider, among other things:*

45 (a) *The need for the allocation; and*



1 *(b) The intent of the Legislature in creating the K-12 Public*
2 *Education Stabilization Account.*

3 **Sec. 6.** NRS 353.225 is hereby amended to read as follows:

4 353.225 1. ~~It~~ *Except as otherwise provided in subsections*
5 *2 and 3, in* order to provide some degree of flexibility to meet
6 emergencies arising during each fiscal year in the expenditures for
7 the State Distributive School Account in the State General Fund and
8 for operation and maintenance of the various departments,
9 institutions and agencies of the Executive Department of the State
10 Government, the Chief, with the approval in writing of the
11 Governor, may require the State Controller or the head of each such
12 department, institution or agency to set aside a reserve in such
13 amount as the Chief may determine, out of the total amount
14 appropriated or out of other funds available from any source
15 whatever to the department, institution or agency.

16 2. *Any reserve that is required to be set aside pursuant to*
17 *subsection 1 is required in the State Distributive School Account,*
18 *the Account for Programs for Innovation and the Prevention of*
19 *Remediation created by NRS 385.379, the Grant Fund for*
20 *Incentives for Licensed Educational Personnel created by NRS*
21 *391.166, or any other account or fund established for*
22 *administration by the Department of Education for other*
23 *educational programs for the school districts, charter schools and*
24 *university schools for profoundly gifted pupils, the amount of any*
25 *proposed reserves in each of those accounts and funds, when*
26 *combined and calculated as a percentage of the appropriations*
27 *from the State General Fund in those accounts and funds, must*
28 *not exceed the average percentage of reserves for all other*
29 *accounts and funds that include appropriations from the State*
30 *General Fund for the operation of all departments, institutions*
31 *and agencies of the State Government and authorized*
32 *expenditures from the State General Fund for the regulation of*
33 *gaming for that fiscal year.*

34 3. *Before setting aside any reserves in the State Distributive*
35 *School Account, the Account for Programs for Innovation and the*
36 *Prevention of Remediation created by NRS 385.379, the Grant*
37 *Fund for Incentives for Licensed Educational Personnel created*
38 *by NRS 391.166, or any other account or fund established for*
39 *administration by the Department of Education for other*
40 *educational programs for the school districts, charter schools and*
41 *university schools for profoundly gifted pupils, the Chief must*
42 *make a request to the Legislature or, if the Legislature is not in*
43 *session, to the Interim Finance Committee, to determine whether*
44 *an allocation should be made from the K-12 Public Education*
45 *Stabilization Account created by section 2 of this act in lieu of*



1 *setting aside the reserve. If the Legislature or the Interim Finance*
2 *Committee finds that an allocation should be made from the K-12*
3 *Public Education Stabilization Account in lieu of a reserve, the*
4 *Legislature or the Interim Finance Committee shall by resolution*
5 *establish the amount and the purpose of the allocation and direct*
6 *the State Controller to transfer that amount to the appropriate*
7 *account or fund. If the Legislature or Interim Finance Committee*
8 *adopts such a resolution, only the difference between the proposed*
9 *amount of reserves determined pursuant to subsection 2 and the*
10 *allocation made by resolution pursuant to this subsection may be*
11 *set aside as reserves in the State Distributive School Account, the*
12 *Account for Programs for Innovation and the Prevention of*
13 *Remediation created by NRS 385.379, the Grant Fund for*
14 *Incentives for Licensed Educational Personnel created by NRS*
15 *391.166, or any other account or fund established for*
16 *administration by the Department of Education for other*
17 *educational programs for the school districts, charter schools and*
18 *university schools for profoundly gifted pupils.*

19 *4. In considering whether to make an allocation from the*
20 *K-12 Public Education Stabilization Account in lieu of setting*
21 *aside a reserve pursuant to subsection 3, the Interim Finance*
22 *Committee shall consider, among other things:*

23 *(a) The effect of the setting aside of a reserve; and*

24 *(b) The intent of the Legislature in creating the K-12 Public*
25 *Education Stabilization Account.*

26 *5. At any time during the fiscal year ~~this~~a reserve or any*
27 *portion of it may be returned to the appropriation or other fund to*
28 *which it belongs and may be added to any one or more of the*
29 *allotments, if the Chief so orders in writing.*

30 **Sec. 7.** NRS 353.288 is hereby amended to read as follows:

31 353.288 1. The Account to Stabilize the Operation of the
32 State Government is hereby created in the State General Fund.
33 Except as otherwise provided in subsections 3 and 4, each year after
34 the close of the previous fiscal year and before the issuance of the
35 State Controller's annual report, the State Controller shall transfer
36 from the State General Fund to the Account to Stabilize the
37 Operation of the State Government:

38 (a) Forty percent of the unrestricted balance of the State General
39 Fund, as of the close of the previous fiscal year, which remains after
40 subtracting an amount equal to 7 percent of all appropriations made
41 from the State General Fund during that previous fiscal year for the
42 operation of all departments, institutions and agencies of State
43 Government and for the funding of schools; and

44 (b) Commencing with the fiscal year that begins on July 1,
45 2013, 1 percent of the total anticipated revenue for the fiscal year in



1 which the transfer will be made, as projected by the Economic
2 Forum for that fiscal year pursuant to paragraph (e) of subsection 1
3 of NRS 353.228 and as adjusted by any legislation enacted by the
4 Legislature that affects state revenue for that fiscal year.

5 2. Money transferred pursuant to subsection 1 to the Account
6 to Stabilize the Operation of the State Government is a continuing
7 appropriation solely for the purpose of authorizing the expenditure
8 of the transferred money for the purposes set forth in this section.

9 3. The balance in the Account to Stabilize the Operation of the
10 State Government must not exceed 20 percent of the total of all
11 appropriations from the State General Fund for the operation of all
12 departments, institutions and agencies of the State Government and
13 for the funding of schools and authorized expenditures from the
14 State General Fund for the regulation of gaming for the fiscal year
15 in which that revenue will be transferred to the Account to Stabilize
16 the Operation of the State Government.

17 4. Except as otherwise provided in this subsection and NRS
18 353.2735, beginning with the fiscal year that begins on July 1, 2003,
19 the State Controller shall, at the end of each quarter of a fiscal year,
20 transfer from the State General Fund to the Disaster Relief Account
21 created pursuant to NRS 353.2735 an amount equal to not more than
22 10 percent of the aggregate balance in the Account to Stabilize the
23 Operation of the State Government during the previous quarter. The
24 State Controller shall not transfer more than \$500,000 for any
25 quarter pursuant to this subsection.

26 5. ~~The~~ *Except as otherwise provided in section 3 of this act,*
27 *the* Chief of the Budget Division of the Department of
28 Administration may submit a request to the State Board of
29 Examiners to transfer money from the Account to Stabilize the
30 Operation of the State Government to the State General Fund:

31 (a) If the total actual revenue of the State falls short by 5 percent
32 or more of the total anticipated revenue for the biennium in which
33 the transfer will be made, as determined by the Legislature, or the
34 Interim Finance Committee if the Legislature is not in session; or

35 (b) If the Legislature, or the Interim Finance Committee if the
36 Legislature is not in session, and the Governor declare that a fiscal
37 emergency exists.

38 6. The State Board of Examiners shall consider a request made
39 pursuant to subsection 5 and shall, if it finds that a transfer should
40 be made, recommend the amount of the transfer to the Interim
41 Finance Committee for its independent evaluation and action. The
42 Interim Finance Committee is not bound to follow the
43 recommendation of the State Board of Examiners.

44 7. If the Interim Finance Committee finds that a transfer
45 recommended by the State Board of Examiners should and may



1 lawfully be made, the Committee shall by resolution establish the
2 amount and direct the State Controller to transfer that amount to the
3 State General Fund. The State Controller shall thereupon make
4 the transfer. *In considering whether to make a transfer from the*
5 *Account to Stabilize the Operation of the State Government to the*
6 *State General Fund, the Interim Finance Committee shall*
7 *consider, among other things:*
8 *(a) The effect of the transfer on the balance in the Account*
9 *and the State General Fund; and*
10 *(b) The intent of the Legislature in creating the Account to*
11 *Stabilize the Operation of the State Government.*
12 8. In addition to the manner of allocation authorized pursuant
13 to subsections 5, 6 and 7, the money in the Account to Stabilize the
14 Operation of the State Government may be allocated directly by the
15 Legislature to be used for any other purpose.
16 **Sec. 8.** This act becomes effective on July 1, 2013.

H

