

**THE ONE HUNDRED AND SECOND DAY**

---

CARSON CITY (Thursday), May 17, 2007

Assembly called to order at 11:27 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Marie Hanson.

Heavenly Father/Mother God, may we embrace Your peace in all our affairs. May we see peace in all things and know Your truth of peace exists—in our minds, in our lives, in our friends, in our co-workers, in our families, and in those we do not know. May Your peace permeate all people, places, and situations. May Your peace surround our city, our state, our nation, and our world. Please show us a better way. May we know You surround us in peace. May we inspire peace, for we are peace. And so it is.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

*Madam Speaker:*

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 219, 447, 518, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN K. KIRKPATRICK, *Chair*

*Madam Speaker:*

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Senate Bills Nos. 267, 366, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JERRY D. CLABORN, *Chair*

*Madam Speaker:*

Your Committee on Ways and Means, to which were referred Assembly Bill No. 275; Senate Bills Nos. 163, 345, 520, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 161, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY JR., *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 16, 2007

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 346, 455, 458.

Also, I have the honor to inform your honorable body that the Senate on this day adopted, as amended, Senate Concurrent Resolution No. 17.

SHERRY L. RODRIGUEZ  
*Assistant Secretary of the Senate*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegueda moved to dispense with the reading of the Histories on all bills and resolutions for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 346.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 455.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Assembly Ways and Means.

Motion carried.

Senate Bill No. 458.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 17.

Assemblyman Ocegueda moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 608.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 727.

AN ACT making supplemental appropriations to the Department of Business and Industry; 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. 1. There is hereby appropriated from the State General Fund to the Department of Business and Industry, Administration, the sum of ~~(\$65,844)~~ **\$17,725** for ~~terminal leave costs,~~ Department of Information Technology charges for PC/LAN tech and Silvernet services from Fiscal

Year 2003-2004 . ~~and for relocation of the Office of the Director to Carson City.~~ This appropriation is supplemental to that made by section 23 of chapter 327, Statutes of Nevada 2003, at page 1835, and section 24 of chapter 434, Statutes of Nevada 2005, at page 1941.

2. There is hereby appropriated from the State General Fund to the Consumer Affairs Division of the Department of Business and Industry the sum of ~~[\$11,362]~~ **\$2,869** for past expenditures . ~~[and terminal leave costs.]~~ This appropriation is supplemental to that made by section 23 of chapter 327, Statutes of Nevada 2003, at page 1835.

3. ~~There is hereby appropriated from the State General Fund to the Division of Insurance of the Department of Business and Industry the sum of \$20,000 for damage to equipment and files that resulted from flooding. This appropriation is supplemental to that made by section 24 of chapter 434, Statutes of Nevada 2005, at page 1941.~~

4. There is hereby appropriated from the State General Fund to the Nevada Athletic Commission of the Department of Business and Industry the sum of \$9,446 for a shortfall that resulted from the retirement of the Executive Director. This appropriation is supplemental to that made by section 24 of chapter 434, Statutes of Nevada 2005, at page 1941.

Sec. 2. This act becomes effective upon passage and approval.

Assemblyman Arberry moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 7.

Bill read second time and ordered to third reading.

Senate Bill No. 72.

Bill read second time and ordered to third reading.

Senate Bill No. 139.

Bill read second time and ordered to third reading.

Senate Bill No. 145.

Bill read second time and ordered to third reading.

Senate Bill No. 264.

Bill read second time and ordered to third reading.

Senate Bill No. 330.

Bill read second time and ordered to third reading.

Senate Bill No. 400.

Bill read second time and ordered to third reading.

Senate Bill No. 420.

Bill read second time and ordered to third reading.

Senate Bill No. 457.

Bill read second time and ordered to third reading.

Senate Bill No. 495.

Bill read second time and ordered to third reading.

Senate Bill No. 500.

Bill read second time and ordered to third reading.

Senate Bill No. 508.

Bill read second time and ordered to third reading.

Senate Bill No. 535.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 744.

AN ACT relating to education; revising provisions relating to alternative programs for pupils at risk of dropping out of school, programs of distance education and independent study and certain other educational programs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the boards of trustees of school districts to operate an alternative program for the education of pupils at risk of dropping out of high school, subject to the approval of the State Board of Education. (NRS 388.537) Section 4 of this bill authorizes school districts to operate an alternative program for all grade levels of pupils who are at risk of dropping out of school, subject to the approval of the Superintendent of Public Instruction.

Existing law provides that if a pupil enrolls in a program of distance education, the board of trustees of the school district in which the pupil resides or the governing body of the charter school in which the pupil attends school must enter into an agreement with the provider of the distance education. (NRS 388.854, 388.858) If an agreement is not filed with the Superintendent of Public Instruction for a pupil, the provider of the distance education is not eligible to receive the state apportionment of money for that pupil. (NRS 387.123, 387.124) Sections 8 and 9 of this bill revise the contents of the agreement and eliminate the requirement that the agreement be filed with the Superintendent. Sections 2 and 3 of this bill eliminate the restriction on the eligibility of a provider of the distance education to receive payment for a pupil if an agreement is not filed with the Superintendent.

Existing law provides that a pupil may enroll in a program of independent study if the school district in which the pupil is enrolled offers the program and if the pupil is enrolled in high school or is suspended or expelled from a public school. (NRS 389.155) Section 11 of this bill expands the eligibility for independent study to include all pupils who are enrolled in public schools, pupils who are enrolled in an alternative program and pupils who are

enrolled in a program designed to meet the requirements for an adult standard diploma.

Existing law provides that if a pupil enrolled in high school successfully completes a college course, the pupil must be granted credit toward graduation from high school. (NRS 389.160) Section 12 of this bill provides that if a pupil enrolled in a program designed to meet the requirements for an adult standard diploma successfully completes a college course, the pupil must be granted credit towards that diploma.

Section 15 of this bill eliminates the requirement that a provider of a program of distance education submit to the Department of Education and the Legislative Bureau of Educational Accountability and Program Evaluation an annual report of the program. (NRS 388.870)

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

Section 1. NRS 385.3612 is hereby amended to read as follows:

385.3612 1. The State Board shall adopt regulations that prescribe, consistent with 20 U.S.C. §§ 6301 et seq. and the regulations adopted pursuant thereto, the manner in which pupils enrolled in:

- (a) A program of distance education pursuant to NRS 388.820 to 388.874, inclusive;
- (b) An alternative program for the education of pupils at risk of dropping out of ~~high school;~~ *school pursuant to NRS 388.537*; or
- (c) A program of education that:
  - (1) Primarily serves pupils with disabilities; or
  - (2) Is operated within a:
    - (I) Local, regional or state facility for the detention of children;
    - (II) Juvenile forestry camp;
    - (III) Child welfare agency; or
    - (IV) Correctional institution,

↪ will be included within the statewide system of accountability set forth in NRS 385.3455 to 385.391, inclusive.

2. The regulations adopted pursuant to subsection 1 must also set forth the manner in which:

- (a) The progress of pupils enrolled in a program of distance education, an alternative program or a program of education described in subsection 1 will be accounted for within the statewide system of accountability; and
- (b) The results of pupils enrolled in a program of distance education, an alternative program or a program of education described in subsection 1 on the examinations administered pursuant to NRS 389.015 and 389.550 will be reported.

Sec. 2. NRS 387.123 is hereby amended to read as follows:

387.123 1. The count of pupils for apportionment purposes includes all pupils who are enrolled in programs of instruction of the school district, including, without limitation, a program of distance education provided by

the school district, or pupils who reside in the county in which the school district is located and are enrolled in any charter school, including, without limitation, a program of distance education provided by a charter school, 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.
- (d) Pupils who reside in the county and are enrolled part time in a program of distance education ~~{if an agreement is filed with the Superintendent of Public Instruction}~~ **provided** pursuant to NRS ~~{388.854 or 388.858, as applicable.}~~ **388.820 to 388.874, inclusive.**
- (e) Children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570.
- (f) Pupils who are enrolled in classes pursuant to subsection 4 of NRS 386.560 and pupils who are enrolled in classes pursuant to subsection 5 of NRS 386.580.
- (g) Pupils who are enrolled in classes pursuant to subsection 3 of NRS 392.070.
- (h) Pupils who are enrolled in classes and taking courses necessary to receive a high school diploma, excluding those pupils who are included in paragraphs (d), (f) and (g).

2. The State Board 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, or its equivalent for those public schools operating under an alternative schedule authorized pursuant to NRS 388.090.
- (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 subsection 4 and NRS 388.700, the State Board 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 this 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.

4. The provisions of subsection 3 do not apply to a charter school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

Sec. 3. NRS 387.124 is hereby amended to read as follows:

387.124 Except as otherwise provided in this section and NRS 387.528:

1. On or before August 1, November 1, February 1 and May 1 of each year, the Superintendent of Public Instruction shall apportion the State Distributive School Account in the State General Fund among the several county school districts and charter schools in amounts approximating one-fourth of their respective yearly apportionments less any amount set aside as a reserve. The apportionment to a school district, computed on a yearly basis, equals the difference between the basic support and the local funds available pursuant to NRS 387.1235, minus all the funds attributable to pupils who reside in the county but attend a charter school and all the funds attributable to pupils who reside in the county and are enrolled full time or part time in a program of distance education provided by another school district or a charter school. No apportionment may be made to a school district if the amount of the local funds exceeds the amount of basic support. ~~[If an agreement is not filed for a pupil who is enrolled in a program of distance education as required by NRS 388.854, the Superintendent of Public Instruction shall not apportion money for that pupil to the board of trustees of the school district in which the pupil resides, or the board of trustees or governing body that provides the program of distance education.]~~

2. Except as otherwise provided in subsection 3, the apportionment to a charter school, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides minus all the funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled part time in a program of distance education provided by a school district or another charter school. If the apportionment per pupil to a charter school is more than the amount to be apportioned to the school district in which a pupil who is enrolled in the charter school resides, the school district in which the pupil resides shall pay the difference directly to the charter school.

3. The apportionment to a charter school that is sponsored by the State Board, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides, minus all funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled part time in a program of distance education provided by a school district or another charter school.

4. In addition to the apportionments made pursuant to this section, an apportionment must be made to a school district or charter school that provides a program of distance education for each pupil who is enrolled part time in the program . ~~[if an agreement is filed for that pupil pursuant to NRS 388.854 or 388.858, as applicable.]~~ The amount of the apportionment must be equal to the percentage of the total time services are provided to the pupil through the program of distance education per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233 for the school district in which the pupil resides.

5. The governing body of a charter school may submit a written request to the Superintendent of Public Instruction to receive, in the first year of operation of the charter school, an apportionment 30 days before the apportionment is required to be made pursuant to subsection 1. Upon receipt of such a request, the Superintendent of Public Instruction may make the apportionment 30 days before the apportionment is required to be made. A charter school may receive all four apportionments in advance in its first year of operation.

6. The Superintendent of Public Instruction shall apportion, on or before August 1 of each year, the money designated as the "Nutrition State Match" pursuant to NRS 387.105 to those school districts that participate in the National School Lunch Program, 42 U.S.C. §§ 1751 et seq. The apportionment to a school district must be directly related to the district's reimbursements for the Program as compared with the total amount of reimbursements for all school districts in this State that participate in the Program.

7. If the State Controller finds that such an action is needed to maintain the balance in the State General Fund at a level sufficient to pay the other appropriations from it, he may pay out the apportionments monthly, each approximately one-twelfth of the yearly apportionment less any amount set aside as a reserve. If such action is needed, the State Controller shall submit a report to the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau documenting reasons for the action.

Sec. 4. NRS 388.537 is hereby amended to read as follows:

388.537 1. The board of trustees of a school district may, subject to the approval of the ~~[State Board,]~~ **Superintendent of Public Instruction**, operate



an alternative program for the education of pupils at risk of dropping out of ~~high~~ school, including pupils who ~~are~~:

~~(a) Because of extenuating circumstances, such as their being pregnant, parents, chronically ill or self-supporting, are not able to attend the classes of instruction regularly provided in high school;~~

~~(b) Are deficient in the amount of academic credit necessary to graduate with pupils their same age;~~

~~(c) Are chronically absent from high school; or~~

~~(d) Require instruction on a more personal basis than that regularly provided in high school.] are enrolled in kindergarten or grades 1 to 12, inclusive.~~

2. *The board of trustees of a school district may submit to the Department, in the form prescribed by the Department, a plan to operate an alternative program.*

3. *The Superintendent of Public Instruction shall review each plan to operate an alternative program submitted to the Department and approve or deny the plan. Approval by the Superintendent constitutes approval of each component of the plan for the alternative program.*

4. *If a plan for an alternative program is denied by the Superintendent of Public Instruction, the board of trustees of a school district may appeal the decision of the Superintendent to the State Board. The State Board may approve or deny the plan for the alternative program upon appeal.*

5. An alternative program may include:

(a) A shorter school day ~~and~~ or an opportunity for pupils to attend a longer school day ~~than~~ that regularly provided in ~~high school.] the school district. The alternative program must provide for a number of minutes of instruction that is equal to or greater than that which would be provided under a program consisting of 180 school days.~~

(b) An opportunity for pupils to attend classes of instruction during any part of the calendar year.

(c) A comprehensive curriculum that includes elective classes of instruction and career and technical education.

(d) An opportunity for pupils to obtain academic credit through experience gained at work or while engaged in other activities.

(e) An opportunity for pupils to satisfy either:

(1) The requirements for a regular high school diploma; or

(2) The requirements for ~~a high school diploma for adults.] an adult standard diploma.~~

(f) The provision of child care for the children of pupils.

(g) The transportation of pupils to and from classes of instruction.

~~(h) The temporary placement of pupils for independent study if there are extenuating circumstances which prevent those pupils from attending the alternative program on a daily basis.~~

~~3.] pursuant to NRS 389.155, if the board of trustees of the school district determines that the pupil would benefit from such placement.~~

6. The board of trustees of a school district may operate an alternative program pursuant to this section through a program of distance education pursuant to NRS 388.820 to 388.874, inclusive.

Sec. 5. NRS 388.826 is hereby amended to read as follows:

388.826 "Distance education" means instruction which is delivered by means of video, computer, television, ~~correspondence,~~ or the Internet or other electronic means of communication, or any combination thereof, in such a manner that the person supervising or providing the instruction and the pupil receiving the instruction are separated geographically for a majority of the time during which the instruction is delivered.

Sec. 6. NRS 388.829 is hereby amended to read as follows:

388.829 "Program of distance education" means a program comprised of one or more courses of distance education that is designed for pupils who ~~are~~:

~~1. Are participating in a program for pupils who are at risk of dropping out of high school pursuant to NRS 388.537.~~

~~2. Are participating in a program of independent study pursuant to NRS 389.155.~~

~~3. Are enrolled in a public school that does not offer advanced or specialized courses.~~

~~4. Have a physical or mental condition that would otherwise require an excuse from compulsory attendance pursuant to NRS 392.050.~~

~~5. Would otherwise be excused from compulsory attendance pursuant to NRS 392.080.~~

~~6. Are otherwise prohibited from attending public school pursuant to NRS 392.264, 392.4642 to 392.4648, inclusive, 392.466, 392.467 or 392.4675.~~

~~7. Are otherwise permitted to enroll in a program of distance education provided by the board of trustees of a school district if the board of trustees determines that special circumstances warrant enrollment for the pupil.~~

~~8. Are otherwise permitted to enroll in a program of distance education provided by the governing body of a charter school if the governing body of the charter school determines that special circumstances warrant enrollment for the pupil.~~ ***meet the criteria for enrollment in a program of distance education prescribed in NRS 388.850.***

Sec. 7. NRS 388.850 is hereby amended to read as follows:

388.850 1. A pupil may enroll in a program of distance education only if the pupil satisfies the requirements of any other applicable statute and the pupil:

(a) Is participating in a program for pupils at risk of dropping out of ~~high~~ school pursuant to NRS 388.537;

(b) Is participating in a program of independent study pursuant to NRS 389.155;

(c) Is enrolled in a public school that does not offer certain advanced or specialized courses that the pupil desires to attend;

(d) Has a physical or mental condition that would otherwise require an excuse from compulsory attendance pursuant to NRS 392.050;

(e) Would otherwise be excused from compulsory attendance pursuant to NRS 392.080;

(f) Is otherwise prohibited from attending public school pursuant to NRS 392.264, 392.4642 to 392.4648, inclusive, 392.466, 392.467 or 392.4675;

(g) Is otherwise permitted to enroll in a program of distance education provided by the board of trustees of a school district if the board of trustees determines that the ~~circumstances warrant enrollment for the pupil;~~ **pupil will benefit from the program;** or

(h) Is otherwise permitted to enroll in a program of distance education provided by the governing body of a charter school if the governing body of the charter school determines that the ~~circumstances warrant enrollment for the pupil;~~ **pupil will benefit from the program.**

2. In addition to the eligibility for enrollment set forth in subsection 1, a pupil must satisfy the qualifications and conditions for enrollment in a program of distance education adopted by the State Board pursuant to NRS 388.874.

3. A child who is exempt from compulsory attendance and receiving equivalent instruction authorized by the State Board pursuant to subsection 1 of NRS 392.070 is not eligible to enroll in or otherwise attend a program of distance education, regardless of whether he is otherwise eligible for enrollment pursuant to subsection 1.

4. If a pupil who is prohibited from attending public school pursuant to NRS 392.264 enrolls in a program of distance education, the enrollment and attendance of that pupil must comply with all requirements of NRS 62F.100 to ~~62F.140;~~ **62F.150**, inclusive, and 392.251 to 392.271, inclusive.

5. If a pupil is eligible for enrollment in a program of distance education pursuant to paragraph (c) of subsection 1, he may enroll in the program of distance education only to take those advanced or specialized courses that are not offered at the public school he otherwise attends.

Sec. 8. NRS 388.854 is hereby amended to read as follows:

388.854 1. Except as otherwise provided in this subsection, before a pupil may enroll full time or part time in a program of distance education that is provided by a school district other than the school district in which the pupil resides, the pupil must obtain the written permission of the board of trustees of the school district in which the pupil resides. Before a pupil who is enrolled in a public school of a school district may enroll part time in a program of distance education that is provided by a charter school, the pupil must obtain the written permission of the board of trustees of the school district in which the pupil resides. A pupil who enrolls full time in a program of distance education that is provided by a charter school is not required to obtain the approval of the board of trustees of the school district in which the pupil resides.

2. If the board of trustees of a school district grants permission pursuant to subsection 1, the board of trustees shall enter into a written agreement with the board of trustees or governing body, as applicable, that provides the program of distance education. A separate agreement must be prepared for each year that a pupil enrolls in a program of distance education. ~~[The written agreement must:~~

~~(a) Contain a statement prepared by the board of trustees of the school district in which the pupil resides indicating that the board of trustees understands that the Superintendent of Public Instruction will make appropriate adjustments in the apportionments to the school district pursuant to NRS 387.124 to account for the pupil's enrollment in the program of distance education;~~

~~(b) If the pupil plans to enroll part time in the program of distance education, contain a statement prepared by the board of trustees of the school district in which the pupil resides and the board of trustees or governing body that provides the program of distance education setting forth the percentage of the total time services will be provided to the pupil through the program of distance education per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233 for the school district in which the pupil resides;~~

~~(c) Be signed by the board of trustees of the school district in which the pupil resides and the board of trustees or governing body that provides the program of distance education; and~~

~~(d) Include any other information required by the State Board by regulation.~~

~~3. On or before the last day of the first school month of each school year or March 1 of each school year, as applicable for the semester of enrollment, a written agreement must be filed with the Superintendent of Public Instruction for each pupil who is enrolled full time in a program of distance education provided by a school district other than the school district in which the pupil resides. On or before the last day of the first school month of each school year or March 1 of each school year, as applicable for the semester of enrollment, a written agreement must be filed with the Superintendent of Public Instruction for each pupil who is enrolled in a public school of the school district and who is enrolled part time in a program of distance education provided by a charter school. If an agreement is not filed for a pupil who is enrolled in a program of distance education as required by this section, the Superintendent of Public Instruction shall not apportion money for that pupil to the board of trustees of the school district in which the pupil resides, or the board of trustees or governing body that provides the program of distance education.]~~

Sec. 9. NRS 388.858 is hereby amended to read as follows:

388.858 1. If a pupil is enrolled in a charter school, he may enroll full time in a program of distance education only if the charter school in which he is enrolled provides the program of distance education.

2. Before a pupil who is enrolled in a charter school may enroll part time in a program of distance education that is provided by a school district or another charter school, the pupil must obtain the written permission of the governing body of the charter school in which the pupil is enrolled.

3. If the governing body of a charter school grants permission pursuant to subsection 2, the governing body shall enter into a written agreement with the board of trustees or governing body, as applicable, that provides the program of distance education. A separate agreement must be prepared for each year that a pupil enrolls in a program of distance education. ~~[The written agreement must:~~

~~(a) Contain a statement prepared by the governing body of the charter school in which the pupil is enrolled indicating that the governing body understands that the Superintendent of Public Instruction will make appropriate adjustments in the apportionments to the charter school pursuant to NRS 387.124 to account for the pupil's enrollment in the program of distance education;~~

~~(b) Contain a statement prepared by the governing body of the charter school in which the pupil is enrolled and the board of trustees or governing body that provides the program of distance education setting forth the percentage of the total time services will be provided to the pupil through the program of distance education per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233 for the school district in which the pupil resides;~~

~~(c) Be signed by the governing body of the charter school in which the pupil is enrolled and the board of trustees or governing body that provides the program of distance education; and~~

~~(d) Include any other information required by the State Board by regulation.~~

~~4.—On or before the last day of the first school month of each school year or March 1 of each school year, as applicable for the semester of enrollment, a written agreement must be filed with the Superintendent of Public Instruction for each pupil who is enrolled in a charter school and who is enrolled part time in a program of distance education provided by a school district or another charter school. If an agreement is not filed for such a pupil, the Superintendent of Public Instruction shall not apportion money for that pupil to the governing body of the charter school in which the pupil is enrolled, or the board of trustees or governing body that provides the program of distance education.]~~

Sec. 10. NRS 388.866 is hereby amended to read as follows:

388.866 1. The board of trustees of a school district or the governing body of a charter school that provides a program of distance education shall ensure that ~~it, for~~:

**(a) For** each course offered through the program, a teacher:

~~((a))~~ **(1)** Provides the work assignments to each pupil enrolled in the course that are necessary for the pupil to complete the course; ~~and~~

~~((b))~~ **(2)** Meets or otherwise communicates with the pupil at least once each week during the course to discuss the pupil's progress ~~it~~; **and**

~~((c))~~ **(3)** *Enters into a written agreement with the pupil and his parent or legal guardian outlining the objectives of the course, the timeline for completion of the course and the method by which the progress of the pupil will be assessed ~~it~~; or*

**(b) The program satisfies the requirements of a plan to operate an alternative program of education submitted by the school district and approved pursuant to NRS 388.537.**

2. If a course offered through a program of distance education is a core academic subject, as defined in NRS 389.018, the teacher who fulfills the requirements of subsection 1 must be a:

(a) Licensed teacher; or

(b) Teacher, instructor or professor who provides instruction at a community college or university. Such a teacher, instructor or professor may only be assigned to a course of distance education in the subject area for which he provides instruction at a community college or university.

Sec. 11. NRS 389.155 is hereby amended to read as follows:

389.155 1. The State Board shall, by regulation, establish a program pursuant to which a pupil ~~enrolled full~~:

**(a) Enrolled full** time in ~~high school or a pupil who~~ **public school;**

**(b) Enrolled in an alternative program pursuant to NRS 388.537;**

**(c) Enrolled in a program designed to meet the requirements for an adult standard diploma; or**

**(d) Except as otherwise provided in subsection 4, who** has been suspended or expelled from a public school,

↪ may complete any required or elective course by independent study outside of the normal classroom setting. A program of independent study provided pursuant to this section may be offered through a program of distance education pursuant to NRS 388.820 to 388.874, inclusive.

2. The regulations must ~~require that~~:

(a) **Require that:**

**(1)** The teacher of the course assign to the pupil the work assignments necessary to complete the course; and

~~((b))~~ ~~The~~ **(2)** **For each course in which the pupil is enrolled, the** pupil and **the** teacher **of the course** meet or otherwise communicate with each other at least once each week ~~during~~ **for the duration of** the course to discuss the pupil's progress ~~it~~; **or**

**(b) Require that the program of independent study satisfies the requirements of a plan to operate an alternative program of education submitted by the school district and approved pursuant to NRS 388.537.**

3. ~~Except as otherwise provided in this subsection, the~~ **The** board of trustees of a school district may, in accordance with the regulations adopted pursuant to subsections 1 and 2, provide for independent study by **the** pupils ~~fr~~

~~(a) Enrolled full time in high schools in its district. A board of trustees that chooses to allow such study may provide that:~~

~~(1) The pupils participating in the independent study be given instruction individually or in a group.~~

~~(2) The independent study be offered during the regular school day.~~

~~(b) Who have been suspended or expelled from a public school.]~~  
**described in subsection 1.**

4. A program of independent study offered pursuant to this ~~paragraph~~ **section** must not allow a pupil **who has been suspended or expelled from a public school** to attend that public school during the period of his suspension or expulsion.

Sec. 12. NRS 389.160 is hereby amended to read as follows:

389.160 1. A pupil enrolled in high school, including, without limitation, a pupil enrolled in grade 9, 10, 11 or 12 in a charter school ~~fr~~ **or a pupil enrolled in a program designed to meet the requirements for an adult standard diploma**, who successfully completes a course of education offered by a community college or university in this State which has been approved pursuant to subsection 2, must be allowed to apply the credit received for the course so completed to the total number of credits required for graduation from **the** high school or the charter school in which the pupil is enrolled ~~fr~~ **or the credits required for receipt of an adult standard diploma, as applicable.**

2. With the approval of the State Board, the board of trustees of each county school district and the governing body of each charter school shall prescribe the courses for which credits may be received pursuant to subsection 1, including occupational courses for academic credit, and the amount of credit allowed for the completion of those courses.

Sec. 13. 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 who sells or distributes any controlled substance 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, the pupil must be permanently expelled from that school and:

(a) Receive equivalent instruction authorized by the State Board pursuant to subsection 1 of NRS 392.070; or

(b) Enroll in a program of independent study provided pursuant to ~~paragraph (b) of subsection 3 of~~ NRS 389.155 ***for pupils who have been suspended or expelled from public school*** or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if he qualifies for enrollment and is accepted for enrollment in accordance with the ***requirements of the applicable ~~requirements.~~ program.***

2. Except as otherwise provided in this section, any pupil who is found in possession of a firearm or a dangerous weapon 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 expelled from the school for a period of not less than 1 year, although he may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must be permanently expelled from the school and:

(a) Receive equivalent instruction authorized by the State Board pursuant to subsection 1 of NRS 392.070; or

(b) Enroll in a program of independent study provided pursuant to ~~paragraph (b) of subsection 3 of~~ NRS 389.155 ***for pupils who have been suspended or expelled from public school*** or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if he qualifies for enrollment and is accepted for enrollment in accordance with the ***requirements of the applicable ~~requirements.~~ program.***

↪ The superintendent of schools of a school district may, for good cause shown in a particular case in that school district, allow a modification to the expulsion requirement of this subsection if such modification is set forth in writing.

3. Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to NRS 392.4655, the pupil must be suspended or expelled from the school for a period equal to at least one semester for that school. For the period of his suspension or expulsion, the pupil must:

(a) Receive equivalent instruction authorized by the State Board pursuant to subsection 1 of NRS 392.070; or

(b) Enroll in a program of independent study provided pursuant to ~~paragraph (b) of subsection 3 of~~ NRS 389.155 ***for pupils who have been suspended or expelled from public school*** or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if he qualifies for enrollment and is accepted for enrollment in accordance with the ***requirements of the applicable ~~requirements.~~ program.***

4. This section 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.

5. Any pupil in grades 1 to 6, inclusive, except a pupil who has been found to have possessed a firearm in violation of subsection 2, 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.

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 subsection 1.

(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.

7. As used in this section:

(a) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(b) "Dangerous weapon" includes, without limitation, a blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku, switchblade knife or trefoil, as defined in NRS 202.350, a butterfly knife or any other knife described in NRS 202.350, or any other object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person.

(c) "Firearm" includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a "firearm" in 18 U.S.C. § 921, as that section existed on July 1, 1995.

8. The provisions of this section do not prohibit a pupil who is suspended or expelled from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if he is accepted for enrollment by the charter school pursuant to NRS 386.580. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to his suspension or expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.

Sec. 14. NRS 392.4675 is hereby amended to read as follows:

392.4675 1. Except as otherwise provided in this section, a pupil who is suspended or expelled from:

(a) Any public school in this State pursuant to NRS 392.466; or

(b) Any school outside of this State for the commission of any act which, if committed within this State, would be a ground for suspension or expulsion from public school pursuant to NRS 392.466,

➤ is ineligible to attend any public school in this State during the period of that suspension or expulsion.

2. A school district or a charter school, if the charter school offers the applicable program, may allow a pupil who is ineligible to attend a public school pursuant to this section to enroll in:

(a) An alternative program for the education of pupils at risk of dropping out of ~~[high school]~~ ***school provided pursuant to NRS 388.537;***

(b) A program of independent study provided pursuant to ~~[paragraph (b) of subsection 3 of NRS 389.155, if he qualifies for enrollment and is accepted for enrollment in accordance with the applicable requirements;]~~ ***NRS 389.155 for pupils who have been suspended or expelled from public school;***

(c) A program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive ; ~~[- if he qualifies for enrollment and is accepted for enrollment in accordance with the applicable requirements;]~~ or

(d) Any program of instruction offered pursuant to the provisions of NRS 388.550 ~~[-]~~,

***↪ if he qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.*** A school district or charter school may conduct an investigation of the background of any such pupil to determine if the educational needs of the pupil may be satisfied without undue disruption to the program. If an investigation is conducted, the board of trustees of the school district or the governing body of the charter school shall, based on the results of the investigation, determine if the pupil will be allowed to enroll in such a program.

3. The provisions of subsections 1 and 2 do not prohibit a pupil from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if he is accepted for enrollment by the charter school pursuant to NRS 386.580. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to his suspension or expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.

Sec. 15. NRS 388.870 is hereby repealed.

Sec. 16. This act becomes effective on July 1, 2007.

#### TEXT OF REPEALED SECTION

388.870 Contents and submission of annual report by provider of distance education program. On or before November 1 of each year, the board of trustees of a school district or the governing body of a charter school that provides a program of distance education shall submit to the Department and to the Legislative Bureau of Educational Accountability and Program Evaluation a written report that contains a summary of the program for the immediately preceding school year which includes, without limitation:

1. A description of the manner in which the program was carried out;
2. The expenditures made for the program;

3. The number of pupils who were enrolled full time in the program and the number of pupils who were enrolled part time in the program;

4. If available, a description of the reasons why pupils enrolled in the program;

5. The number of pupils who dropped out of the program, if any;

6. A description of any disciplinary measures taken against pupils who were enrolled in the program; and

7. An analysis of the academic achievement and performance of the pupils who were enrolled in the program before and after the pupils participated in the program.

Assemblywoman Parnell moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that Assembly Bill No. 150 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Ocegüera moved that Senate Bill No. 18 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Ocegüera moved that Senate Bill No. 66 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 226.

Bill read third time.

Remarks by Assemblywoman McClain.

Roll call on Assembly Bill No. 226:

YEAS—42.

NAYS—None.

Assembly Bill No. 226 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 460.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 765.

AN ACT relating to education; requiring each school district to develop a program to provide enhanced compensation to employees of the school district; making various changes regarding the evaluation and admonition of educational personnel; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~{Section 5 of this bill requires the board of trustees of each school district to establish a design team to facilitate the design, development and implementation of a program to provide enhanced compensation to employees of the school district.~~

~~Existing law requires each probationary teacher to be evaluated at least three times during each school year and a postprobationary teacher to be evaluated at least once each school year. (NRS 391.3125)}~~ Section 6 of this bill requires an administrator who is responsible for evaluating a teacher to personally observe that teacher in the classroom for not less than 60 minutes during each evaluation period. If a deficiency is discovered during the evaluation process, a reasonable effort must be made to assist the teacher to correct the deficiency. Existing law prescribes the circumstances under which an administrator may admonish an employee. (NRS 391.313) Section 7 of this bill requires an admonition to include a description of the deficiencies of the teacher and the actions that are necessary to correct those deficiencies.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. ~~{Chapter 391 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 establish a design team to facilitate the design, development and implementation of strategies to improve conditions of teaching and learning within the school district.~~

~~2.—The membership of a design team created pursuant to subsection 1 must consist of persons appointed by the board of trustees from among:~~

~~(a) Representatives of the school district; and~~

~~(b) Representatives of recognized employee organizations which represent one or more groups of employees of the school district.~~

~~At least 50 percent of the members that the board of trustees appoints to the design team must be representatives of recognized employee organizations which represent one or more groups of employees of the school district.~~

~~3.—In carrying out its duties to facilitate the design, development and implementation of strategies to improve conditions of teaching and learning within the school district, the design team for each school district shall develop a program for the school district pursuant to which an employee of the school district may become eligible to earn an enhanced level of compensation by achieving outstanding development in his profession or employment, as assessed in accordance with the criteria developed pursuant to subsection 4.~~

~~4. To determine whether an employee of the school district has achieved outstanding development in his profession or employment, the design team for each school district shall develop criteria for use in the school district setting forth, without limitation:~~

~~(a) The activities in which an employee of the school district must participate to achieve outstanding development in his profession or employment;~~

~~(b) The duties an employee of the school district must carry out to achieve outstanding development in his profession or employment; and~~

~~(c) The knowledge and skills an employee of the school district must acquire to achieve outstanding development in his profession or employment.~~

~~5. A program of enhanced compensation developed pursuant to subsection 3 must be:~~

~~(a) Applicable to all employees of the school district for which the program is developed, regardless of whether those employees are licensed or unlicensed; and~~

~~(b) Bargained for in accordance with the provisions of chapter 288 of NRS.~~

~~6. As used in this section, "employee organization" has the meaning ascribed to it in NRS 288.040.7 (Deleted by amendment.)~~

Sec. 6. NRS 391.3125 is hereby amended to read as follows:

391.3125 1. It is the intent of the Legislature that a uniform system be developed for objective evaluation of teachers and other licensed personnel in each school district.

2. Each board, following consultation with and involvement of elected representatives of the teachers or their designees, shall develop a policy for objective evaluations in narrative form. The policy must set forth a means according to which an employee's overall performance may be determined to be satisfactory or unsatisfactory. The policy may include an evaluation by the teacher, pupils, administrators or other teachers or any combination thereof. In a similar manner, counselors, librarians and other licensed personnel must be evaluated on forms developed specifically for their respective specialties. A copy of the policy adopted by the board must be filed with the Department. The primary purpose of an evaluation is to provide a format for constructive assistance. Evaluations, while not the sole criterion, must be used in the dismissal process.

3. A conference and a written evaluation for a probationary employee must be concluded ~~no~~ **not** later than:

(a) December 1;

(b) February 1; and

(c) April 1,

↪ of each school year of the probationary period, except that a probationary employee assigned to a school that operates all year must be evaluated at least three times during each 12 months of employment on a schedule determined by the board. *An administrator charged with the evaluation of a*

*probationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 45 consecutive minutes.*

4. Whenever an administrator charged with the evaluation of a probationary employee believes the employee will not be reemployed for the second year of the probationary period or the school year following the probationary period, he shall bring the matter to the employee's attention in a written document which is separate from the evaluation ~~no~~ **not** later than ~~February 15~~ **March 1** of the current school year. The notice must include the reasons for the potential decision not to reemploy or refer to the evaluation in which the reasons are stated. Such a notice is not required if the probationary employee has received a letter of admonition during the current school year.

5. Each postprobationary teacher must be evaluated at least once each year. *An administrator charged with the evaluation of a postprobationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 30 consecutive minutes.*

6. The evaluation of a probationary teacher or a postprobationary teacher must ~~if~~ **include, without limitation:**

- (a) *An evaluation of the classroom management skills of the teacher;*
- (b) *A review of the lesson plans and the work log or grade book of pupils prepared by the teacher;*
- (c) *An evaluation of whether the curriculum taught by the teacher is aligned with the standards of content and performance established pursuant to NRS 389.520, as applicable for the grade level taught by the teacher;*
- (d) *An evaluation of whether the teacher is appropriately addressing the needs of the pupils in the classroom, including, without limitation, special educational needs, cultural and ethnic diversity, the needs of pupils enrolled in advanced courses of study and the needs of pupils who are limited English proficient;*
- (e) *If necessary, ~~include~~ recommendations for improvements in ~~his~~ the performance ~~[. A reasonable effort must be made to assist the teacher to correct any deficiencies noted in the evaluation.] of the teacher;~~*
- (f) *A description of the action that will be taken to assist the teacher in correcting any deficiencies reported in the evaluation; and*
- (g) *A statement by the administrator who evaluated the teacher indicating the amount of time that the administrator personally observed the performance of the teacher in the classroom.*

7. The teacher must receive a copy of each evaluation not later than 15 days after the evaluation. A copy of the evaluation and the teacher's response must be permanently attached to the teacher's personnel file. *Upon the*

*request of a teacher, a reasonable effort must be made to assist the teacher to correct those deficiencies reported in the evaluation of the teacher for which the teacher requests assistance.*

Sec. 7. NRS 391.313 is hereby amended to read as follows:

391.313 1. Whenever an administrator charged with supervision of a licensed employee believes it is necessary to admonish the employee for a reason that he believes may lead to demotion ~~or~~ **or** dismissal or cause the employee not to be reemployed under the provisions of NRS 391.312, he shall:

(a) Except as otherwise provided in subsection ~~{2,}~~ **3**, bring the matter to the attention of the employee involved, in writing, stating the reasons for the admonition and that it may lead to his demotion, dismissal or a refusal to reemploy him, and make a reasonable effort to assist the employee to correct whatever appears to be the cause for his potential demotion, dismissal or a potential recommendation not to reemploy him; and

(b) Except as otherwise provided in NRS 391.314, allow reasonable time for improvement, which must not exceed 3 months for the first admonition.

**↪ *The admonition must include a description of the deficiencies of the teacher and the action that is necessary to correct those deficiencies.***

2. An admonition issued to a licensed employee who, within the time granted for improvement, has met the standards set for him by the administrator who issued the admonition must be removed from the records of the employee together with all notations and indications of its having been issued. The admonition must be removed from the records of the employee not later than 3 years after it is issued.

~~{2,}~~ **3.** An administrator need not admonish an employee pursuant to paragraph (a) of subsection 1 if his employment will be terminated pursuant to NRS 391.3197. If by ~~February 15~~ **March 1** of the first or second year of his probationary period a probationary employee does not receive a written notice pursuant to subsection 4 of NRS 391.3125 of a potential decision not to reemploy him, he must receive an admonition before any such decision is made.

~~{3,}~~ **4.** A licensed employee is subject to immediate dismissal or a refusal to reemploy according to the procedures provided in NRS 391.311 to 391.3197, inclusive, without the admonition required by this section, on grounds contained in paragraphs (b), (f), (g), (h) and (p) of subsection 1 of NRS 391.312.

Sec. 8. NRS 391.3197 is hereby amended to read as follows:

391.3197 1. A probationary employee is employed on a contract basis for two 1-year periods and has no right to employment after either of the two probationary contract years.

2. The board shall notify each probationary employee in writing on or before May 1 of the first and second school years of his probationary period, as appropriate, whether he is to be reemployed for the second year of the probationary period or for the next school year as a postprobationary

employee. The employee must advise the board in writing on or before May 10 of the first or second year of his probationary period, as appropriate, of his acceptance of reemployment. If a probationary employee is assigned to a school that operates all year, the board shall notify him in writing, in both the first and second years of his probationary period, no later than 45 days before his last day of work for the year under his contract whether he is to be reemployed for the second year of the probationary period or for the next school year as a postprobationary employee. He must advise the board in writing within 10 days after the date of notification of his acceptance or rejection of reemployment for another year. Failure to advise the board of his acceptance of reemployment constitutes rejection of the contract.

3. A probationary employee who completes his 2-year probationary period and receives a notice of reemployment from the school district in the second year of his probationary period is entitled to be a postprobationary employee in the ensuing year of employment.

4. ~~{A} If a~~ probationary employee ~~{who receives an unsatisfactory evaluation}~~ **receives notice pursuant to subsection 4 of NRS 391.3125 not later than March 1 of a potential decision not to reemploy him, the employee** may request a supplemental evaluation by another administrator in the school district selected by him and the superintendent. If a school district has five or fewer administrators, the supplemental evaluator may be an administrator from another school district in ~~{the}~~ **this** State. If a probationary employee has received during the first school year of his probationary period three evaluations which state that the employee's overall performance has been satisfactory, the superintendent of schools of the school district or his designee shall waive the second year of the employee's probationary period by expressly providing in writing on the final evaluation of the employee for the first probationary year that the second year of his probationary period is waived. Such an employee is entitled to be a postprobationary employee in the ensuing year of employment.

5. If a probationary employee is notified that he will not be reemployed for the second year of his probationary period or the ensuing school year, his employment ends on the last day of the current school year. The notice that he will not be reemployed must include a statement of the reasons for that decision.

6. A new employee or a postprobationary teacher who is employed as an administrator shall be deemed to be a probationary employee for the purposes of this section and must serve a 2-year probationary period as an administrator in accordance with the provisions of this section. If the administrator does not receive an unsatisfactory evaluation during the first year of probation, the superintendent or his designee shall waive the second year of the administrator's probationary period. Such an administrator is entitled to be a postprobationary employee in the ensuing year of employment. If:



(a) A postprobationary teacher who is an administrator is not reemployed as an administrator after either year of his probationary period; and

(b) There is a position as a teacher available for the ensuing school year in the school district in which the person is employed,

↳ the board of trustees of the school district shall, on or before May 1, offer the person a contract as a teacher for the ensuing school year. The person may accept the contract in writing on or before May 10. If the person fails to accept the contract as a teacher, the person shall be deemed to have rejected the offer of a contract as a teacher.

7. An administrator who has completed his probationary period pursuant to subsection 6 and is thereafter promoted to the position of principal must serve an additional probationary period of 1 year in the position of principal. If the administrator serving the additional probationary period is not reemployed as a principal after the expiration of the additional probationary period, the board of trustees of the school district in which the person is employed shall, on or before May 1, offer the person a contract for the ensuing school year for the administrative position in which the person attained postprobationary status. The person may accept the contract in writing on or before May 10. If the person fails to accept such a contract, the person shall be deemed to have rejected the offer of employment.

8. Before dismissal, the probationary employee is entitled to a hearing before a hearing officer which affords due process as set out in NRS 391.311 to 391.3196, inclusive.

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. This act becomes effective on July 1, 2007.

Assemblyman Arberry moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 580.

Bill read third time.

Remarks by Assemblyman Denis.

Roll call on Assembly Bill No. 580:

YEAS—42.

NAYS—None.

Assembly Bill No. 580 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 596.

Bill read third time.

Remarks by Assemblymen Gerhardt, Anderson, and Allen.

Assemblywoman Gerhardt requested that the following remarks be entered in the Journal

ASSEMBLYWOMAN GERHARDT:

During the hearing regarding Assembly Bill 596 in the Committee on Judiciary most of the members had serious concerns about burdening custodial parents in order to reduce the federal deficit. In the hearing in Ways and Means, it was determined this was the only feasible way to comply. I have spoken with Chairman Anderson regarding a letter to be sent from the Committee on Judiciary to the Nevada Delegation expressing our concern about burdening custodial parents, and he has drafted a letter on our behalf.

ASSEMBLYMAN ANDERSON:

I want to reassure the body that on this particular piece of legislation, we did indeed send a letter of concern to the Chair of Ways and Means here in our body and to the Congress of the United States relative to the fiscal impact for parents. I think that we continue to hope that in the event that the federal legislation which mandated this is removed, the burden will not fall upon them. I believe that Ways and Means did take that into consideration and that was the will of the Committee on Judiciary.

ASSEMBLYWOMAN ALLEN:

I would just like to echo the sentiments of the two previous speakers. The committee came to a decision about the noncustodial parents, and I realize that was changed. I just want to make it clear that many of us do not believe it is right for the federal government to take child support money from the kids.

Roll call on Assembly Bill No. 596:

YEAS—36.

NAYS—Beers, Buckley, Carpenter, Goedhart, Mabey, Settlemeyer—6.

Assembly Bill No. 596 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that Senate Bill No. 99 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

#### GENERAL FILE AND THIRD READING

Senate Bill No. 137.

Bill read third time.

Remarks by Assemblyman Christensen.

Roll call on Senate Bill No. 137:

YEAS—42.

NAYS—None.

Senate Bill No. 137 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 183.

Bill read third time.

Remarks by Assemblyman Stewart.

Roll call on Senate Bill No. 183:

YEAS—42.

NAYS—None.

Senate Bill No. 183 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 198.

Bill read third time.

Remarks by Assemblyman Claborn.

Assemblywoman Smith moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:57 a.m.

#### ASSEMBLY IN SESSION

At 11:59

Madam Speaker presiding.

Quorum present.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Kirkpatrick moved that Senate Bill No. 198 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:59 a.m.

#### ASSEMBLY IN SESSION

At 12:05 p.m.

Madam Speaker presiding.

Quorum present.

#### GENERAL FILE AND THIRD READING

Senate Bill No. 210.

Bill read third time.

Roll call on Senate Bill No. 210:

YEAS—42.

NAYS—None.

Senate Bill No. 210 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 244.

Bill read third time.

Remarks by Assemblywoman Gerhardt.

Potential conflict of interest declared by Assemblywoman Gansert.

Roll call on Senate Bill No. 244:

YEAS—42.

NAYS—None.

Senate Bill No. 244 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 336.

Bill read third time.

Remarks by Assemblyman Grady.

Roll call on Senate Bill No. 336:

YEAS—42.

NAYS—None.

Senate Bill No. 336 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 337.

Bill read third time.

Remarks by Assemblyman Hardy.

Roll call on Senate Bill No. 337:

YEAS—42.

NAYS—None.

Senate Bill No. 337 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 338.

Bill read third time.

Roll call on Senate Bill No. 338:

YEAS—42.

NAYS—None.

Senate Bill No. 338 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 357.

Bill read third time.

Remarks by Assemblyman Kihuen.

Roll call on Senate Bill No. 357:

YEAS—42.

NAYS—None.

Senate Bill No. 357 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that Assembly Bill No. 150; Senate Bills Nos. 18, 66, 99, 367, 369, 384, 389, 391, 396, 399, 401, 403, 417, 419, 430, 456, 470, 486, 491, 504, 511, 515, 519, 534, 549; Senate Joint Resolutions Nos. 6, 10, 11, 12, 13, 15, 16, and 17 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 594 be taken from the Chief Clerk's desk and placed at the top of the General File for the next legislative day.

Motion carried.

## REPORTS OF COMMITTEES

*Madam Speaker:*

Your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 128, 440, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chair*

## UNFINISHED BUSINESS

## SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 102, 279, 432; Assembly Concurrent Resolution No. 6; Senate Bills Nos. 17, 39, 60, 175, 230, 559.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Roger Corbett Elementary School: Martha Aguilar, Ivan Arellano, Amilcar Bolanos, Manuel Chinchilla, Kira cloyd, Rodney Collins, Oscar Cuevas, Jose De La Riva, Milisa Diaz, Raphael Garcia, Jose Grajeda, Jose Hernandez, Luis Lopez, Bibian Mellado, Brooklyn Mikel, Kayia Murray, Selen Ramirez, Alfredo Rodriguez, Victor Rodriguez, Ulysess Ruiz, Jose Saldana, Malaefoa Sofara, Iris Soriano, Heman Sotelo, Raul Terriquez, James Treischel, Sindy Vanagas, Arnold Deneal, Avila Rene, Batres Israel, Luigl Diaz, Diana Garcia, Leonardo Gil, Richard Guerrero, Angel Hernandez, Travon Hidreth, Veronica Loza, Mysti Ludy, Jacob Lytle, Brenda Monroy, Vicky Murphy, Edwin Navarro, Joselyn Noguera, Victor Nunez, Ericka Ollva, Jorge Orozco, Carto Ortiz, Alondra Perez, Clarissa Pintor, Ana Ramos, Carina Rangel, Diego Rodriguez, Gustavo Rodriguez, Jaqueline Sanchez, Jose Vargas, and Emanuel Villa; teacher Karen Shaw; chaperones Lori Poajzl, Mirna Campbell, Terresa Teague, Susan Treischel, Norma Mellado and Carlos Sotelo.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Paul.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Jill Hardy.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Fremont Elementary School: Adarah Ball, Amy Harrison, Austin Kendall, Brandon Dultz, Celina Viramontes-Casteneda, Consuelo Rodiles, Emily Tiehm, Hannah Goddard, Hugo Resendiz, Isidro Landa, Jacob Snyder, Jacqueline Lopez, Jason Allen, Jocelyn Jacobo, Kayla Hall, Kevin Zaragoza, Kylie Couste, Kylie Memro, Lorena Lemus, Megan Goodale, Samantha Schultz, Saul Machuca, Taylor Rampley, Thomas Stafford, Warren Toleson, Maria Ayala, Shaina Bird, Michael Bohn, Heather Canfield, Oscar Chavez, Tylar Chester, Delaney Cobb, Brittany Hooper, Kennadie Frias, Austin Gardner, Angel Gomez, Lexy Hakala, Jesse Knight, Savannah Law, Michael Martin, Timmy Martin, Richie McCoy, Jeremy Miller, Taylor Olson, Aaron Perez, Alex Pray, Amanda Ramsey, Dyllan Sapp, and Erin Wilkes; teacher Vickie Parsons; chaperones Marci Goodale, Denia Bullard, Steve Snyder, Kevin Law, Mia Frias, Jeff Cobb, Stacey Villigan, Amanda Ramsey, Sergio Lemus, Skip Canfield and Mitch Martin.

Assemblyman Ocegüera moved that the Assembly adjourn until Monday, May 21, 2007, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:25 p.m.

Approved:

BARBARA E. BUCKLEY  
*Speaker of the Assembly*

Attest: SUSAN FURLONG REIL

*Chief Clerk of the Assembly*