

**THE SIXTY-FIRST DAY**

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CARSON CITY (Friday), April 8, 2011

Assembly called to order at 11:14 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Ohrenschall, who was excused.

Prayer by the Chaplain, Pastor Ron Torkelsen.

Dear God, we often refer to politics with a negative connotation. Whereas that may be true at times, it is not necessarily so. There is value in collective reasoning and that is the premise for which we have come here today, next week, and the next several months. The Bible teaches that You have placed people in government because of their Godly reasoning. I pray that those here today will use their capabilities for just that. I pray, Lord, that You will direct the thinking of these men and women, and when the decisions of these next weeks and months have been concluded, we will see the wisdom in their choices.

Again, I pray for the collective wisdom of this assembly and thank You for the successes You have promised.

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

*Mr. Speaker:*

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 20, 25, 32, 55, 102, 199, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

*Mr. Speaker:*

Your Committee on Education, to which were referred Assembly Bills Nos. 138, 225, 229, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID P. BOBZIEN, *Chair*

*Mr. Speaker:*

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 222, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID P. BOBZIEN, *Chair*

*Mr. Speaker:*

Your Concurrent Committee on Health and Human Services, to which was referred Assembly Bill No. 48, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

APRIL MASTROLUCA, *Chair*

*Mr. Speaker:*

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 143 and 194 has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, Your Committee on Judiciary, to which were referred Assembly Bills Nos. 91 and 195, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WILLIAM C. HORNE, *Chair*

*Mr. Speaker:*

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 12, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEBBIE SMITH, *Chair*

COMMUNICATIONS  
MESSAGES FROM THE GOVERNOR  
OFFICE OF THE GOVERNOR

April 4, 2011

THE HONORABLE JOHN OCEGUERA, *Speaker of the Nevada Assembly*, THE NEVADA LEGISLATURE, 401 South Carson Street, Carson City, Nevada 89701

Re: Assembly Bill 183 of the 76th Legislative Session

DEAR MR. SPEAKER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 183, which is entitled:

AN ACT relating to school districts; revising the provisions regarding the establishment and maintenance of a reserve account for payment of the outstanding bonds of a school district; and providing other matters properly relating thereto.

This bill relates to the maintenance of reserve accounts established to support the repayment of school bonds. It proposes to reduce the amount of money held in those accounts in order to facilitate school improvements. Supporters of the bill assert that it will result not only in an improved educational environment for the state's children, but in an increased number of construction jobs as well.

The bill has merit; a quality educational environment is important to the success of our students, and our state has far too many unemployed construction workers. But the condition of our schools and the struggles of the construction industry are not the only challenges we confront. Indeed, with an unemployment rate of 13.6 percent and the nation's worst graduation rates, rarely has our state been so severely tested. In the face of such difficulty, we cannot afford to be parochial. Instead, we must pursue policies that present the greatest chance of success to the greatest number of Nevadans.

Improving the quality of instruction our children receive and fostering the success of workers across our economy are essential steps in moving the state forward. Because this bill makes it harder to do these things, I will veto it. In appropriating bond reserve money for construction,

proponents of the bill have reduced the amount of funds available for classroom instruction by approximately \$301 million. Along the way, they have misleadingly cited those who voted for the issuance of school bonds in the past as supporting their cause today, unfairly attributing to them their narrow view. What is more, they have failed to provide an accounting of the cost of this bill.

If these reductions stand, they will necessarily result in deeper cuts—cuts that will cost over 5,000 teachers their jobs. Alternatively, A.B. 183 will require a new tax at a point when our economy is presenting limited but promising signs of recovery. This bill justifies neither choice. I therefore exercise my constitutional grant of authority to veto A.B. 183, and return the bill to you without my signature.

Sincere regards,  
BRIAN SANDOVAL  
*Governor of Nevada*

#### REMARKS FROM THE FLOOR

Assemblyman Conklin moved that Assemblywoman Smith's remarks be entered in the Journal.

Motion carried.

#### ASSEMBLYWOMAN SMITH:

Thank you, Mr. Speaker. It is somewhat unusual, I suppose, to rise and give remarks after a veto statement, but I do feel compelled to do so. The tone of the veto was a little bit unusual because it did not deal just with the specifics of the bill, but also, I believe, attacked the credibility of the proponents of the bill. Also, it had a couple of misleading statements.

For the record, I would like to say to the body that, as indicated in the veto statement, A.B. 183 does not require a tax increase. The proponents of the bill were never misleading in working toward the passage of this piece of legislation, and I want to be clear that the proponents were many more people than just me, as the sponsor. As you all know, there were parents, parent organizations, business leaders, the Nevada Association of School Boards, the school districts, and many others who worked on this bill for many, many months and are very much the proponents of this legislation. I would like to rise to their defense that this group never misled anyone about this legislation. It was about a policy. The fact that it became tangled up in another issue is a separate issue.

I would just like to say, for the record, that the proponents' integrity being questioned in the veto statement, I think, is somewhat unusual. They are very honorable people and worked very hard to try to do the right thing in their individual communities, and I respect them very much for that. Thank you, Mr. Speaker, for giving me this time.

#### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 4, 2011

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 193; Senate Bill No. 91.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 186.

SHERRY L. RODRIGUEZ  
*Assistant Secretary of the Senate*

SENATE CHAMBER Carson City, April 6, 2011

*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. 63, 237.

SHERRY L. RODRIGUEZ  
*Assistant Secretary of the Senate*

SENATE CHAMBER, Carson City, April 7, 2011

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 289, 301, 337; Senate Joint Resolutions Nos. 3, 4.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 6, 13, 25, 27, 34, 67, 89, 101, 114, 117, 119, 222.

SHERRY L. RODRIGUEZ  
*Assistant Secretary of the Senate*

#### MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Legislative Operations and Elections:

Assembly Resolution No. 7—Providing for the appointment of an additional attaché for the Assembly.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Gianna Shirk is elected as an additional attaché of the Assembly for the 76th Session of the Nevada Legislature.

Assemblyman Conklin moved the adoption of the resolution.

Remarks by Assemblyman Conklin.

Resolution adopted.

Senate Joint Resolution No. 3.

Assemblyman Conklin moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

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

Assembly in recess at 11:26 a.m.

#### ASSEMBLY IN SESSION

At 11:27 a.m.

Mr. Speaker presiding.

Quorum present.

Senate Joint Resolution No. 4.

Assemblyman Conklin moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

JOURNAL OF THE ASSEMBLY  
MOTIONS, RESOLUTIONS AND NOTICES  
NOTICE OF EXEMPTION

April 4, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bills Nos. 216, 295, 359, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 433, 434, 435, 437, 442, 443, 444, 447, 450, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 470, 471, 472, 473, 474, 478, 479, 480, 481, 482, 484 and 486.

MARK KRMPOTIC  
*Fiscal Analysis Division*

April 4, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 103, 115, 116, 129, 138, 143, 146, 147, 151, 158, 160, 168, 176, 438, 439, 440, 441, 445, 446, 448, 449, 451, 468, 469, 475, 476, 477 and 483.

MARK KRMPOTIC  
*Fiscal Analysis Division*

April 6, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 524.

RICK COMBS  
*Fiscal Analysis Division*

April 6, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 307, 327, 330, 338, 350, 354, 357, 368, 378, 385, 390, 397, 399, 423, 425, 430, 431, 432, 434, 438, 444, 474, 505, 508, 511, 532, 534, 546 and 554.

RICK COMBS  
*Fiscal Analysis Division*

AMENDED NOTICE OF EXEMPTION

April 8, 2011

The Fiscal Analysis Division hereby amends its Notice of Exemption dated April 4, 2011, as follows:

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, deletes Assembly Bill No. 557 from the notice of exempt bills and determines the eligibility for exemption of Assembly Bill No. 557.

RICK COMBS  
*Fiscal Analysis Division*

Assemblyman Conklin moved that Assembly Bills Nos. 222, 225, and 229, just reported out of committee, be placed at the top of the Second Reading File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 565—AN ACT relating to education; temporarily delaying the statutory deadline for notifying certain school employees of reemployment status for the 2011-2012 school year; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 6.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 13.

Assemblyman Conklin moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 25.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 27.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 34.

Assemblyman Conklin moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 63.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 67.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 89.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 91.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 101.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 114.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 117.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 119.

Assemblyman Conklin moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 186.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 222.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 237.

Assemblyman Conklin moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 289.

Assemblywoman Carlton moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 301.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 337.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

#### SECOND READING AND AMENDMENT

Assembly Bill No. 222.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 140.

AN ACT relating to education; creating the Teachers and Leaders Council of Nevada; prescribing the membership and duties of the Council; requiring the State Board of Education to establish a statewide performance evaluation system for teachers and administrators; **revising provisions governing the policies for the evaluation of teachers and administrators;** revising the designations required of the evaluations of teachers and administrators; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

**Sections 4-6** of this bill create the Teachers and Leaders Council of Nevada and prescribe the membership and duties of the Council. **Section 6** requires the Council to make recommendations to the State Board of Education for the establishment of a statewide performance evaluation system for teachers and administrators employed by school districts, ~~and charter schools.~~

Existing law requires the automated system of accountability information for Nevada to track the achievement of pupils over time and to identify which teachers and paraprofessionals are assigned to individual pupils. The information is required to be considered, but must not be the sole criterion, in evaluating the performance of or taking disciplinary action against an individual teacher, paraprofessional or other employee. (NRS 386.650) Existing law also requires the board of trustees of each school district to develop a policy for the evaluation of teachers and administrators pursuant to which the performance of an individual teacher or administrator is designated

as “satisfactory” or “unsatisfactory.” (NRS 391.3125, 391.3127) **Section 7** of this bill requires the State Board of Education, based upon the recommendations of the Council, to establish a statewide performance evaluation system for teachers and administrators employed by school districts ~~and charter schools.~~ Effective July 1, 2013, the statewide performance evaluation system will require the evaluation of an individual teacher or administrator as “highly effective,” “effective,” “minimally effective” or “ineffective.” Also effective July 1, 2013, **section 2** of this bill requires that certain information on pupil achievement which is maintained by the automated system of accountability information for Nevada account for 50 percent of the evaluations of teachers and administrators. ~~Sections 4, 8, 8.5 and 9.5~~ of this bill require the policies for the evaluations of teachers and administrators employed by school districts ~~and charter schools~~ to comply with the statewide performance evaluation system established by the State Board.

Until the implementation of the statewide performance evaluation system, sections 8 and 9 of this bill provide that the policies for the evaluations of teachers and administrators employed by school districts must require that certain information on pupil achievement which is maintained by the automated system of accountability information for Nevada account for a significant portion of the evaluation, as determined by the board of trustees.

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

**Section 1.** ~~NRS 386.520 is hereby amended to read as follows:~~

~~386.520 1. A committee to form a charter school must consist of at least three teachers, as defined in subsection 4. In addition to the teachers who serve, the committee may consist of:~~

- ~~(a) Members of the general public;~~
- ~~(b) Representatives of nonprofit organizations and businesses; or~~
- ~~(c) Representatives of a college or university within the Nevada System of Higher Education.~~

~~A majority of the persons described in paragraphs (a), (b) and (c) who serve on the committee must be residents of this State at the time that the application to form the charter school is submitted to the Department.~~

~~2. Before a committee to form a charter school may submit an application to the board of trustees of a school district, the Subcommittee on Charter Schools, the State Board or a college or university within the Nevada System of Higher Education, it must submit the application to the Department. The application must include all information prescribed by the Department by regulation and:~~

~~(a) A written description of how the charter school will carry out the provisions of NRS 386.500 to 386.610, inclusive.~~

~~(b) A written description of the mission and goals for the charter school. A charter school must have as its stated purpose at least one of the following goals:~~

~~(1) Improving the opportunities for pupils to learn;~~

~~(2) Encouraging the use of effective methods of teaching;~~

~~(3) Providing an accurate measurement of the educational achievement of pupils;~~

~~(4) Establishing accountability of public schools;~~

~~(5) Providing a method for public schools to measure achievement based upon the performance of the schools; or~~

~~(6) Creating new professional opportunities for teachers.~~

~~(c) The projected enrollment of pupils in the charter school.~~

~~(d) The proposed dates of enrollment for the charter school.~~

~~(e) The proposed system of governance for the charter school, including, without limitation, the number of persons who will govern, the method of selecting the persons who will govern and the term of office for each person.~~

~~(f) The method by which disputes will be resolved between the governing body of the charter school and the sponsor of the charter school.~~

~~(g) The proposed curriculum for the charter school and, if applicable to the grade level of pupils who are enrolled in the charter school, the requirements for the pupils to receive a high school diploma, including, without limitation, whether those pupils will satisfy the requirements of the school district in which the charter school is located for receipt of a high school diploma.~~

~~(h) The textbooks that will be used at the charter school.~~

~~(i) The qualifications of the persons who will provide instruction at the charter school.~~

~~(j) Except as otherwise required by NRS 386.595, the process by which the governing body of the charter school will negotiate employment contracts with the employees of the charter school.~~

~~(k) A financial plan for the operation of the charter school. The plan must include, without limitation, procedures for the audit of the programs and finances of the charter school and guidelines for determining the financial liability if the charter school is unsuccessful.~~

~~(l) A statement of whether the charter school will provide for the transportation of pupils to and from the charter school. If the charter school will provide transportation, the application must include the proposed plan for the transportation of pupils. If the charter school will not provide transportation, the application must include a statement that the charter school will work with the parents and guardians of pupils enrolled in the~~

~~charter school to develop a plan for transportation to ensure that pupils have access to transportation to and from the charter school.~~

~~(m) The procedure for the evaluation of teachers *and administrators* of the charter school [, if different from the procedure prescribed in NRS 391.3125. If the procedure is different from the procedure prescribed in NRS 391.3125, the] *which must comply with the statewide performance evaluation system for teachers and administrators established by the State Board pursuant to section 7 of this act.* The procedure for the evaluation of teachers of the charter school must provide the same level of protection and otherwise comply with the standards for evaluation set forth in NRS 391.3125 [.] *and 391.3127 and section 7 of this act.*~~

~~(n) The time by which certain academic or educational results will be achieved.~~

~~(o) The kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020, for which the charter school intends to operate.~~

~~(p) A statement of whether the charter school will enroll pupils who are in a particular category of at risk pupils before enrolling other children who are eligible to attend the charter school pursuant to NRS 386.580 and the method for determining eligibility for enrollment in each such category of at risk pupils served by the charter school.~~

~~3. The Department shall review an application to form a charter school to determine whether it is complete. If an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the Department shall deny the application. The Department shall provide written notice to the applicant of its approval or denial of the application. If the Department denies an application, the Department shall include in the written notice the reason for the denial and the deficiencies in the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.~~

~~4. As used in subsection 1, "teacher" means a person who:~~

~~(a) Holds a current license to teach issued pursuant to chapter 391 of NRS; and~~

~~(b) Has at least 2 years of experience as an employed teacher.~~

~~The term does not include a person who is employed as a substitute teacher.] (Deleted by amendment.)~~

**Sec. 2.** NRS 386.650 is hereby amended to read as follows:

386.650 1. The Department shall establish and maintain an automated system of accountability information for Nevada. The system must:

(a) Have the capacity to provide and report information, including, without limitation, the results of the achievement of pupils:

(1) In the manner required by 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, and NRS 385.3469 and 385.347; and

(2) In a separate reporting for each group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361;

(b) Include a system of unique identification for each pupil:

(1) To ensure that individual pupils may be tracked over time throughout this State; and

(2) That, to the extent practicable, may be used for purposes of identifying a pupil for both the public schools and the Nevada System of Higher Education, if that pupil enrolls in the System after graduation from high school;

(c) Have the capacity to provide longitudinal comparisons of the academic achievement, rate of attendance and rate of graduation of pupils over time throughout this State;

(d) Have the capacity to perform a variety of longitudinal analyses of the results of individual pupils on assessments, including, without limitation, the results of pupils by classroom and by school;

(e) Have the capacity to identify which teachers are assigned to individual pupils and which paraprofessionals, if any, are assigned to provide services to individual pupils;

(f) Have the capacity to provide other information concerning schools and school districts that is not linked to individual pupils, including, without limitation, the designation of schools and school districts pursuant to NRS 385.3623 and 385.377, respectively, and an identification of which schools, if any, are persistently dangerous;

(g) Have the capacity to access financial accountability information for each public school, including, without limitation, each charter school, for each school district and for this State as a whole; and

(h) Be designed to improve the ability of the Department, school districts and the public schools in this State, including, without limitation, charter schools, to account for the pupils who are enrolled in the public schools, including, without limitation, charter schools.

↪ The information maintained pursuant to paragraphs (c), (d) and (e) must be used for the purpose of improving the achievement of pupils and improving classroom instruction. The information must ~~be considered,~~ **account for 50 percent**, but must not be used as the sole criterion, in evaluating the performance of or taking disciplinary action against an individual teacher, paraprofessional or other employee.

2. The board of trustees of each school district shall:

(a) Adopt and maintain the program prescribed by the Superintendent of Public Instruction pursuant to subsection 3 for the collection, maintenance and transfer of data from the records of individual pupils to the automated

system of information, including, without limitation, the development of plans for the educational technology which is necessary to adopt and maintain the program;

(b) Provide to the Department electronic data concerning pupils as required by the Superintendent of Public Instruction pursuant to subsection 3; and

(c) Ensure that an electronic record is maintained in accordance with subsection 3 of NRS 386.655.

3. The Superintendent of Public Instruction shall:

(a) Prescribe a uniform program throughout this State for the collection, maintenance and transfer of data that each school district must adopt, which must include standardized software;

(b) Prescribe the data to be collected and reported to the Department by each school district and each sponsor of a charter school pursuant to subsection 2 and by each university school for profoundly gifted pupils;

(c) Prescribe the format for the data;

(d) Prescribe the date by which each school district shall report the data to the Department;

(e) Prescribe the date by which each charter school shall report the data to the sponsor of the charter school;

(f) Prescribe the date by which each university school for profoundly gifted pupils shall report the data to the Department;

(g) Prescribe standardized codes for all data elements used within the automated system and all exchanges of data within the automated system, including, without limitation, data concerning:

(1) Individual pupils;

(2) Individual teachers and paraprofessionals;

(3) Individual schools and school districts; and

(4) Programs and financial information;

(h) Provide technical assistance to each school district to ensure that the data from each public school in the school district, including, without limitation, each charter school and university school for profoundly gifted pupils located within the school district, is compatible with the automated system of information and comparable to the data reported by other school districts; and

(i) Provide for the analysis and reporting of the data in the automated system of information.

4. The Department shall establish, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, a mechanism by which persons or entities, including, without limitation, state officers who are members of the Executive or Legislative Branch, administrators of public schools and school

districts, teachers and other educational personnel, and parents and guardians, will have different types of access to the accountability information contained within the automated system to the extent that such information is necessary for the performance of a duty or to the extent that such information may be made available to the general public without posing a threat to the confidentiality of an individual pupil.

5. The Department may, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, enter into an agreement with the Nevada System of Higher Education to provide access to data contained within the automated system for research purposes.

**Sec. 3.** Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 7, inclusive, of this act.

**Sec. 4.** *As used in sections 5 and 6 of this act, “Council” means the Teachers and Leaders Council of Nevada created by section 5 of this act.*

**Sec. 5. 1.** *There is hereby created the Teachers and Leaders Council of Nevada consisting of the following ~~16~~ 15 members:*

*(a) The Superintendent of Public Instruction, or his or her designee, who serves as an ex officio member of the Council.*

*(b) The Chancellor of the Nevada System of Higher Education, or his or her designee, who serves as an ex officio member of the Council.*

*(c) Four teachers in public schools appointed by the Governor from a list of nominees submitted by the Nevada State Education Association. The members appointed pursuant to this paragraph must represent the geographical diversity of the school districts in this State.*

*(d) Two administrators in public schools and one superintendent of schools of a school district appointed by the Governor from a list of nominees submitted by the Nevada Association of School Administrators. The members appointed pursuant to this paragraph must represent the geographical diversity of the school districts in this State.*

*(e) Two persons who are members of boards of trustees of school districts and who are appointed by the Governor from a list of nominees submitted by the Nevada Association of School Boards.*

*(f) ~~One administrator or teacher employed by a charter school appointed by the Governor from a list of nominees that is compiled from nominations submitted by governing bodies of charter schools.~~*

*~~(g)~~ One representative of the regional training programs for the professional development of teachers and administrators created by NRS 391.512 appointed by the Governor from a list of nominees submitted by the Nevada Association of School Superintendents.*

~~+(h)+~~ (g) *One parent or legal guardian of a pupil enrolled in public school appointed by the Governor from a list of nominees submitted by the Nevada Parent Teacher Association.*

~~+(i)+~~ (h) *Two persons with expertise in the development of public policy relating to education appointed by the Superintendent of Public Instruction. The members appointed pursuant to this paragraph must not otherwise be eligible for appointment pursuant to paragraphs (a) to (g), inclusive.*

2. *After the initial terms, each appointed member of the Council serves a term of 3 years commencing on July 1 and may be reappointed to one additional 3-year term following his or her initial term. If any appointed member of the Council ceases to be qualified for the position to which he or she was appointed, the position shall be deemed vacant and the appointing authority shall appoint a replacement for the remainder of the unexpired term. A vacancy must be filled in the same manner as the original appointment.*

3. *The Council shall, at its first meeting and annually thereafter, elect a Chair from among its members.*

4. *The Council shall meet at least semiannually and may meet at other times upon the call of the Chair or a majority of the members of the Council. Nine members of the Council constitute a quorum, and a quorum may exercise all the power and authority conferred on the Council.*

5. *Members of the Council serve without compensation, except that for each day or portion of a day during which a member of the Council attends a meeting of the Council or is otherwise engaged in the business of the Council, the member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.*

6. *A member of the Council who is a public employee must be granted administrative leave from the member's duties to engage in the business of the Council without loss of his or her regular compensation. Such leave does not reduce the amount of the member's other accrued leave.*

7. *The Department shall provide administrative support to the Council.*

8. *The Council may apply for and accept gifts, grants, donations and contributions from any source for the purpose of carrying out its duties pursuant to section 6 of this act.*

Sec. 6. 1. *The Council shall:*

(a) *Make recommendations to the State Board concerning the adoption of regulations for establishing a statewide performance evaluation system to ensure that teachers and administrators employed by school districts ~~[and charter schools]~~ are:*

(1) *Evaluated using multiple, fair, timely, rigorous and valid methods, which includes evaluations based upon pupil achievement data as required by NRS 386.650 and section 7 of this act;*

(2) *Afforded a meaningful opportunity to improve their effectiveness through professional development that is linked to their evaluations; and*

(3) *Provided with the means to share effective educational methods with other teachers and administrators throughout this State.*

(b) *Develop and recommend to the State Board a plan, including duties and associated costs, for the development and implementation of the performance evaluation system by the Department, ~~and~~ and school districts and charter schools.*

(c) *Consider the role of professional standards for teachers and administrators and, as it determines appropriate, develop a plan for recommending the adoption of such standards by the State Board.*

2. *The performance evaluation system recommended by the Council must ensure that:*

(a) *Data derived from the evaluations is used to create professional development programs that enhance the effectiveness of teachers and administrators; and*

(b) *A timeline is included for monitoring the performance evaluation system at least annually for quality, reliability, validity, fairness, consistency and objectivity.*

3. *The Council may establish such working groups, task forces and similar entities from within or outside its membership as necessary to address specific issues or otherwise to assist in its work.*

4. *The State Board shall consider the recommendations made by the Council pursuant to this section and shall adopt regulations establishing a statewide performance evaluation system as required by section 7 of this act.*

Sec. 7. 1. *The State Board shall, based upon the recommendations of the Teachers and Leaders Council of Nevada submitted pursuant to section 6 of this act, adopt regulations establishing a statewide performance evaluation system which incorporates multiple measures of an employee's performance.*

2. *The statewide performance evaluation system must:*

(a) *Require that an employee's overall performance is determined to be:*

(1) *Highly effective;*

(2) *Effective;*

(3) *Minimally effective; or*

(4) *Ineffective.*

(b) *Include the criteria for making each designation identified in paragraph (a).*

*(c) Require that the information maintained pursuant to paragraphs (c), (d) and (e) of subsection 1 of NRS 386.650 account for 50 percent of the evaluation.*

*(d) Include an evaluation of whether the teacher or administrator employs practices and strategies to involve and engage the parents and families of pupils.*

**Sec. 8.** 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. ~~to comply with the statewide performance evaluation system established by the State Board pursuant to section 7 of this act.~~ The policy must require that the information maintained pursuant to paragraphs (c), (d) and (e) of subsection 1 of NRS 386.650 account for a significant portion of the evaluation, as determined by the board. 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 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, the administrator shall bring the matter to the employee's attention in a written document which is separate from the evaluation not later than 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 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) ~~An evaluation of whether the teacher employs practices and strategies to involve and engage the parents and families of pupils in the classroom;~~
- ~~(f)~~ If necessary, recommendations for improvements in the performance of the teacher;
- (f) ~~(e)~~ A description of the action that will be taken to assist the teacher in correcting any deficiencies reported in the evaluation; and
- (g) ~~(f)~~ 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. 8.5. 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 must require that the information maintained pursuant to paragraphs (c), (d) and (e) of subsection 1 of NRS 386.650 account for a significant portion of the evaluation, as determined by the board.~~ comply with the statewide performance evaluation system established by the State Board pursuant to section 7 of this act. 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 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, the administrator shall bring the matter to the employee's attention in a written document which is separate from the evaluation not later than 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 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) An evaluation of whether the teacher employs practices and strategies to involve and engage the parents and families of pupils in the classroom;

(f) If necessary, recommendations for improvements in the performance of the teacher;

~~(f)~~ (g) A description of the action that will be taken to assist the teacher in correcting any deficiencies reported in the evaluation; and

~~(g)~~ (h) 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. 9.** NRS 391.3127 is hereby amended to read as follows:

391.3127 1. Each board, following consultation with and involvement of elected representatives of administrative personnel or their designated representatives, shall develop an objective policy for the objective evaluation of administrators in narrative form. The policy must set forth a means according to which an administrator's overall performance may be determined to be satisfactory or unsatisfactory. ~~comply with the statewide~~

~~performance evaluation system established by the State Board pursuant to section 7 of this act.] The policy must require that the information maintained pursuant to paragraphs (c), (d) and (e) of subsection 1 of NRS 386.650 account for a significant portion of the evaluation, as determined by the board. The policy may include an evaluation by the administrator, superintendent, pupils or other administrators or any combination thereof. A copy of the policy adopted by the board must be filed with the Department and made available to the Commission.~~

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

3. Before a superintendent transfers or assigns an administrator to another administrative position as part of an administrative reorganization, if the transfer or reassignment is to a position of lower rank, responsibility or pay, the superintendent shall give written notice of the proposed transfer or assignment to the administrator at least 30 days before the date on which it is to be effective. The administrator may appeal the decision of the superintendent to the board by requesting a hearing in writing to the president of the board within 5 days after receiving the notice from the superintendent. The board shall hear the matter within 10 days after the president receives the request, and shall render its decision within 5 days after the hearing. The decision of the board is final.

**Sec. 9.5. NRS 391.3127 is hereby amended to read as follows:**

391.3127 1. Each board, following consultation with and involvement of elected representatives of administrative personnel or their designated representatives, shall develop an objective policy for the objective evaluation of administrators in narrative form. The policy must ~~set forth a means according to which an administrator's overall performance may be determined to be satisfactory or unsatisfactory. The policy must require that the information maintained pursuant to paragraphs (c), (d) and (e) of subsection 1 of NRS 386.650 account for a significant portion of the evaluation, as determined by the board.] comply with the statewide performance evaluation system established by the State Board pursuant to section 7 of this act. The policy may include an evaluation by the administrator, superintendent, pupils or other administrators or any combination thereof. A copy of the policy adopted by the board must be filed with the Department and made available to the Commission.~~

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

3. Before a superintendent transfers or assigns an administrator to another administrative position as part of an administrative reorganization, if the transfer or reassignment is to a position of lower rank, responsibility or pay, the superintendent shall give written notice of the proposed transfer or assignment to the administrator at least 30 days before the date on which it is to be effective. The administrator may appeal the decision of the

superintendent to the board by requesting a hearing in writing to the president of the board within 5 days after receiving the notice from the superintendent. The board shall hear the matter within 10 days after the president receives the request, and shall render its decision within 5 days after the hearing. The decision of the board is final.

**Sec. 10.** 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 the employee's probationary period, as appropriate, whether the employee 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 the employee's probationary period, as appropriate, of the employee's acceptance of reemployment. If a probationary employee is assigned to a school that operates all year, the board shall notify the employee in writing, in both the first and second years of the employee's probationary period, no later than 45 days before his or her last day of work for the year under his or her contract whether the employee 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 within 10 days after the date of notification of his or her acceptance or rejection of reemployment for another year. Failure to advise the board of the employee's acceptance of reemployment constitutes rejection of the contract.

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

4. If a probationary employee receives notice pursuant to subsection 4 of NRS 391.3125 not later than March 1 of a potential decision not to reemploy him or her, the employee may request a supplemental evaluation by another administrator in the school district selected by the employee and the superintendent. If a school district has five or fewer administrators, the supplemental evaluator may be an administrator from another school district in this State. If a probationary employee has received during the first school year of the employee's probationary period three evaluations which state that the employee's overall performance has been ~~[satisfactory.]~~ **highly effective or effective**, the superintendent of schools of the school district or the superintendent's 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 the employee's 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 the employee will not be reemployed for the second year of the employee's probationary period or the ensuing school year, his or her employment ends on the last day of the current school year. The notice that the employee 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 **indicating that his or her performance is minimally effective or ineffective** during the first year of probation, the superintendent or the superintendent's 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 or her 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 or her 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. 11.** The Teachers and Leaders Council of Nevada created by section 5 of this act shall, not later than June 1, 2012, submit to the State Board of Education the recommendations of the Council for the adoption of regulations establishing a statewide performance evaluation system for teachers and administrators pursuant to section 7 of this act.

**Sec. 12.** On or before June 1, 2013, the State Board of Education shall, based upon the recommendations of the Teachers and Leaders Council of Nevada submitted pursuant to section 6 of this act, adopt regulations establishing a statewide performance evaluation system for teachers and administrators that complies with section 7 of this act.

**Sec. 13.** Each school district ~~and charter school~~ in this State shall, not later than the 2013-2014 school year, implement a performance evaluation policy for teachers and administrators that complies with the statewide performance evaluation system established by the State Board of Education pursuant to section 7 of this act.

**Sec. 14.** The appointed members of the Teachers and Leaders Council of Nevada created by section 5 of this act must be appointed to initial terms as follows:

1. The Governor shall appoint to the Council the members described in:

- (a) Paragraph (c) of subsection 1 of section 5 of this act to initial terms of 2 years.
- (b) Paragraphs (d) and (e) of subsection 1 of section 5 of this act to initial terms of 3 years.
- (c) Paragraphs (f), ~~(f)~~ and (g) ~~and (h)~~ of subsection 1 of section 5 of this act to initial terms of 1 year.

2. The Superintendent of Public Instruction shall appoint to the Council the members described in paragraph ~~(c)~~ (h) of subsection 1 of section 5 of this act to initial terms of 3 years.

**Sec. 15.** 1. This section and sections 3 to ~~7~~ 8, inclusive, 9 and 11 to 14, inclusive, of this act become effective on July 1, 2011.

2. Sections 1, 2, ~~8, 9~~ 8.5, 9.5 and 10 of this act become effective on July 1, 2013.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed, and to Concurrent Committee on Ways and Means.

Assembly Bill No. 225.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 143.

AN ACT relating to educational personnel; requiring certain teachers and administrators who receive unsatisfactory evaluations to serve an additional probationary period; authorizing certain employees to request an expedited hearing under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that each teacher and administrator who is employed by a school district in this State must serve a 2-year probationary period, unless the second year of the probationary period is waived by the superintendent of schools of the school district or the superintendent's designee. A probationary employee who completes his or her probationary period and receives a notice of reemployment from the school district becomes a postprobationary employee in the ensuing year of employment. (NRS 391.3197) Existing law also provides that a postprobationary teacher or administrator must be evaluated at least once each year. (NRS 391.3125, 391.3127) **Section 1** of this bill provides that a postprobationary teacher or administrator who receives an unsatisfactory evaluation for 2 consecutive years shall be deemed to be a probationary employee and must serve an additional probationary period. **Section 4** of this bill provides that the provisions of **section 1** do not apply if superseded by the terms of a collective bargaining agreement. Section 5 of this bill authorizes a teacher or administrator who is deemed to be a probationary employee pursuant to section 1 and who receives notice that he or she will be dismissed before the completion of the current school year to request an expedited hearing pursuant to the expedited hearing procedures established by the American Arbitration Association.

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

**Section 1.** Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

*A postprobationary employee who receives an unsatisfactory evaluation for 2 consecutive years shall be deemed to be a probationary employee for the purposes of NRS 391.311 to 391.3197, inclusive, and must serve an additional probationary period in accordance with the provisions of NRS 391.3197.*

**Sec. 2.** NRS 391.311 is hereby amended to read as follows:

391.311 As used in NRS 391.311 to 391.3197, inclusive, *and section 1 of this act*, unless the context otherwise requires:

1. "Administrator" means any employee who holds a license as an administrator and who is employed in that capacity by a school district.

2. “Board” means the board of trustees of the school district in which a licensed employee affected by NRS 391.311 to 391.3197, inclusive, **and section 1 of this act** is employed.

3. “Demotion” means demotion of an administrator to a position of lesser rank, responsibility or pay and does not include transfer or reassignment for purposes of an administrative reorganization.

4. “Immorality” means:

(a) An act forbidden by NRS 200.366, 200.368, 200.400, 200.508, 201.180, 201.190, 201.210, 201.220, 201.230, 201.265, 201.540, 201.560, 207.260, 453.316 to 453.336, inclusive, 453.337, 453.338, 453.3385 to 453.3405, inclusive, 453.560 or 453.562; or

(b) An act forbidden by NRS 201.540 or any other sexual conduct or attempted sexual conduct with a pupil enrolled in an elementary or secondary school. As used in this paragraph, “sexual conduct” has the meaning ascribed to it in NRS 201.520.

5. “Postprobationary employee” means an administrator or a teacher who has completed the probationary period as provided in NRS 391.3197 and has been given notice of reemployment. **The term does not include a person who is deemed to be a probationary employee pursuant to section 1 of this act.**

6. “Probationary employee” means ~~an~~ :

(a) An administrator or a teacher who is employed for the period set forth in NRS 391.3197 ~~[-]~~; **and**

(b) **A person who is deemed to be a probationary employee pursuant to section 1 of this act.**

7. “Superintendent” means the superintendent of a school district or a person designated by the board or superintendent to act as superintendent during the absence of the superintendent.

8. “Teacher” means a licensed employee the majority of whose working time is devoted to the rendering of direct educational service to pupils of a school district.

**Sec. 3.** NRS 391.3115 is hereby amended to read as follows:

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

(a) Substitute teachers; or

(b) Adult education teachers.

2. The provisions of NRS 391.311 to 391.3194, inclusive, do not apply to a teacher whose employment is suspended or terminated pursuant to subsection 3 of NRS 391.120 or NRS 391.3015 for failure to maintain a license in force.

3. A licensed employee who is employed in a position fully funded by a federal or private categorical grant or to replace another licensed employee during that employee's leave of absence is employed only for the duration of the grant or leave. Such a licensed employee and licensed employees who are employed on temporary contracts for 90 school days or less, or its equivalent in a school district operating under an alternative schedule authorized pursuant to NRS 388.090, to replace licensed employees whose employment has terminated after the beginning of the school year are entitled to credit for that time in fulfilling any period of probation and during that time the provisions of NRS 391.311 to 391.3197, inclusive, **and section 1 of this act** for demotion, suspension or dismissal apply to them.

**Sec. 4.** NRS 391.3116 is hereby amended to read as follows:

391.3116 The provisions of NRS 391.311 to 391.3197, inclusive, **and section 1 of this act** do not apply to a teacher, administrator, or other licensed employee who has entered into a contract with the board negotiated pursuant to chapter 288 of NRS if the contract contains separate provisions relating to the board's right to dismiss or refuse to reemploy the employee or demote an administrator.

**Sec. 5. NRS 391.317 is hereby amended to read as follows:**

391.317 1. At least 15 days before recommending to a board that it demote, dismiss or not reemploy a postprobationary employee, or dismiss or demote a probationary employee, the superintendent shall give written notice to the employee, by registered or certified mail, of the superintendent's intention to make the recommendation.

2. The notice must:

(a) Inform the licensed employee of the grounds for the recommendation.

(b) Inform the employee that, if a written request therefor is directed to the superintendent within 10 days after receipt of the notice, the employee is entitled to a hearing before a hearing officer ~~or~~ **pursuant to NRS 391.315 to 391.3194, inclusive, or if the employee is deemed to be a probationary employee pursuant to section 1 of this act and dismissal of the employee will occur before the completion of the current school year, the employee may request an expedited hearing pursuant to subsection 3.**

(c) Refer to chapter 391 of NRS.

**3. If an employee who is deemed to be a probationary employee pursuant to section 1 of this act receives notice pursuant to subsection 1 that he or she will be dismissed before the completion of the current school year, the employee may request an expedited hearing pursuant to the Expedited Labor Arbitration Procedures established by the American Arbitration Association or its successor organization. If the employee elects to proceed under the expedited procedures, the provisions of NRS 391.3161, 391.3192 and 391.3193 do not apply.**

~~{Sec. 5}~~ *Sec. 6.* This act becomes effective on July 1, 2011.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 229.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 111.

AN ACT relating to education; revising the annual reports of accountability information for public schools; requiring the board of trustees of each school district to establish and implement a program of performance pay and enhanced compensation for the recruitment and retention of licensed teachers and administrators; removing probationary teachers and probationary administrators from the applicability of certain provisions governing certain disciplinary measures by school districts; revising provisions governing the demotion, suspension, dismissal and nonreemployment of certain teachers and administrators; expanding the grounds for immediate dismissal and refusal to reemploy; revising the designations of the overall performance of teachers and administrators required by the policies for evaluations of each school district; authorizing a postprobationary employee to request an expedited hearing under certain circumstances; revising provisions governing the probationary periods of teachers and administrators and the evaluations of probationary teachers and probationary administrators; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Education and the board of trustees of each school district to prepare an annual report of accountability information for public schools. (NRS 385.3469, 385.347) **Sections 1 and 2** of this bill expand the requirements of the annual reports of accountability to include a reporting of the number and percentages of administrators, teachers and support staff for each elementary school, middle school or junior high school, and high school and for each school district in the State.

**Section 8** of this bill requires the board of trustees of each school district to: (1) establish a program of performance pay and enhanced compensation for the recruitment and retention of licensed teachers and administrators; and (2) implement the program commencing with the 2014-2015 school year.

Existing law requires that the board of trustees of each school district develop a policy for the evaluation of teachers and administrators pursuant to which an individual teacher or administrator is designated as "satisfactory" or

“unsatisfactory.” (NRS 391.3125, 391.3127) Effective July 1, 2013, **sections 14 and 16** of this bill revise the policies for evaluations to require the designation of an individual teacher or administrator as “highly effective,” “effective,” “minimally effective” or “ineffective.”

**Section 9** of this bill provides that if a written evaluation of a probationary teacher or probationary administrator states that the overall performance of the teacher or administrator has been designated as “unsatisfactory”: (1) the evaluation must include a written statement that the contract of the person so evaluated may not be renewed for the next school year ~~if~~ **and that the employee may request reasonable assistance in correcting the deficiencies identified in the evaluation;** and (2) the person must acknowledge in writing that he or she has received and understands the written statement. **Section 20** of this bill amends **section 9**, effective July 1, 2013, when the four types of designations for the evaluations of teachers and administrators will take effect.

Existing law sets forth certain rights and responsibilities relating to disciplinary measures taken by school districts with respect to probationary and postprobationary teachers and administrators. (NRS 391.311-391.3197) **Section 11** of this bill removes probationary teachers and new employees hired as probationary administrators from the applicability of the provisions governing admonition, demotion, suspension, dismissal and nonreemployment.

**Section 12** of this bill revises the grounds for which a teacher may be suspended, dismissed or not reemployed or for which an administrator may be demoted, suspended, dismissed or not reemployed to include gross misconduct.

**Section 17** of this bill expands the grounds for which a licensed employee is subject to immediate dismissal or a refusal to reemploy without first receiving a written admonition ~~if~~ **to include gross misconduct.**

**Section 18 of this bill authorizes a postprobationary employee who receives notice that he or she will be dismissed before completion of the current school year to request an expedited hearing pursuant to the expedited procedures established by the American Arbitration Association.**

Under existing law, a probationary teacher and a probationary administrator serve two 1-year periods as a probationary employee. If the employee receives satisfactory evaluations in the first probationary year, the second probationary year must be waived and the person is entitled to postprobationary employment with the school district. (NRS 391.3197) **Section 19** of this bill revises the probationary period from two 1-year periods to three 1-year periods, without a waiver of any of the probationary years.

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

**Section 1.** NRS 385.3469 is hereby amended to read as follows:

385.3469 1. The State Board shall prepare an annual report of accountability that includes, without limitation:

(a) Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Except as otherwise provided in subsection 2, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the State Board.

(c) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(d) The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(e) Except as otherwise provided in subsection 2, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in paragraph (b).

(f) The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(g) Information on whether each school district has made adequate yearly progress, including, without limitation, the name of each school district, if any, designated as demonstrating need for improvement pursuant to NRS 385.377 and the number of consecutive years that the school district has carried that designation.

(h) Information on whether each public school, including, without limitation, each charter school, has made:

(1) Adequate yearly progress, including, without limitation, the name of each public school, if any, designated as demonstrating need for improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(2) Progress based upon the model adopted by the Department pursuant to NRS 385.3595, if applicable for the grade level of pupils enrolled at the school.

(i) Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 389.012.

(j) The ratio of pupils to teachers in kindergarten and at each grade level for all elementary schools, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school, reported for each school district and for this State as a whole.

(k) ***The total number of persons employed by each school district in this State, including without limitation, each charter school in the district. Each such person must be reported as either an administrator, a teacher or support staff. In addition to the total number of persons employed by each school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph:***

(1) ***“Administrator” means a person employed primarily to supervise support staff or licensed personnel, or both, in addition to providing administrative services.***

(2) ***“Support staff” means all persons who are not reported as administrators or teachers.***

(3) ***“Teacher” means a person licensed pursuant to chapter 391 of NRS primarily to provide instruction to pupils.***

(l) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, information on the professional qualifications of teachers employed by the school districts and charter schools, including, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

~~[(4)]~~ (m) The total expenditure per pupil for each school district in this State, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

~~[(m)]~~ (n) The total statewide expenditure per pupil. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

~~[(n)]~~ (o) For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

~~[(o)]~~ (p) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

~~[(p)]~~ (q) The attendance of teachers who provide instruction, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

~~[(q)]~~ (r) Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

~~[(r)]~~ (s) Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

~~[(s)]~~ (t) The suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

~~[(t)]~~ (u) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

~~[(u)]~~ (v) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

~~[(v)]~~ (w) The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. For the purposes of this paragraph, a pupil is not a transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

~~[(w)]~~ (x) Each source of funding for this State to be used for the system of public education.

~~[(x)]~~ (y) A compilation of the programs of remedial study purchased in whole or in part with money received from this State that are used in each school district, including, without limitation, each charter school in the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study.

(2) An identification of each program of remedial study, listed by subject area.

~~[(y)]~~ (z) The percentage of pupils who graduated from a high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

~~[(z)]~~ (aa) The technological facilities and equipment available for educational purposes, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

~~[(aa)]~~ (bb) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) An adjusted diploma.

(3) A certificate of attendance.

~~[(bb)]~~ (cc) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who failed to pass the high school proficiency examination.

~~[(cc)]~~ (dd) The number of habitual truants who are reported to a school police officer or local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

~~[(dd)]~~ (ee) Information on the paraprofessionals employed at public schools in this State, including, without limitation, the charter schools in this State. The information must include:

(1) The number of paraprofessionals employed, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole; and

(2) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in programs supported with Title I money and to paraprofessionals who are not employed in programs supported with Title I money.

~~[(ee)]~~ **(ff)** An identification of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

~~[(ff)]~~ **(gg)** A compilation of the special programs available for pupils at individual schools, listed by school and by school district, including, without limitation, each charter school in the district.

~~[(gg)]~~ **(hh)** For each school district, including, without limitation, each charter school in the district and for this State as a whole, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

2. A separate reporting for a group of pupils must not be made pursuant to this section if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe a mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The annual report of accountability must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before September 1 of each year, the State Board shall:

(a) Provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department; and

(b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district; and

(6) Governing body of each charter school.

5. Upon the request of the Governor, an entity described in paragraph (b) of subsection 4 or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

6. As used in this section:

(a) “Highly qualified” has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(b) “Paraprofessional” has the meaning ascribed to it in NRS 391.008.

**Sec. 2.** NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools in the school district. The board of trustees of each school district shall report the information required by subsection 2 for each charter school that is located within the school district, regardless of the sponsor of the charter school. The information for charter schools must be reported separately and must denote the charter schools sponsored by the school district, the charter schools sponsored by the State Board and the charter schools sponsored by a college or university within the Nevada System of Higher Education.

2. The board of trustees of each school district shall, on or before August 15 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school in the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school in the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations.

(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school.

(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

(II) Pupils from major racial and ethnic groups, as defined by the State Board;

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board.

(4) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(5) The percentage of pupils who were not tested.

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in subparagraph (3).

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools in the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(9) For each school in the district, including, without limitation, each charter school in the district, information that compares the results of pupils

in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(10) Information on whether each school in the district, including, without limitation, each charter school in the district, has made progress based upon the model adopted by the Department pursuant to NRS 385.3595.

↳ A separate reporting for a group of pupils must not be made pursuant to this paragraph if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school in the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school in the district.

(d) *The total number of persons employed for each elementary school, middle school or junior high school, and high school in the district, including, without limitation, each charter school in the district. Each such person must be reported as either an administrator, a teacher or support staff. In addition to the total number of persons employed by each school in each category, the report must include the number of employees in each of the three categories for each school expressed as a percentage of the total number of persons employed by the school. As used in this paragraph:*

(1) *“Administrator” means a person employed primarily to supervise support staff or licensed personnel, or both, in addition to providing administrative services.*

(2) *“Support staff” means all persons who are not reported as administrators or teachers.*

(3) *“Teacher” means a person licensed pursuant to chapter 391 of NRS who is employed primarily to provide instruction to pupils.*

(e) *The total number of persons employed by the school district, including without limitation, each charter school in the district. Each such person must be reported as either an administrator, a teacher or support staff. In addition to the total number of persons employed by the school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph:*

(1) *“Administrator” means a person employed primarily to supervise support staff or licensed personnel, or both, in addition to providing administrative services.*

(2) *“Support staff” means all persons who are not reported as administrators or teachers.*

(3) *“Teacher” means a person licensed pursuant to chapter 391 of NRS who is employed primarily to provide instruction to pupils.*

(f) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school in the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

~~[(e)]~~ (g) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

~~[(f)]~~ (h) The curriculum used by the school district, including:

- (1) Any special programs for pupils at an individual school; and
- (2) The curriculum used by each charter school in the district.

~~[(g)]~~ (i) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school in the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

~~[(h)]~~ (j) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

~~[(i)]~~ (k) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

~~[(j)]~~ (l) Efforts made by the school district and by each school in the district, including, without limitation, each charter school in the district, to increase:

(1) Communication with the parents of pupils in the district; and

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees.

~~[(k)]~~ *(m)* Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school in the district.

~~[(l)]~~ *(n)* Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school in the district.

~~[(m)]~~ *(o)* Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

~~[(n)]~~ *(p)* The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

~~[(o)]~~ *(q)* The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

~~[(p)]~~ *(r)* The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school in the district. For the purposes of this paragraph, a pupil is not transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

~~[(q)]~~ *(s)* Each source of funding for the school district.

~~[(r)]~~ *(t)* A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) An identification of each program of remedial study, listed by subject area.

~~[(s)]~~ *(u)* For each high school in the district, including, without limitation, each charter school in the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.

~~[(v)]~~ (v) The technological facilities and equipment available at each school, including, without limitation, each charter school, and the district's plan to incorporate educational technology at each school.

~~[(w)]~~ (w) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) An adjusted diploma.

(3) A certificate of attendance.

~~[(x)]~~ (x) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who failed to pass the high school proficiency examination.

~~[(y)]~~ (y) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

~~[(z)]~~ (z) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school in the district.

~~[(aa)]~~ (aa) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

~~[(bb)]~~ (bb) Information on whether each public school in the district, including, without limitation, each charter school in the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

~~[(aa)]~~ *(cc)* Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school in the district. The information must include:

- (1) The number of paraprofessionals employed at the school; and
- (2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

~~[(bb)]~~ *(dd)* For each high school in the district, including, without limitation, each charter school that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

~~[(ee)]~~ *(ee)* An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

~~[(dd)]~~ *(ff)* For each school in the district and the district as a whole, including, without limitation, each charter school in the district, information on pupils enrolled in career and technical education, including, without limitation:

- (1) The number of pupils enrolled in a course of career and technical education;
- (2) The number of pupils who completed a course of career and technical education;
- (3) The average daily attendance of pupils who are enrolled in a program of career and technical education;
- (4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;
- (5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and
- (6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

~~[(ee)]~~ *(gg)* Such other information as is directed by the Superintendent of Public Instruction.

3. The records of attendance maintained by a school for purposes of paragraph ~~[(i)]~~ *(k)* of subsection 2 must include the number of teachers who

are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which the teacher is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

4. The annual report of accountability prepared pursuant to subsection 2 must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

5. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsection 2 and provide the forms to the respective school districts.

(b) Provide statistical information and technical assistance to the school districts to ensure that the reports provide comparable information with respect to each school in each district and among the districts throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Department of Administration; and

(6) Legislative Counsel Bureau,

↪ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

6. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. On or before August 15 of each year, the board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph ~~(c)~~ (i) of subsection 2.

8. On or before August 15 of each year, the board of trustees of each school district shall:

(a) Provide written notice that the report required pursuant to subsection 2 is available on the Internet website maintained by the school district, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

- (1) Governor;
- (2) State Board;
- (3) Department;
- (4) Committee; and
- (5) Bureau.

(b) Provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school in the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school in the district.

9. Upon the request of the Governor, an entity described in paragraph (a) of subsection 8 or a member of the general public, the board of trustees of a school district shall provide a portion or portions of the report required pursuant to subsection 2.

10. As used in this section:

(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(b) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

**Sec. 3.** NRS 385.36129 is hereby amended to read as follows:

385.36129 1. In addition to the duties prescribed in NRS 385.36127, a support team established for a school shall prepare an annual written report that includes:

(a) Information concerning the most recent plan to improve the achievement of the school's pupils, the turnaround plan for the school or the plan for restructuring the school, whichever is applicable for the school, including, without limitation, an evaluation of:

- (1) The appropriateness of the plan for the school; and
- (2) Whether the school has achieved the goals and objectives set forth

in the plan;

(b) The written revisions to the plan to improve the achievement of the school's pupils or written recommendations for revisions to the turnaround plan for the school or the plan for restructuring the school, whichever is

applicable for the school, submitted by the support team pursuant to NRS 385.36127;

(c) A summary of each program for remediation, if any, purchased for the school with money that is available from the Federal Government, this state and the school district in which the school is located, including, without limitation:

- (1) The name of the program;
- (2) The date on which the program was purchased and the date on which the program was carried out by the school;
- (3) The percentage of personnel at the school who were trained regarding the use of the program;
- (4) The satisfaction of the personnel at the school with the program; and
- (5) An evaluation of whether the program has improved the academic achievement of the pupils enrolled in the school who participated in the program;

(d) An analysis of the problems and factors at the school which contributed to the designation of the school as demonstrating need for improvement, including, without limitation, issues relating to:

- (1) The financial resources of the school;
- (2) The administrative and educational personnel of the school;
- (3) The curriculum of the school;
- (4) The facilities available at the school, including the availability and accessibility of educational technology; and
- (5) Any other factors that the support team believes contributed to the designation of the school as demonstrating need for improvement; and

(e) Other information concerning the school, including, without limitation:

- (1) The results of the pupils who are enrolled in the school on the examinations that are administered pursuant to NRS 389.550 or the high school proficiency examination, as applicable;
- (2) Records of the attendance and truancy of pupils who are enrolled in the school;
- (3) The transiency rate of pupils who are enrolled in the school;
- (4) A description of the number of years that each teacher has provided instruction at the school and the rate of turnover of teachers and other educational personnel employed at the school;
- (5) A description of the participation of parents and legal guardians in the educational process and other activities relating to the school;
- (6) A description of each source of money for the remediation of pupils who are enrolled in the school; and
- (7) A description of the disciplinary problems of the pupils who are enrolled in the school, including, without limitation, the information

contained in paragraphs ~~[(k) to (n)]~~ *(m) to (p)*, inclusive, of subsection 2 of NRS 385.347.

2. On or before November 1, the support team shall submit a copy of the final written report to the:

- (a) Principal of the school;
- (b) Board of trustees of the school district in which the school is located;
- (c) Superintendent of schools of the school district in which the school is located;
- (d) Department; and
- (e) Bureau.

↪ The support team shall make the written report available, upon request, to each parent or legal guardian of a pupil who is enrolled in the school.

**Sec. 4.** NRS 385.620 is hereby amended to read as follows:

385.620 The Advisory Council shall:

1. Review the policy of parental involvement adopted by the State Board and the policy of parental involvement adopted by the board of trustees of each school district pursuant to NRS 392.457;

2. Review the information relating to communication with and participation of parents that is included in the annual report of accountability for each school district pursuant to paragraph ~~[(j)]~~ *(l)* of subsection 2 of NRS 385.347;

3. Review any effective practices carried out in individual school districts to increase parental involvement and determine the feasibility of carrying out those practices on a statewide basis;

4. Review any effective practices carried out in other states to increase parental involvement and determine the feasibility of carrying out those practices in this State;

5. Identify methods to communicate effectively and provide outreach to parents and legal guardians of pupils who have limited time to become involved in the education of their children for various reasons, including, without limitation, work schedules, single-parent homes and other family obligations;

6. Identify the manner in which the level of parental involvement affects the performance, attendance and discipline of pupils;

7. Identify methods to communicate effectively with and provide outreach to parents and legal guardians of pupils who are limited English proficient;

8. Determine the necessity for the appointment of a statewide parental involvement coordinator or a parental involvement coordinator in each school district, or both;

9. On or before July 1 of each year, submit a report to the Legislative Committee on Education describing the activities of the Advisory Council and any recommendations for legislation; and

10. On or before February 1 of each odd-numbered year, submit a report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature describing the activities of the Advisory Council and any recommendations for legislation.

**Sec. 5.** NRS 386.520 is hereby amended to read as follows:

386.520 1. A committee to form a charter school must consist of at least three teachers, as defined in subsection 4. In addition to the teachers who serve, the committee may consist of:

- (a) Members of the general public;
- (b) Representatives of nonprofit organizations and businesses; or
- (c) Representatives of a college or university within the Nevada System of Higher Education.

↪ A majority of the persons described in paragraphs (a), (b) and (c) who serve on the committee must be residents of this State at the time that the application to form the charter school is submitted to the Department.

2. Before a committee to form a charter school may submit an application to the board of trustees of a school district, the Subcommittee on Charter Schools, the State Board or a college or university within the Nevada System of Higher Education, it must submit the application to the Department. The application must include all information prescribed by the Department by regulation and:

(a) A written description of how the charter school will carry out the provisions of NRS 386.500 to 386.610, inclusive.

(b) A written description of the mission and goals for the charter school. A charter school must have as its stated purpose at least one of the following goals:

- (1) Improving the opportunities for pupils to learn;
- (2) Encouraging the use of effective methods of teaching;
- (3) Providing an accurate measurement of the educational achievement

of pupils;

- (4) Establishing accountability of public schools;
- (5) Providing a method for public schools to measure achievement based upon the performance of the schools; or

(6) Creating new professional opportunities for teachers.

(c) The projected enrollment of pupils in the charter school.

(d) The proposed dates of enrollment for the charter school.

(e) The proposed system of governance for the charter school, including, without limitation, the number of persons who will govern, the method of selecting the persons who will govern and the term of office for each person.

(f) The method by which disputes will be resolved between the governing body of the charter school and the sponsor of the charter school.

(g) The proposed curriculum for the charter school and, if applicable to the grade level of pupils who are enrolled in the charter school, the requirements for the pupils to receive a high school diploma, including, without limitation, whether those pupils will satisfy the requirements of the school district in which the charter school is located for receipt of a high school diploma.

(h) The textbooks that will be used at the charter school.

(i) The qualifications of the persons who will provide instruction at the charter school.

(j) Except as otherwise required by NRS 386.595, the process by which the governing body of the charter school will negotiate employment contracts with the employees of the charter school.

(k) A financial plan for the operation of the charter school. The plan must include, without limitation, procedures for the audit of the programs and finances of the charter school and guidelines for determining the financial liability if the charter school is unsuccessful.

(l) A statement of whether the charter school will provide for the transportation of pupils to and from the charter school. If the charter school will provide transportation, the application must include the proposed plan for the transportation of pupils. If the charter school will not provide transportation, the application must include a statement that the charter school will work with the parents and guardians of pupils enrolled in the charter school to develop a plan for transportation to ensure that pupils have access to transportation to and from the charter school.

(m) The procedure for the evaluation of teachers of the charter school, if different from the procedure prescribed in NRS 391.3125 ~~and section 9 of this act~~. If the procedure is different from the procedure prescribed in NRS 391.3125 ~~and section 9 of this act~~, the procedure for the evaluation of teachers of the charter school must provide the same level of protection and otherwise comply with the standards for evaluation set forth in NRS 391.3125 ~~and section 9 of this act~~.

(n) The time by which certain academic or educational results will be achieved.

(o) The kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020, for which the charter school intends to operate.

(p) A statement of whether the charter school will enroll pupils who are in a particular category of at-risk pupils before enrolling other children who are eligible to attend the charter school pursuant to NRS 386.580 and the method for determining eligibility for enrollment in each such category of at-risk pupils served by the charter school.

3. The Department shall review an application to form a charter school to determine whether it is complete. If an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the Department shall deny the application. The Department shall provide written notice to the applicant of its approval or denial of the application. If the Department denies an application, the Department shall include in the written notice the reason for the denial and the deficiencies in the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

4. As used in subsection 1, “teacher” means a person who:

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS; and

(b) Has at least 2 years of experience as an employed teacher.

↪ The term does not include a person who is employed as a substitute teacher.

**Sec. 6.** NRS 388.795 is hereby amended to read as follows:

388.795 1. The Commission shall establish a plan for the use of educational technology in the public schools of this State. In preparing the plan, the Commission shall consider:

(a) Plans that have been adopted by the Department and the school districts in this State;

(b) Plans that have been adopted in other states;

(c) The information reported pursuant to paragraph ~~{(t)}~~ (v) of subsection 2 of NRS 385.347;

(d) The results of the assessment of needs conducted pursuant to subsection 6; and

(e) Any other information that the Commission or the Committee deems relevant to the preparation of the plan.

2. The plan established by the Commission must include recommendations for methods to:

(a) Incorporate educational technology into the public schools of this State;

(b) Increase the number of pupils in the public schools of this State who have access to educational technology;

(c) Increase the availability of educational technology to assist licensed teachers and other educational personnel in complying with the requirements of continuing education, including, without limitation, the receipt of credit for college courses completed through the use of educational technology;

(d) Facilitate the exchange of ideas to improve the achievement of pupils who are enrolled in the public schools of this State; and

(e) Address the needs of teachers in incorporating the use of educational technology in the classroom, including, without limitation, the completion of training that is sufficient to enable the teachers to instruct pupils in the use of educational technology.

3. The Department shall provide:

- (a) Administrative support;
- (b) Equipment; and
- (c) Office space,

↳ as is necessary for the Commission to carry out the provisions of this section.

4. The following entities shall cooperate with the Commission in carrying out the provisions of this section:

- (a) The State Board.
- (b) The board of trustees of each school district.
- (c) The superintendent of schools of each school district.
- (d) The Department.

5. The Commission shall:

(a) Develop technical standards for educational technology and any electrical or structural appurtenances necessary thereto, including, without limitation, uniform specifications for computer hardware and wiring, to ensure that such technology is compatible, uniform and can be interconnected throughout the public schools of this State.

(b) Allocate money to the school districts from the Trust Fund for Educational Technology created pursuant to NRS 388.800 and any money appropriated by the Legislature for educational technology, subject to any priorities for such allocation established by the Legislature.

(c) Establish criteria for the board of trustees of a school district that receives an allocation of money from the Commission to:

- (1) Repair, replace and maintain computer systems.
- (2) Upgrade and improve computer hardware and software and other educational technology.

(3) Provide training, installation and technical support related to the use of educational technology within the district.

(d) Submit to the Governor, the Committee and the Department its plan for the use of educational technology in the public schools of this State and any recommendations for legislation.

(e) Review the plan annually and make revisions as it deems necessary or as directed by the Committee or the Department.

(f) In addition to the recommendations set forth in the plan pursuant to subsection 2, make further recommendations to the Committee and the Department as the Commission deems necessary.

6. During the spring semester of each even-numbered school year, the Commission shall conduct an assessment of the needs of each school district relating to educational technology. In conducting the assessment, the Commission shall consider:

- (a) The recommendations set forth in the plan pursuant to subsection 2;
- (b) The plan for educational technology of each school district, if applicable;
- (c) Evaluations of educational technology conducted for the State or for a school district, if applicable; and
- (d) Any other information deemed relevant by the Commission.

↪ The Commission shall submit a final written report of the assessment to the Superintendent of Public Instruction on or before April 1 of each even-numbered year.

7. The Superintendent of Public Instruction shall prepare a written compilation of the results of the assessment conducted by the Commission and transmit the written compilation on or before June 1 of each even-numbered year to the Legislative Committee on Education and to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

8. The Commission may appoint an advisory committee composed of members of the Commission or other qualified persons to provide recommendations to the Commission regarding standards for the establishment, coordination and use of a telecommunications network in the public schools throughout the various school districts in this State. The advisory committee serves at the pleasure of the Commission and without compensation unless an appropriation or other money for that purpose is provided by the Legislature.

9. As used in this section, “public school” includes the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS.

**Sec. 7.** Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 8 and 9 of this act.

**Sec. 8. 1. *The board of trustees of each school district shall:***

*(a) Establish a program of performance pay and enhanced compensation for the recruitment and retention of licensed teachers and administrators which must be negotiated pursuant to chapter 288 of NRS; and*

*(b) Commencing with the 2014-2015 school year, implement the program established pursuant to paragraph (a).*

*2. The program of performance pay and enhanced compensation established by a school district pursuant to subsection 1 must have as its primary focus the improvement in the academic achievement of pupils and*

*must give appropriate consideration to implementation in at-risk schools. In addition, the program may include, without limitation, the following components:*

- (a) Career leadership advancement options to maximize the retention of teachers in the classroom and the retention of administrators;*
- (b) Professional development;*
- (c) Group incentives; and*
- (d) Multiple assessments of individual teachers and administrators, with primary emphasis on individual pupil improvement and growth in academic achievement, including, without limitation, portfolios of instruction, leadership and professional growth, and other appropriate measures of teacher and administrator performance which must be considered.*

*Sec. 9. 1. If a written evaluation of a probationary teacher or probationary administrator designates the overall performance of the teacher or administrator as “unsatisfactory”:*

*(a) The written evaluation must include the following statement: “Please be advised that, pursuant to Nevada law, your contract may not be renewed for the next school year. If you receive two evaluations for this school year which designate your performance as ‘unsatisfactory,’ and if you have another evaluation remaining this school year, you may request that the evaluation be conducted by another administrator . . .” You may also request, to the administrator who conducted the evaluation, reasonable assistance in correcting the deficiencies reported in the evaluation for which you request assistance, and upon such request, a reasonable effort will be made to assist you in correcting those deficiencies.”*

*(b) The probationary teacher or probationary administrator, as applicable, must acknowledge in writing that he or she has received and understands the statement described in paragraph (a).*

*2. If a probationary teacher or probationary administrator requests that his or her next evaluation be conducted by another administrator in accordance with the notice required by subsection 1, the administrator conducting the evaluation must be:*

- (a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and*
- (b) Selected by the superintendent and the probationary teacher or probationary administrator, as applicable.*

*3. If a probationary teacher or probationary administrator requests assistance in correcting deficiencies reported in his or her evaluation, the administrator who conducted the evaluation shall ensure that a reasonable effort is made to assist the probationary teacher or administrator in correcting those deficiencies.*

**Sec. 10.** NRS 391.311 is hereby amended to read as follows:

391.311 As used in NRS 391.311 to 391.3197, inclusive, *and section 9 of this act*, unless the context otherwise requires:

1. “Administrator” means any employee who holds a license as an administrator and who is employed in that capacity by a school district.

2. “Board” means the board of trustees of the school district in which a licensed employee affected by NRS 391.311 to 391.3197, inclusive, *and section 9 of this act* is employed.

3. “Demotion” means demotion of an administrator to a position of lesser rank, responsibility or pay and does not include transfer or reassignment for purposes of an administrative reorganization.

4. “Immorality” means:

(a) An act forbidden by NRS 200.366, 200.368, 200.400, 200.508, 201.180, 201.190, 201.210, 201.220, 201.230, 201.265, 201.540, 201.560, 207.260, 453.316 to 453.336, inclusive, 453.337, 453.338, 453.3385 to 453.3405, inclusive, 453.560 or 453.562; or

(b) An act forbidden by NRS 201.540 or any other sexual conduct or attempted sexual conduct with a pupil enrolled in an elementary or secondary school. As used in this paragraph, “sexual conduct” has the meaning ascribed to it in NRS 201.520.

5. “Postprobationary employee” means an administrator or a teacher who has completed the probationary period as provided in NRS 391.3197 and has been given notice of reemployment.

6. “Probationary employee” means an administrator or a teacher who is employed for the period set forth in NRS 391.3197.

7. “Superintendent” means the superintendent of a school district or a person designated by the board or superintendent to act as superintendent during the absence of the superintendent.

8. “Teacher” means a licensed employee the majority of whose working time is devoted to the rendering of direct educational service to pupils of a school district.

**Sec. 11.** NRS 391.3115 is hereby amended to read as follows:

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

(a) Substitute teachers; or

(b) Adult education teachers.

2. *The admonition, demotion, suspension, dismissal and nonreemployment provisions of NRS 391.311 to 391.3194, inclusive, do not apply to:*

*(a) A probationary teacher. The policy for evaluations prescribed in NRS 391.3125 and section 9 of this act applies to a probationary teacher.*

*(b) A new employee who is employed as a probationary administrator. The policy for evaluations prescribed in NRS 391.3127 and section 9 of this act applies to a probationary administrator.*

*3. The admonition, demotion and suspension provisions of NRS 391.311 to 391.3194, inclusive, do not apply to a postprobationary teacher who is employed as a probationary administrator with respect to his or her employment in the administrative position. The policy for evaluations prescribed in NRS 391.3127 and section 9 of this act applies to a probationary administrator.*

*4. The provisions of NRS 391.311 to 391.3194, inclusive, and section 9 of this act do not apply to a teacher whose employment is suspended or terminated pursuant to subsection 3 of NRS 391.120 or NRS 391.3015 for failure to maintain a license in force.*

~~3.5.~~ *5. A licensed employee who is employed in a position fully funded by a federal or private categorical grant or to replace another licensed employee during that employee's leave of absence is employed only for the duration of the grant or leave. Such a licensed employee and licensed employees who are employed on temporary contracts for 90 school days or less, or its equivalent in a school district operating under an alternative schedule authorized pursuant to NRS 388.090, to replace licensed employees whose employment has terminated after the beginning of the school year are entitled to credit for that time in fulfilling any period of probation and during that time the provisions of NRS 391.311 to 391.3197, inclusive, and section 9 of this act for demotion, suspension or dismissal apply to them.*

**Sec. 12.** NRS 391.312 is hereby amended to read as follows:

391.312 1. A teacher may be suspended, dismissed or not reemployed and an administrator may be demoted, suspended, dismissed or not reemployed for the following reasons:

- (a) Inefficiency;
- (b) Immorality;
- (c) Unprofessional conduct;
- (d) Insubordination;
- (e) Neglect of duty;
- (f) Physical or mental incapacity;
- (g) A justifiable decrease in the number of positions due to decreased enrollment or district reorganization;
- (h) Conviction of a felony or of a crime involving moral turpitude;
- (i) Inadequate performance;
- (j) Evident unfitness for service;
- (k) Failure to comply with such reasonable requirements as a board may prescribe;

(l) Failure to show normal improvement and evidence of professional training and growth;

(m) Advocating overthrow of the Government of the United States or of the State of Nevada by force, violence or other unlawful means, or the advocating or teaching of communism with the intent to indoctrinate pupils to subscribe to communistic philosophy;

(n) Any cause which constitutes grounds for the revocation of a teacher's license;

(o) Willful neglect or failure to observe and carry out the requirements of this title;

(p) Dishonesty;

(q) Breaches in the security or confidentiality of the questions and answers of the achievement and proficiency examinations that are administered pursuant to NRS 389.015;

(r) Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations adopted pursuant to NRS 389.616 or 389.620; ~~for~~

(s) An intentional violation of NRS 388.5265 or 388.527 ~~};~~ *or*

(t) ***Gross misconduct.***

2. In determining whether the professional performance of a licensed employee is inadequate, consideration must be given to the regular and special evaluation reports prepared in accordance with the policy of the employing school district and to any written standards of performance which may have been adopted by the board.

3. ***As used in this section, "gross misconduct" includes ~~without limitation,~~ any act or omission that is in ~~intentional,~~ wanton, willful, reckless or deliberate disregard of the interests of a school or school district or a pupil thereof.***

**Sec. 13.** 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 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, the administrator shall bring the matter to the employee's attention in a written document which is separate from the evaluation not later than 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.~~ 5. The evaluation of a probationary teacher or a postprobationary teacher must 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, recommendations for improvements in the performance 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-}~~ **6.** 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. 14.** 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 is determined to be ~~[satisfactory or unsatisfactory.]~~ **highly effective, effective, minimally effective or ineffective.** 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 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. 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.

5. The evaluation of a probationary teacher or a postprobationary teacher must 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, recommendations for improvements in the performance 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.

6. 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. 15.** NRS 391.3127 is hereby amended to read as follows:

391.3127 1. Each board, following consultation with and involvement of elected representatives of administrative personnel or their designated representatives, shall develop an objective policy for the objective evaluation of administrators in narrative form. The policy must set forth a means according to which an administrator's overall performance may be determined to be satisfactory or unsatisfactory. The policy may include an

evaluation by the administrator, superintendent, pupils or other administrators or any combination thereof. A copy of the policy adopted by the board must be filed with the Department and made available to the Commission.

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

3. ***Each probationary administrator is subject to the provisions of NRS 391.3197 and section 9 of this act.***

4. Before a superintendent transfers or assigns an administrator to another administrative position as part of an administrative reorganization, if the transfer or reassignment is to a position of lower rank, responsibility or pay, the superintendent shall give written notice of the proposed transfer or assignment to the administrator at least 30 days before the date on which it is to be effective. The administrator may appeal the decision of the superintendent to the board by requesting a hearing in writing to the president of the board within 5 days after receiving the notice from the superintendent. The board shall hear the matter within 10 days after the president receives the request, and shall render its decision within 5 days after the hearing. The decision of the board is final.

**Sec. 16.** NRS 391.3127 is hereby amended to read as follows:

391.3127 1. Each board, following consultation with and involvement of elected representatives of administrative personnel or their designated representatives, shall develop an objective policy for the objective evaluation of administrators in narrative form. The policy must set forth a means according to which an administrator's overall performance is determined to be ~~[satisfactory or unsatisfactory.]~~ ***highly effective, effective, minimally effective or ineffective.*** The policy may include an evaluation by the administrator, superintendent, pupils or other administrators or any combination thereof. A copy of the policy adopted by the board must be filed with the Department and made available to the Commission.

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

3. Each probationary administrator is subject to the provisions of NRS 391.3197 and section 9 of this act.

4. Before a superintendent transfers or assigns an administrator to another administrative position as part of an administrative reorganization, if the transfer or reassignment is to a position of lower rank, responsibility or pay, the superintendent shall give written notice of the proposed transfer or assignment to the administrator at least 30 days before the date on which it is to be effective. The administrator may appeal the decision of the superintendent to the board by requesting a hearing in writing to the president of the board within 5 days after receiving the notice from the superintendent. The board shall hear the matter within 10 days after the president receives the

request, and shall render its decision within 5 days after the hearing. The decision of the board is final.

**Sec. 17.** 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 the administrator believes may lead to demotion or dismissal or may cause the employee not to be reemployed under the provisions of NRS 391.312, the administrator shall:

(a) Except as otherwise provided in subsection 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 the employee's demotion, dismissal or a refusal to reemploy him or her, and make a reasonable effort to assist the employee to correct whatever appears to be the cause for the employee's potential demotion, dismissal or a potential recommendation not to reemploy him or her; 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 the employee 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.

3. An administrator need not admonish an employee pursuant to paragraph (a) of subsection 1 if his or her employment will be terminated pursuant to NRS 391.3197. ~~[If by March 1 of the first or second year of the employee's 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 or her, the employee must receive an admonition before any such decision is made.]~~

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, **and section 9 of this act** without the admonition required by this section, on grounds contained in paragraphs (b), ~~[(d), (e)]~~ (f), (g), (h) ~~and~~, ~~[(j), (n), (o)]~~ (p) ~~[(r)]~~ and (t) of subsection 1 of NRS 391.312.

**Sec. 18.** NRS 391.317 is hereby amended to read as follows:

391.317 1. At least 15 days before recommending to a board that it demote, dismiss or not reemploy a postprobationary employee, ~~[or dismiss or demote a probationary employee.]~~ the superintendent shall give written

notice to the employee, by registered or certified mail, of the superintendent's intention to make the recommendation.

2. The notice must:

(a) Inform the licensed employee of the grounds for the recommendation.

(b) Inform the employee that, if a written request therefor is directed to the superintendent within 10 days after receipt of the notice, the employee is entitled to a hearing before a hearing officer ~~[-]~~ pursuant to NRS 391.315 to 391.3194, inclusive, or if a dismissal of the employee will occur before the completion of the current school year, the employee may request an expedited hearing pursuant to subsection 3.

(c) Refer to chapter 391 of NRS.

3. If a postprobationary employee receives notice pursuant to subsection 1 that he or she will be dismissed before the completion of the current school year, the employee may request an expedited hearing pursuant to the Expedited Labor Arbitration Procedures established by the American Arbitration Association or its successor organization. If the employee elects to proceed under the expedited procedures, the provisions of NRS 391.3161, 391.3192 and 391.3193 do not apply.

Sec. 19. NRS 391.3197 is hereby amended to read as follows:

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

2. The board shall notify each probationary employee in writing on or before May 1 of the first , ~~and~~ **second and third** school years of the employee's probationary period, as appropriate, whether the employee is to be reemployed for the second **or third** year of the probationary period or for the ~~next~~ **fourth** school year as a postprobationary employee. **Failure of the board to notify the probationary employee in writing on or before May 1 in the first or second year of the probationary period does not entitle the employee to postprobationary status.** The employee must advise the board in writing on or before May 10 of the first , ~~or~~ **second or third** year of the employee's probationary period, as appropriate, of the employee's acceptance of reemployment. If a probationary employee is assigned to a school that operates all year, the board shall notify the employee in writing, in ~~both~~ the first , ~~and~~ **second and third** years of the employee's probationary period, no later than 45 days before his or her last day of work for the year under his or her contract whether the employee is to be reemployed for the second **or third** year of the probationary period or for the ~~next~~ **fourth** school year as a postprobationary employee. **Failure of the board to notify a probationary employee in writing within the prescribed period in the first or second year of the probationary period does not entitle the employee to postprobationary status.** The employee must advise the

board in writing within 10 days after the date of notification of his or her acceptance or rejection of reemployment for another year. Failure to advise the board of the employee's acceptance of reemployment *pursuant to this subsection* constitutes rejection of the contract.

3. A probationary employee who completes a ~~[2-year]~~ **3-year** probationary period and receives a notice of reemployment from the school district in the ~~[second]~~ **third** year of the employee's probationary period is entitled to be a postprobationary employee in the ensuing year of employment.

4. ~~[If a probationary employee receives notice pursuant to subsection 4 of NRS 391.3125 not later than March 1 of a potential decision not to reemploy him or her, the employee may request a supplemental evaluation by another administrator in the school district selected by the employee and the superintendent. If a school district has five or fewer administrators, the supplemental evaluator may be an administrator from another school district in this State. If a probationary employee has received during the first school year of the employee's probationary period three evaluations which state that the employee's overall performance has been satisfactory, the superintendent of schools of the school district or the superintendent's 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 the employee's 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 the employee will not be reemployed for the ~~[second year of the employee's probationary period or the ensuing]~~ school year ~~[.]~~ **following the 3-year probationary period**, his or her employment ends on the last day of the current school year. The notice that the employee will not be reemployed must include a statement of the reasons for that decision.

~~[6.]~~ 5. A new employee *who is employed as an administrator* 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]~~ **3-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 the superintendent's 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]~~ **any** year of his or her 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.]~~ **6.** An administrator who has completed his or her probationary period pursuant to subsection ~~6.]~~ **5** and is thereafter promoted to the position of principal must serve an additional probationary period of 1 year in the position of principal. ***If an administrator is promoted to the position of principal before completion of his or her probationary period pursuant to subsection 5, the administrator must serve the remainder of his or her probationary period pursuant to subsection 5 or an additional probationary period of 1 year in the position of principal, whichever is longer.*** If the administrator serving the additional probationary period is not reemployed as a principal after the expiration of the ***probationary period or*** additional probationary period, ***as applicable,*** 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. 20.** Section 9 of this act is hereby amended to read as follows:

Sec. 9. 1. If a written evaluation of a probationary teacher or probationary administrator designates the overall performance of the teacher or administrator as ~~["unsatisfactory";]~~ ***"minimally effective" or "ineffective"***:

(a) The written evaluation must include the following statement: "Please be advised that, pursuant to Nevada law, your contract may not be renewed for the next school year. If you receive two evaluations for this school year which designate your performance as ~~["unsatisfactory;"]~~ ***'minimally effective' or 'ineffective,'*** and if you have another evaluation remaining this school year, you may request that the evaluation be conducted by another administrator. You may also request, to the administrator who conducted the evaluation, reasonable assistance in correcting the deficiencies reported in the evaluation for which you request assistance, and upon such request, a reasonable effort will be made to assist you in correcting those deficiencies."

(b) The probationary teacher or probationary administrator, as applicable, must acknowledge in writing that he or she has received and understands the statement described in paragraph (a).

2. If a probationary teacher or probationary administrator requests that his or her next evaluation be conducted by another administrator in accordance with the notice required by subsection 1, the administrator conducting the evaluation must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the superintendent and the probationary teacher or probationary administrator, as applicable.

3. If a probationary teacher or probationary administrator requests assistance in correcting deficiencies reported in his or her evaluation, the administrator who conducted the evaluation shall ensure that a reasonable effort is made to assist the probationary teacher or administrator in correcting those deficiencies.

**Sec. 21.** The provisions of section 9 of this act, NRS 391.311 to 391.3125, inclusive, as amended by sections 10 to 13, inclusive, of this act, NRS 391.3127, as amended by section 15 of this act, NRS 391.313, as amended by section 17 of this act, NRS 391.317, as amended by section 18 of this act, and NRS 391.3197, as amended by section 19 of this act, apply to all:

1. Teachers who are initially employed by a school district on or after July 1, 2011.

2. A new employee who is hired by a school district as an administrator on or after July 1, 2011.

3. A postprobationary teacher who is employed as an administrator on or after July 1, 2011.

**Sec. 22.** The board of trustees of each school district shall:

1. Commencing with the 2013-2104 school year, implement and carry out the policies for evaluations of teachers and administrators required by NRS 391.3125, as amended by section 14 of this act, NRS 391.3127, as amended by section 16 of this act, and section 20 of this act.

2. Commencing with the 2014-2105 school year, implement and carry out the program of performance pay and enhanced compensation established by the board of trustees pursuant to section 8 of this act.

**Sec. 23.** 1. This section and sections 1 to 7, inclusive, 9 to 13, inclusive, 15, 17, 18, 19, 21 and 22 of this act become effective on July 1, 2011.

2. Sections 8, 14, 16 and 20 of this act become effective on July 1, 2013.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 62.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 53.

AN ACT relating to the Office of the Attorney General; authorizing the Attorney General to charge a fee for the prosecution of certain **felony** cases; ~~authorizing the Attorney General to charge the office of a district attorney or city attorney a fee for issuing a written opinion;~~ authorizing the Attorney General to charge a regulatory body for certain training services provided by the Attorney General; authorizing the Attorney General to charge the Board of Homeopathic Medical Examiners, the State Board of Oriental Medicine and the Board of Psychological Examiners for all services relating to certain investigations conducted by the Attorney General; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Attorney General to prosecute a criminal case upon the request of a district attorney. ~~and requires the Attorney General to issue a written opinion upon the request of a district attorney or city attorney.~~ (NRS 228.130.) ~~[, 228.150)]~~ **Section 1** of this bill authorizes the Attorney General to charge a county reasonable legal fees for the prosecution of a ~~criminal case, and section 2 of this bill authorizes the Attorney General to charge the office of a district attorney or city attorney a reasonable fee for issuing a written opinion.~~ **category A or B felony.**

Existing law requires the Attorney General to provide training to a new member of a regulatory body. (NRS 622.200) **Section 3** of this bill authorizes the Attorney General to charge a regulatory body for providing training to a new member of a regulatory body.

Existing law requires the Board of Homeopathic Medical Examiners, the State Board of Oriental Medicine and the Board of Psychological Examiners to transmit to the Attorney General complaints concerning certain persons regulated by those boards. Existing law further requires the Attorney General to investigate each such complaint. (NRS 630A.400, 630A.410, 634A.085, 641.270, 641.271) **Section 4** of this bill authorizes the Board of Homeopathic Medical Examiners to retain the Attorney General to investigate a complaint against a homeopathic physician, and **section 5** of this bill authorizes the Attorney General to charge the Board for all services related to the investigation. **Section 6** of this bill authorizes the State Board of Oriental

Medicine to retain the Attorney General to investigate a complaint against a doctor of Oriental medicine and authorizes the Attorney General to charge the Board for all services related to the investigation. **Section 7** of this bill authorizes the Board of Psychological Examiners to retain the Attorney General to investigate a complaint against a psychologist, and **section 8** of this bill authorizes the Attorney General to charge the Board for all services related to the investigation.

Existing law requires the Board of Dispensing Opticians to submit a biennial report to the Attorney General. (NRS 637.080) **Section 9** of this bill repeals the provision requiring the Board of Dispensing Opticians to submit a biennial report to the Attorney General.

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

**Section 1.** NRS 228.130 is hereby amended to read as follows:

228.130 1. In all criminal cases where, in the judgment of the district attorney, the personal presence of the Attorney General or the presence of a deputy or special investigator is required in cases mentioned in subsection 2, before making a request upon the Attorney General for such assistance the district attorney must first present his or her reasons for making the request to the board of county commissioners of his or her county and have the board adopt a resolution joining in the request to the Attorney General.

2. In all criminal cases where help is requested from the Attorney General's Office, as mentioned in subsection 1, in the presentation of criminal cases before a committing magistrate, grand jury, or district court, the board of county commissioners of the county making such request shall, upon the presentation to the board of a duly verified claim setting forth the expenses incurred, pay from the general funds of the county the actual and necessary traveling expenses of the Attorney General or his or her deputy or his or her special investigator from Carson City, Nevada, to the place where such proceedings are held and return therefrom, and also pay the amount of money actually expended by such person for board and lodging from the date such person leaves until the date he or she returns to Carson City.

3. This section shall not be construed as directing or requiring the Attorney General to appear in any proceedings mentioned in subsection 2, but in acting upon any such request the Attorney General may exercise his or her discretion, and his or her judgment in such matters ~~shall be~~ is final.

4. *In addition to any payment of expenses pursuant to subsection 2, the Attorney General may charge ~~for a reasonable fee~~ for ~~legal services provided~~ the costs of providing assistance in the prosecution of a category A or B felony pursuant to this section. ~~The fee~~ Such costs must be charged for services ~~for an hourly basis in an amount sufficient to pay the~~*

~~salary and other expenses of the deputy attorney general who provides the services.] in a manner consistent with the amount charged to state agencies pursuant to subsection 3 of NRS 228.113.~~

Sec. 2. ~~[NRS 228.150 is hereby amended to read as follows:~~

~~228.150 1. When requested, the Attorney General shall give his or her opinion, in writing, upon any question of law, to the Governor, the Secretary of State, the State Controller, the State Treasurer, the Director of the Department of Corrections, to the head of any state department, agency, board or commission, to any district attorney and to any city attorney of any incorporated city within the State of Nevada, upon any question of law relating to their respective offices, departments, agencies, boards or commissions.~~

~~2. Nothing contained in subsection 1 requires the Attorney General to give his or her written opinion to any city attorney concerning questions relating to the interpretation or construction of city ordinances.~~

~~3. [The] *Except as otherwise provided in this section, the* Attorney General is not entitled to receive any fee for the performance of any duty required of him or her by law, but money may be paid to his or her office or pursuant to law or an agreement with an agency of the State for the performance of any duty or service by his or her office.~~

~~4. *The Attorney General may charge the office of a district attorney or city attorney a reasonable fee for providing a written opinion pursuant to subsection 1. The fee must be charged for services on an hourly basis in an amount sufficient to pay the salary and other expenses of the deputy attorney general who provides the services.] (Deleted by amendment.)*~~

Sec. 3. NRS 622.200 is hereby amended to read as follows:

622.200 *I.* As soon as practicable after a person is first appointed to serve as a member of a regulatory body, the person must be provided with:

~~{1-}~~ (a) A written summary of the duties and responsibilities of a member of the regulatory body; and

~~{2-}~~ (b) Training on those duties and responsibilities by the Attorney General. The training must include, without limitation, instruction related to the audit that is required by NRS 218G.400, except that a person who is a member of the Nevada State Board of Accountancy is not required to be provided with instruction related to that audit.

*2. The Attorney General may, in accordance with the provisions of NRS 228.113, charge a regulatory body for all training provided pursuant to paragraph (b) of subsection 1.*

Sec. 4. NRS 630A.400 is hereby amended to read as follows:

630A.400 1. The Board or a committee of its members designated by the Board shall review every complaint filed with the Board and conduct an investigation to determine whether there is a reasonable basis for compelling

a homeopathic physician to take a mental or physical examination or an examination of his or her competence to practice homeopathic medicine.

2. If a committee is designated, it must be composed of at least three members of the Board, at least one of whom is a licensed homeopathic physician.

3. If, from the complaint or from other official records, it appears that the complaint is not frivolous and the complaint charges gross or repeated malpractice, the Board ~~shall~~ *may*:

(a) ***Retain the Attorney General to investigate the complaint; and***

(b) ***If the Board retains the Attorney General***, transmit the original complaint, along with further facts or information derived from its own review, to the Attorney General.

4. Following ~~the~~ *an* investigation, the committee shall present its evaluation and recommendations to the Board. The Board shall review the committee's findings to determine whether to take any further action, but a member of the Board who participated in the investigation may not participate in this review or in any subsequent hearing or action taken by the Board.

**Sec. 5.** NRS 630A.410 is hereby amended to read as follows:

630A.410 1. ~~The~~ ***If the Board retains the Attorney General pursuant to NRS 630A.400, the*** Attorney General shall conduct an investigation of ~~each~~ *the* complaint transmitted to the Attorney General to determine whether it warrants proceedings for modification, suspension or revocation of license. If the Attorney General determines that such further proceedings are warranted, the Attorney General shall report the results of the investigation together with a recommendation to the Board in a manner which does not violate the right of the person charged in the complaint to due process in any later hearing before the Board.

2. The Board shall promptly make a determination with respect to each complaint reported to it by the Attorney General as to what action shall be pursued. The Board shall:

(a) Dismiss the complaint; or

(b) Proceed with appropriate disciplinary action.

3. ***If the Board retains the Attorney General pursuant to NRS 630A.400, the Attorney General may, in accordance with the provisions of NRS 228.113, charge the Board for all services relating to the investigation of a complaint.***

**Sec. 6.** NRS 634A.085 is hereby amended to read as follows:

634A.085 1. If a written complaint regarding a ~~licensee~~ ***doctor of Oriental medicine*** is filed with the Board, the Board shall review the complaint. If, from the complaint or from other records, it appears that the complaint is not frivolous, the Board ~~shall~~ *may*:

(a) **Retain the Attorney General to investigate the complaint; and**

(b) **If the Board retains the Attorney General,** transmit the original complaint and any facts or information obtained from the review to the Attorney General.

2. ~~The~~ **If the Board retains the Attorney General, the** Attorney General shall conduct an investigation of the complaint **transmitted to the Attorney General** to determine whether it warrants proceedings for the modification, suspension or revocation of the license. If the Attorney General determines that further proceedings are warranted, the Attorney General shall report the results of the investigation and any recommendation to the Board.

3. The Board shall promptly make a determination with respect to each complaint reported to it by the Attorney General. The Board shall:

(a) Dismiss the complaint; or

(b) Proceed with appropriate disciplinary action.

4. The Board shall retain all complaints received by the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

5. **If the Board retains the Attorney General, the Attorney General may, in accordance with the provisions of NRS 228.113, charge the Board for all services relating to the investigation of a complaint pursuant to subsection 2.**

**Sec. 7.** NRS 641.270 is hereby amended to read as follows:

641.270 When a complaint is filed with the Board, it shall review the complaint. If, from the complaint or from other official records, it appears that the complaint is not frivolous, the Board ~~shall~~ **may:**

1. **Retain the Attorney General to investigate the complaint; and**

2. **If the Board retains the Attorney General,** transmit the original complaint, along with further facts or information derived from the review, to the Attorney General.

**Sec. 8.** NRS 641.271 is hereby amended to read as follows:

641.271 1. ~~The~~ **If the Board retains the Attorney General pursuant to NRS 641.270, the** Attorney General shall conduct an investigation of ~~each~~ **a** complaint transmitted to ~~him or her by the Board~~ **the Attorney General** to determine whether it warrants proceedings for the modification, suspension or revocation of the license. If the Attorney General determines that further proceedings are warranted, he or she shall report the results of the investigation together with a recommendation to the Board in a manner which does not violate the right of the person charged in the complaint to due process in any later hearing on the complaint.

2. The Board shall promptly make a determination with respect to each complaint reported to it by the Attorney General. The Board shall:

(a) Dismiss the complaint; or

(b) Proceed with appropriate disciplinary action.

**3. If the Board retains the Attorney General pursuant to NRS 641.270, the Attorney General may, in accordance with the provisions of NRS 228.113, charge the Board for all services relating to the investigation of a complaint pursuant to subsection 1.**

**Sec. 9.** NRS 637.080 is hereby repealed.

**Sec. 10.** This act becomes effective on July 1, 2011.

#### TEXT OF REPEALED SECTION

**637.080 Report of Board to Attorney General.** Before September 1 of each even-numbered year, for the biennium ending June 30 of such year, the Board shall submit to the Attorney General a written report. The report must include:

1. The names of all dispensing opticians to whom licenses have been granted as provided in this chapter.
2. Any cases heard and decisions rendered by the Board.
3. The recommendations of the Board as to future policies.

↪ Each member of the Board shall review and sign the report before it is submitted to the Attorney General.

Assemblyman Atkinson moved the adoption of the amendment.

Remarks by Assemblyman Atkinson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 83.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 64.

AN ACT relating to crimes; revising the statute of limitations for crimes relating to identity theft; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that an indictment be found or an information or complaint be filed within 3 years after the commission of an offense relating to identity theft which is punishable as a felony. (NRS 171.085, 205.461-205.4657) This bill provides an exception for victims of such an offense who are less than 18 years of age at the time of the commission of the offense, specifying that an indictment must be found or an information or complaint must be filed within 4 years after the time the victim discovers **or reasonably should have discovered** that the offense was committed.

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

**Section 1.** NRS 171.095 is hereby amended to read as follows:

171.095 1. Except as otherwise provided in subsection 2 and NRS 171.083 and 171.084:

(a) If a felony, gross misdemeanor or misdemeanor is committed in a secret manner, an indictment for the offense must be found, or an information or complaint filed, within the periods of limitation prescribed in NRS 171.085, 171.090 and 624.800 after the discovery of the offense, unless a longer period is allowed by paragraph (b) *or* (c) or the provisions of NRS 202.885.

(b) An indictment must be found, or an information or complaint filed, for any offense constituting sexual abuse of a child, as defined in NRS 432B.100, before the victim of the sexual abuse is:

(1) Twenty-one years old if the victim discovers or reasonably should have discovered that he or she was a victim of the sexual abuse by the date on which the victim reaches that age; or

(2) Twenty-eight years old if the victim does not discover and reasonably should not have discovered that he or she was a victim of the sexual abuse by the date on which the victim reaches 21 years of age.

***(c) If a felony is committed pursuant to NRS 205.461 to 205.4657, inclusive, against a victim who is less than 18 years of age at the time of the commission of the offense, an indictment for the offense must be found, or an information or complaint filed, within 4 years after the victim discovers or reasonably should have discovered the offense.***

2. If any indictment found, or an information or complaint filed, within the time prescribed in subsection 1 is defective so that no judgment can be given thereon, another prosecution may be instituted for the same offense within 6 months after the first is abandoned.

**Sec. 2.** The amendatory provisions of this act apply to a person who committed a felony pursuant to NRS 205.461 to 205.4657, inclusive, before October 1, 2011, if the applicable statute of limitations has commenced but has not yet expired on October 1, 2011.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 92.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 101.

AN ACT relating to convicted persons; providing for the waiver of fees for the issuance of certain forms of identifying information for certain persons released from prison; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the waiver of certain fees relating to the issuance of certified copies of birth certificates and duplicate drivers' licenses and identification cards to homeless persons. (NRS 440.175, 440.700, 483.417, 483.825) **Sections 1-4** of this bill provide for a similar waiver of such fees for persons who were released from prison within the immediately preceding ~~6 months~~ **90 days**. **Section 5** of this bill requires the Department of Motor Vehicles to encourage each vendor that has entered into an agreement with the Department to produce photographs for drivers' licenses and identification cards to waive the cost charged to the Department to produce the photographs for such persons who were released from prison.

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

**Section 1.** NRS 440.175 is hereby amended to read as follows:

440.175 1. Upon request, the State Registrar may furnish statistical data to any federal, state, local or other public or private agency, upon such terms or conditions as may be prescribed by the Board.

2. No person may prepare or issue any document which purports to be an original, certified copy, certified abstract or official copy of:

(a) A certificate of birth, death or fetal death, except as authorized in this chapter or by the Board.

(b) A certificate of marriage, except a county clerk, county recorder or a person so required pursuant to NRS 122.120.

(c) A decree of divorce or annulment of marriage, except a county clerk or the judge of a court of record.

3. A person or governmental organization which issues certified or official copies pursuant to paragraph (a) of subsection 2 shall:

(a) Not charge a fee for issuing a certified or official copy of a certificate of birth to ~~it~~ :

(1) A homeless person who submits a signed affidavit on a form prescribed by the State Registrar stating that the person is homeless.

(2) *A person who submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding ~~6 months~~ 90 days.*

(b) Remit to the State Registrar fees collected which are charged in an amount established by the State Registrar by regulation:

(1) For each registration of a birth or death in its district.

(2) For each copy issued of a certificate of birth in its district, other than a copy issued pursuant to paragraph (a).

(3) For each copy issued of a certificate of death in its district.

**Sec. 2.** NRS 440.700 is hereby amended to read as follows:

440.700 1. Except as otherwise provided in this section, the State Registrar shall charge and collect a fee in an amount established by the State Registrar by regulation:

(a) For searching the files for one name, if no copy is made.

(b) For verifying a vital record.

(c) For establishing and filing a record of paternity (other than a hospital-based paternity), and providing a certified copy of the new record.

(d) For a certified copy of a record of birth.

(e) For a certified copy of a record of death originating in a county in which the board of county commissioners has not created an account for the support of the office of the county coroner pursuant to NRS 259.025.

(f) For a certified copy of a record of death originating in a county in which the board of county commissioners has created an account for the support of the office of the county coroner pursuant to NRS 259.025.

(g) For correcting a record on file with the State Registrar and providing a certified copy of the corrected record.

(h) For replacing a record on file with the State Registrar and providing a certified copy of the new record.

(i) For filing a delayed certificate of birth and providing a certified copy of the certificate.

(j) For the services of a notary public, provided by the State Registrar.

(k) For an index of records of marriage provided on microfiche to a person other than a county clerk or a county recorder of a county of this State.

(l) For an index of records of divorce provided on microfiche to a person other than a county clerk or a county recorder of a county in this State.

(m) For compiling data files which require specific changes in computer programming.

2. The fee collected for furnishing a copy of a certificate of birth or death must include the sum of \$3 for credit to the Children's Trust Account created by NRS 432.131.

3. The fee collected for furnishing a copy of a certificate of death must include the sum of \$1 for credit to the Review of Death of Children Account created by NRS 432B.409.

4. The State Registrar shall not charge a fee for furnishing a certified copy of a record of birth to ~~the~~:

(a) A homeless person who submits a signed affidavit on a form prescribed by the State Registrar stating that the person is homeless.

***(b) A person who submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding ~~6 months~~ 90 days.***

5. The fee collected for furnishing a copy of a certificate of death originating in a county in which the board of county commissioners has created an account for the support of the office of the county coroner pursuant to NRS 259.025 must include the sum of \$1 for credit to the account for the support of the office of the county coroner of the county in which the certificate originates.

6. Upon the request of any parent or guardian, the State Registrar shall supply, without the payment of a fee, a certificate limited to a statement as to the date of birth of any child as disclosed by the record of such birth when the certificate is necessary for admission to school or for securing employment.

7. The United States Bureau of the Census may obtain, without expense to the State, transcripts or certified copies of births and deaths without payment of a fee.

**Sec. 3.** NRS 483.417 is hereby amended to read as follows:

483.417 1. The Department shall waive the fee prescribed by NRS 483.410 and the increase in the fee required by NRS 483.347 not more than one time for furnishing a duplicate driver's license to ~~he~~:

*(a) A homeless person who submits a signed affidavit on a form prescribed by the Department stating that the person is homeless.*

***(b) A person who submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding ~~6 months~~ 90 days.***

2. A vendor that has entered into an agreement with the Department to produce photographs for drivers' licenses pursuant to NRS 483.347 may waive the cost it charges the Department to produce the photograph of a homeless person ***or person released from prison*** for a duplicate driver's license.

3. If the vendor does not waive pursuant to subsection 2 the cost it charges the Department and the Department has waived the increase in the fee required by NRS 483.347 for a duplicate driver's license furnished to a ~~homeless~~ person pursuant to subsection 1, the ~~homeless~~ person shall reimburse the Department in an amount equal to the increase in the fee required by NRS 483.347 if the ~~homeless~~ person:

(a) Applies to the Department for the renewal of his or her driver's license; and

(b) Is employed at the time of such application.

4. The Department may accept gifts, grants and donations of money to fund the provision of duplicate drivers' licenses without a fee to ~~homeless~~ persons ~~[-]~~ **pursuant to subsection 1.**

**Sec. 4.** NRS 483.825 is hereby amended to read as follows:

483.825 1. The Department shall waive the fee prescribed by NRS 483.820 and the increase in the fee required by NRS 483.347 not more than one time for furnishing a duplicate identification card to ~~[-]~~ :

(a) A homeless person who submits a signed affidavit on a form prescribed by the Department stating that the person is homeless.

(b) **A person who submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding ~~6 months~~ 90 days.**

2. A vendor that has entered into an agreement with the Department to produce photographs for identification cards pursuant to NRS 483.347 may waive the cost it charges the Department to produce the photograph of a homeless person **or person released from prison** for a duplicate identification card.

3. If the vendor does not waive pursuant to subsection 2 the cost it charges the Department and the Department has waived the increase in the fee required by NRS 483.347 for a duplicate identification card furnished to a ~~homeless~~ person pursuant to subsection 1, the ~~homeless~~ person shall reimburse the Department in an amount equal to the increase in the fee required by NRS 483.347 if the ~~homeless~~ person:

(a) Applies to the Department for the renewal of his or her identification card; and

(b) Is employed at the time of such application.

4. The Department may accept gifts, grants and donations of money to fund the provision of duplicate identification cards without a fee to ~~homeless~~ persons ~~[-]~~ **pursuant to subsection 1.**

5. As used in this section, "photograph" has the meaning ascribed to it in NRS 483.125.

**Sec. 5.** The Department of Motor Vehicles shall encourage each vendor that has entered into an agreement with the Department to produce photographs for drivers' licenses and identification cards pursuant to NRS 483.347 to waive the cost that the vendor charges the Department to produce photographs for duplicate drivers' licenses or identification cards furnished to persons released from prison within the immediately preceding ~~6 months~~ **90 days** pursuant to subsection 2 of NRS 483.417, as amended by section 3 of this act, and subsection 2 of NRS 483.825, as amended by section 4 of this act.

**Sec. 6.** This act becomes effective on ~~July 1, 2011~~ **February 1, 2012.**

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that upon return from the printer Assembly Bill No. 92 be rereferred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 97.

Bill read second time and ordered to third reading.

Assembly Bill No. 123.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 127.

AN ACT relating to public health; requiring facilities for intermediate care, facilities for skilled nursing, residential facilities for groups and homes for individual residential care to provide itemized statements under certain circumstances; requiring the Health Division of the Department of Health and Human Services to conduct routine inspections of such facilities; requiring ~~the Health Division~~ **facilities** to provide notices of deficiencies to patients or other responsible persons upon discovering a deficiency during an inspection of such facilities; providing administrative penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

**Section 2** of this bill requires facilities for intermediate care, facilities for skilled nursing, residential facilities for groups and homes for individual residential care to provide, upon the request of a person receiving care and certain other persons, an itemized statement of charges incurred for care provided by the facility or home.

**Section 3** of this bill requires the Health Division of the Department of Health and Human Services to inspect every facility for intermediate care, facility for skilled nursing, residential facility for groups and home for individual residential care at least ~~four times~~ **one time** each year. ~~[Section 9 of this bill requires the Health Division to notify a person receiving care at such a facility or home and certain other persons upon discovering a deficiency during an inspection of the facility or home.]~~ **In addition, section 3 requires the facility to provide notice of a deficiency which is discovered during an inspection and which affects the health and safety**

**of a patient to the person receiving care at the facility or certain other responsible persons.**

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

**Section 1.** Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

**Sec. 2. 1.** *Subject to the provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, a facility for intermediate care, facility for skilled nursing, residential facility for groups or home for individual residential care shall, upon request, provide an itemized statement of charges to:*

- (a) *The person who received care in the facility or home;*
- (b) *The parent or guardian of the person who received care in the facility or home; or*
- (c) ~~*Another*~~ *Any other natural person ~~who is legally responsible or has agreed to be responsible for the payment of charges incurred~~ designated by the person receiving care at the facility or home.*

**2.** *An itemized statement of charges provided by a facility for intermediate care, facility for skilled nursing, residential facility for groups or home for individual residential care pursuant to subsection 1 must, without limitation:*

- (a) *Itemize the charges for services, care, food, medicine and other supplies provided to the person receiving care at the facility or home;*
- (b) *Identify the amount of payment allocated to each charge;*
- (c) *Be provided in a manner that is understandable to an ordinary person;*
- (d) *Be provided at no additional cost; and*
- (e) *Be provided in a timely manner.*

**Sec. 3. 1.** *The Health Division shall conduct on-site inspections of each facility for intermediate care, facility for skilled nursing, residential facility for groups and home for individual residential care which holds a license issued pursuant to this chapter at least ~~four times~~ one time per year. ~~It~~ and shall conduct such other inspections as the Health Division deems necessary as a result of that inspection.*

**2.** *An inspection conducted pursuant to subsection 1 must determine whether the facility or home is in compliance with all applicable laws and standards.*

**3.** *A facility for intermediate care, facility for skilled nursing, residential facility for groups or home for individual residential care shall immediately provide notice of a deficiency affecting the health and safety of a patient discovered during the course of an inspection to:*

(a) A person receiving care at the facility or home;

(b) The parent or legal guardian of the person receiving care at the facility or home; or

(c) Any other natural person designated to receive such notice by the person receiving care at the facility or home or the parent or guardian of the person.

**Sec. 4.** NRS 449.050 is hereby amended to read as follows:

449.050 1. Except as otherwise provided in subsection 2, each application for a license must be accompanied by such fee as may be determined by regulation of the Board. The Board may, by regulation, allow or require payment of a fee for a license in installments and may fix the amount of each payment and the date that the payment is due.

2. A facility for the care of adults during the day is exempt from the fees imposed by the Board pursuant to this section.

3. The fee imposed by the Board for a facility for transitional living for released offenders must be based on the type of facility that is being licensed and must be calculated to produce the revenue estimated to cover the costs related to the license, but in no case may a fee for a license exceed the actual cost to the Health Division of issuing or renewing the license.

4. If an application for a license for a facility for transitional living for released offenders is denied, any amount of the fee paid pursuant to this section that exceeds the expenses and costs incurred by the Health Division must be refunded to the applicant.

**5. The fee imposed by the Board for a facility for intermediate care, facility for skilled nursing, residential facility for groups or home for individual residential care must be calculated to produce the revenue estimated to cover the costs related to the license, including, without limitation, the costs related to inspecting the facility ~~for home four times per year.~~**

**Sec. 5.** NRS 449.070 is hereby amended to read as follows:

449.070 The provisions of NRS 449.001 to 449.240, inclusive, **and sections 2 and 3 of this act** do not apply to:

1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.

2. Foster homes as defined in NRS 424.014.

3. Any medical facility or facility for the dependent operated and maintained by the United States Government or an agency thereof.

**Sec. 6.** NRS 449.140 is hereby amended to read as follows:

449.140 1. Money received from licensing medical facilities and facilities for the dependent must be forwarded to the State Treasurer for deposit in the State General Fund.

2. The Health Division shall enforce the provisions of NRS 449.001 to 449.245, inclusive, *and sections 2 and 3 of this act*, and may incur any necessary expenses not in excess of money appropriated for that purpose by the State or received from the Federal Government.

**Sec. 7.** NRS 449.160 is hereby amended to read as follows:

449.160 1. The Health Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.001 to 449.240, inclusive, *and sections 2 and 3 of this act* upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.001 to 449.245, inclusive, *and sections 2 and 3 of this act*, or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to this chapter, if such approval is required.

(f) Failure to comply with the provisions of NRS 449.2486.

2. In addition to the provisions of subsection 1, the Health Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Health Division shall maintain a log of any complaints that it receives relating to activities for which the Health Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Health Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Health Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

↪ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Health Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Health Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Health Division pursuant to subsection 2.

**Sec. 8.** NRS 449.163 is hereby amended to read as follows:

449.163 1. If a medical facility or facility for the dependent violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.001 to 449.240, inclusive, *and sections 2 and 3 of this act*, or any condition, standard or regulation adopted by the Board, the Health Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) Impose an administrative penalty of not more than \$1,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(d) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If a violation by a medical facility or facility for the dependent relates to the health or safety of a patient, an administrative penalty imposed pursuant to paragraph (c) of subsection 1 must be in a total amount of not less than \$1,000 and not more than \$10,000 for each patient who was harmed or at risk of harm as a result of the violation.

3. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (c) of subsection 1, the Health Division may:

(a) Suspend the license of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

4. The Health Division may require any facility that violates any provision of NRS 439B.410 or 449.001 to 449.240, inclusive, **and sections 2 and 3 of this act**, or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

5. Any money collected as administrative penalties pursuant to this section must be accounted for separately and used to protect the health or property of the residents of the facility in accordance with applicable federal standards.

**Sec. 9.** ~~NRS 449.200 is hereby amended to read as follows:~~

~~449.200 The Health Division shall:~~

~~1. Prepare a report of the results of its inspections of medical facilities and facilities for the dependent regarding compliance with applicable regulations and standards. The report must be provided to the facility and include, without limitation, a recommendation of the Health Division for correcting any deficiencies and, if a deficiency is discovered as a result of an investigation by a county, district or city board of health or health officer, the recommendations of the board or health officer.~~

~~2. Upon request, disclose to any person or governmental entity the results of its inspections of facilities for skilled nursing, facilities for intermediate care and residential facilities for groups regarding their compliance with applicable regulations and standards.~~

~~3. Immediately provide notice of a deficiency discovered during the course of an inspection of a facility for intermediate care, facility for skilled nursing, residential facility for groups or home for individual residential care to:~~

~~(a) A person receiving care at the facility or home;~~

~~(b) The parent or legal guardian of the person receiving care at the facility or home; or~~

~~(c) Any other natural person designated to receive such notice by the person receiving care at the facility or home or the parent or guardian of the person. (Deleted by amendment.)~~

**Sec. 10.** NRS 449.220 is hereby amended to read as follows:

449.220 1. The Health Division may bring an action in the name of the State to enjoin any person, state or local government unit or agency thereof from operating or maintaining any facility within the meaning of NRS 449.001 to 449.240, inclusive ~~[ ]~~, **and sections 2 and 3 of this act**:

- (a) Without first obtaining a license therefor; or
- (b) After his or her license has been revoked or suspended by the Health Division.

2. It is sufficient in such action to allege that the defendant did, on a certain date and in a certain place, operate and maintain such a facility without a license.

**Sec. 11.** NRS 449.230 is hereby amended to read as follows:

449.230 1. Any authorized member or employee of the Health Division may enter and inspect any building or premises at any time to secure compliance with or prevent a violation of any provision of NRS 449.001 to 449.245, inclusive ~~[ ]~~, **and sections 2 and 3 of this act.**

2. The State Fire Marshal or a designee of the State Fire Marshal shall, upon receiving a request from the Health Division or a written complaint concerning compliance with the plans and requirements to respond to an emergency adopted pursuant to subsection 9 of NRS 449.037:

- (a) Enter and inspect a residential facility for groups; and
  - (b) Make recommendations regarding the adoption of plans and requirements pursuant to subsection 9 of NRS 449.037,
- ↳ to ensure the safety of the residents of the facility in an emergency.

3. The State Health Officer or a designee of the State Health Officer shall enter and inspect at least annually each building or the premises of a residential facility for groups to ensure compliance with standards for health and sanitation.

4. An authorized member or employee of the Health Division shall enter and inspect any building or premises operated by a residential facility for groups within 72 hours after the Health Division is notified that a residential facility for groups is operating without a license.

**Sec. 12.** NRS 449.235 is hereby amended to read as follows:

449.235 ~~Every~~ **In addition to any inspection required pursuant to section 3 of this act, every** medical facility or facility for the dependent may be inspected at any time, with or without notice, as often as is necessary by:

- 1. The Health Division to ensure compliance with all applicable regulations and standards; and
- 2. Any person designated by the Aging and Disability Services Division of the Department of Health and Human Services to investigate complaints made against the facility.

**Sec. 13.** NRS 449.240 is hereby amended to read as follows:

449.240 The district attorney of the county in which the facility is located shall, upon application by the Health Division, institute and conduct the prosecution of any action for violation of any provisions of NRS 449.001 to 449.245, inclusive ~~[ ]~~, **and sections 2 and 3 of this act.**

**Sec. 14.** NRS 449.2493 is hereby amended to read as follows:

449.2493 ~~[The]~~ *In addition to any inspection required pursuant to section 3 of this act, the* Health Division and the Aging and Disability Services Division of the Department of Health and Human Services may:

1. Investigate any complaints against a home for individual residential care and, when conducting such an investigation, may inspect the home during normal business hours, with or without notice.

2. Report to an appropriate state or local agency any violations of state or local laws or regulations discovered during an investigation conducted pursuant to this section.

**Sec. 15.** This act becomes effective upon passage and approval for the purpose of adopting regulations and on October 1, 2011, for all other purposes.

Assemblywoman Mastroluca moved the adoption of the amendment.

Remarks by Assemblywoman Mastroluca.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Mastroluca moved that upon return from the printer Assembly Bill No. 123 be rereferred to the Committee on Ways and Means.

Motion carried.

#### SECOND READING AND AMENDMENT

Assembly Bill No. 147.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 60.

AN ACT relating to domestic relations; providing that the termination of parental rights does not terminate the right of a child to inherit from his or her parent or parents ~~but~~ **except under certain circumstances**; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, upon finding grounds for the termination of parental rights, a court is required to make a written order judicially: (1) depriving the parent or parents of the custody and control of the child; (2) terminating the parental rights of the parent or parents with respect to the child; and (3) placing the custody and control of the child in some person or agency qualified by the laws of this State to provide services and care to children, or to receive any children for placement. (NRS 128.110) **Section 2** of this bill provides that the termination of parental rights does not terminate the right of the child to inherit from his or her parent or parents ~~but~~ **, except that the right to inherit terminates if the child is adopted.** **Section 1** of this bill makes a

corresponding technical change by amending the definition of “parent and child relationship” to delete the reference to the right of inheritance and clarify that the termination of parental rights, which severs the “parent and child relationship,” does not thereby terminate the right of the child to inherit from his or her parent or parents.

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

**Section 1.** NRS 128.015 is hereby amended to read as follows:

128.015 1. “Parent and child relationship” includes all rights, privileges and obligations existing between parent and child . ~~[, including rights of inheritance.]~~

2. As used in this section, “parent” includes an adoptive parent.

**Sec. 2.** NRS 128.110 is hereby amended to read as follows:

128.110 1. Whenever the procedure described in this chapter has been followed, and upon finding grounds for the termination of parental rights pursuant to NRS 128.105 at a hearing upon the petition, the court shall make a written order, signed by the judge presiding in the court, judicially depriving the parent or parents of the custody and control of, and terminating the parental rights of the parent or parents with respect to the child, and declaring the child to be free from such custody or control, and placing the custody and control of the child in some person or agency qualified by the laws of this State to provide services and care to children, or to receive any children for placement. ***The termination of parental rights pursuant to this section does not terminate the right of the child to inherit from his or her parent or parents ~~+~~, except that the right to inherit terminates if the child is adopted as provided in NRS 127.160.***

2. If the child is placed in the custody and control of a person or agency qualified by the laws of this State to receive children for placement, the person or agency, in seeking to place the child:

(a) May give preference to the placement of the child with any person related within the fifth degree of consanguinity to the child whom the person or agency finds suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this State.

(b) Shall, if practicable, give preference to the placement of the child together with his or her siblings.

↪ Any search for a relative with whom to place a child pursuant to this subsection must be completed within 1 year after the initial placement of the child outside of his or her home.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 148.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 88.

AN ACT relating to the protection of children; requiring an investigation to determine whether an infant who is relinquished to a provider of emergency services has been reported as a missing child; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law allows the parent of a child who is not more than 30 days old to take the child to a provider of emergency services and leave the child with the provider of emergency services without the intent to return for the child. In such cases, the child so delivered is presumed abandoned. The parent of the child is not required to provide any information regarding the child and, unless there is reasonable cause to believe that the child has otherwise been abused or neglected, will not be investigated for abuse or neglect. The provider of emergency services is required to inform an agency which provides child welfare services that the provider has taken possession of the child within 24 hours after doing so. (NRS 432B.630) Existing law requires the agency which provides child welfare services, upon receiving such notice, to immediately place the child in protective custody. (NRS 432B.390) This bill requires the provider of emergency services to also notify a law enforcement agency within 24 hours after the provider takes possession of an abandoned child and requires the law enforcement agency to investigate whether the child has been reported as a missing child. **Upon conclusion of the investigation, the law enforcement agency is required to inform the agency which provides child welfare services of its determination, and the agency is required to maintain that information for statistical and research purposes.**

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

**Section 1.** NRS 432B.630 is hereby amended to read as follows:

432B.630 1. A provider of emergency services shall take immediate possession of a child who is or appears to be not more than 30 days old:

(a) When:

(1) The child is voluntarily delivered to the provider by a parent of the child; and

(2) The parent does not express an intent to return for the child; or

(b) When the child is delivered to the provider by another provider of emergency services pursuant to paragraph (b) of subsection 2.

2. A provider of emergency services who takes possession of a child pursuant to subsection 1 shall:

(a) Whenever possible, inform the parent of the child that:

(1) By allowing the provider to take possession of the child, the parent is presumed to have abandoned the child;

(2) By failing or refusing to provide an address where the parent can be located, the parent waives any notice of the hearing to be conducted pursuant to NRS 432B.470; and

(3) Unless the parent contacts the local agency which provides child welfare services, action will be taken to terminate his or her parental rights regarding the child.

(b) Perform any act necessary to maintain and protect the physical health and safety of the child. If the provider is a public fire-fighting agency or a law enforcement agency, the provider shall immediately cause the safe delivery of the child to a hospital, an obstetric center or an independent center for emergency medical care licensed pursuant to chapter 449 of NRS.

(c) As soon as reasonably practicable but not later than 24 hours after the provider takes possession of the child, report that possession to an agency which provides child welfare services ~~[-]~~ ***and, if the provider is not a law enforcement agency, to a law enforcement agency. The law enforcement agency shall investigate through the Clearinghouse established pursuant to NRS 432.170 and , as necessary, any other ~~national~~ resources to determine whether the child has been reported as a missing child. Upon conclusion of the investigation, the law enforcement agency shall inform the agency which provides child welfare services of its determination. The agency which provides child welfare services shall maintain that information for statistical and research purposes.***

3. A parent who delivers a child to a provider of emergency services pursuant to paragraph (a) of subsection 1:

(a) Shall leave the child:

(1) In the physical possession of a person who the parent has reasonable cause to believe is an employee of the provider; or

(2) On the property of the provider in a manner and location that the parent has reasonable cause to believe will not threaten the physical health or safety of the child, and immediately contact the provider, through the local emergency telephone number or otherwise, and inform the provider of the delivery and location of the child. A provider of emergency services is not

liable for any civil damages as a result of any harm or injury sustained by a child after the child is left on the property of the provider pursuant to this subparagraph and before the provider is informed of the delivery and location of the child pursuant to this subparagraph or the provider takes physical possession of the child, whichever occurs first.

(b) Shall be deemed to have given consent to the performance of all necessary emergency services and care for the child.

(c) Must not be required to provide any background or medical information regarding the child, but may voluntarily do so.

(d) Unless there is reasonable cause to believe that the child has been abused or neglected, excluding the mere fact that the parent has delivered the child to the provider pursuant to subsection 1:

(1) Must not be required to disclose any identifying information, but may voluntarily do so;

(2) Must be allowed to leave at any time; and

(3) Must not be pursued or followed.

4. As used in this section, “provider of emergency services” means:

(a) A hospital, an obstetric center or an independent center for emergency medical care licensed pursuant to chapter 449 of NRS;

(b) A public fire-fighting agency; or

(c) A law enforcement agency.

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

Assemblywoman Mastroluca moved the adoption of the amendment.

Remarks by Assemblywoman Mastroluca.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Mastroluca moved that upon return from the printer Assembly Bill No. 148 be rereferred to the Committee on Ways and Means.

Motion carried.

#### SECOND READING AND AMENDMENT

Assembly Bill No. 168.

Bill read second time and ordered to third reading.

Assembly Bill No. 203.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 82.

AN ACT relating to contractors; requiring the State Contractors' Board to issue or authorize the issuance of a written administrative citation to a person who acts as a contractor without an active license of the proper classification; ~~increasing the penalty for certain violations of provisions relating to the unlawful use of a license;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Contractors' Board to issue a written administrative citation if the Board, based upon a preponderance of the evidence, has reason to believe that a person has violated any provision of statute or any administrative regulation governing contractors. (NRS 624.341) ~~Section 1 of this~~ **This** bill requires the Board to issue such a citation if a person has acted as a contractor without an active license of the proper classification.

~~Existing law establishes criminal penalties for violations of certain provisions governing contractors. (NRS 624.750) Such violations include, without limitation, misusing a contractor's license, such as acting as a contractor without a license or conspiring with an unlicensed person to perform an unauthorized act, allowing a license to be used by someone who is not licensed and, unless exempt, engaging in the business of or acting as a contractor or submitting a bid on a job without having an active license. (NRS 624.3014, 624.305, 624.700) A first violation of those provisions is a misdemeanor, the second violation is a gross misdemeanor and a third or subsequent violation is a category E felony. (NRS 624.750) Section 2 of this bill increases the penalty for a first or second violation of those provisions so that the first and second violations are gross misdemeanors punishable by a fine of not more than \$10,000, and section 2 further authorizes imprisonment in the county jail for up to 1 year for such violations. The third or a subsequent violation remains a category E felony.~~

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

**Section 1.** NRS 624.341 is hereby amended to read as follows:

624.341 1. If the Board or its designee, based upon a preponderance of the evidence, has reason to believe that a person has ~~committed an~~ :

(a) *Acted as a contractor without an active license of the proper classification issued pursuant to this chapter, the Board or its designee, as appropriate, shall issue or authorize the issuance of a written administrative citation to the person.*

(b) *Committed any other* act which constitutes a violation of this chapter or the regulations of the Board, the Board or its designee, as appropriate, may

issue or authorize the issuance of a written administrative citation to the person.

2. A citation issued pursuant to this section may include, without limitation:

(a) An order to take action to correct a condition resulting from an act that constitutes a violation of this chapter or the regulations of the Board, at the person's cost;

(b) An order to pay an administrative fine not to exceed \$50,000, except as otherwise provided in subsection 1 of NRS 624.300; and

(c) An order to reimburse the Board for the amount of the expenses incurred to investigate the complaint.

~~{2.}~~ 3. If a written citation issued pursuant to ~~[subsection 1]~~ *this section* includes an order to take action to correct a condition resulting from an act that constitutes a violation of this chapter or the regulations of the Board, the citation must state the time permitted for compliance, which must be not less than 15 business days after the date the person receives the citation, and specifically describe the action required to be taken.

~~{3.}~~ 4. The sanctions authorized by ~~[subsection 1]~~ *this section* are separate from, and in addition to, any other remedy, civil or criminal, authorized by this chapter.

~~{4.}~~ 5. The failure of an unlicensed person to comply with a citation or order after it is final is a misdemeanor. If an unlicensed person does not pay an administrative fine imposed pursuant to this section within 60 days after the order of the Board becomes final, the order may be executed upon in the same manner as a judgment issued by a court.

Sec. 2. ~~[NRS 624.750 is hereby amended to read as follows:~~

~~624.750 1. It is unlawful for a person to commit any act or omission described in subsection 1 of NRS 624.3012, subsection 2 of NRS 624.3013, NRS 624.3014 or subsection 1, 3 or 7 of NRS 624.3016.~~

~~2. Unless a greater penalty is otherwise provided by a specific statute, any person who violates [subsection 1, NRS 624.305, subsection 1 of NRS 624.700 or] *subsection 1 of NRS 624.3012, subsection 2 of NRS 624.3013, subsection 1, 3 or 7 of NRS 624.3016 or NRS 624.720 or 624.740:*~~

~~(a) For a first offense, is guilty of a misdemeanor and shall be punished by a fine of not more than \$1,000, and may be further punished by imprisonment in the county jail for not more than 6 months.~~

~~(b) For the second offense, is guilty of a gross misdemeanor and shall be punished by a fine of not less than \$2,000 nor more than \$4,000, and may be further punished by imprisonment in the county jail for not more than 1 year.~~

~~(c) For the third or subsequent offense, is guilty of a category E felony and shall be punished by a fine of not less than \$5,000 nor more than \$10,000 and~~

may be further punished by imprisonment in the state prison for not less than 1 year and not more than 4 years.

~~3. Any person who violates NRS 624.3014 or 624.305 or subsection 1 of NRS 624.700:~~

~~(a) For a first or second offense, is guilty of a gross misdemeanor and shall be punished by a fine of not less than \$2,000 nor more than \$10,000 and may be further punished by imprisonment in the county jail for not more than 1 year.~~

~~(b) For the third or subsequent offense is guilty of a category E felony and shall be punished by a fine of not less than \$5,000 nor more than \$10,000 and may be further punished by imprisonment in the state prison for not less than 1 year and not more than 4 years.~~

~~4. It is unlawful for a person to receive money for the purpose of obtaining or paying for services, labor, materials or equipment if the person:~~

~~(a) Willfully fails to use that money for that purpose by failing to complete the improvements for which the person received the money or by failing to pay for any services, labor, materials or equipment provided for that construction; and~~

~~(b) Wrongfully diverts that money to a use other than that for which it was received.~~

~~[4.] 5. Unless a greater penalty is otherwise provided by a specific statute, any person who violates subsection [3:] 4:~~

~~(a) If the amount of money wrongfully diverted is \$1,000 or less, is guilty of a gross misdemeanor and shall be punished by a fine of not less than \$2,000 nor more than \$4,000, and may be further punished by imprisonment in the county jail for not more than 1 year.~~

~~(b) If the amount of money wrongfully diverted is more than \$1,000, is guilty of a category E felony and shall be punished by a fine of not less than \$5,000 nor more than \$10,000, and may be further punished by imprisonment in the state prison for not less than 1 year and not more than 4 years.~~

~~[5.] 6. Imposition of a penalty provided for in this section is not precluded by any disciplinary action taken by the Board against a contractor pursuant to the provisions of NRS 624.300 to 624.305, inclusive. (Deleted by amendment.)~~

Assemblyman Atkinson moved the adoption of the amendment.

Remarks by Assemblyman Atkinson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 214.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 81.

AN ACT relating to escrow accounts; requiring that certain disbursements of money from escrow accounts be payable in United States currency; **requiring that certain disbursements of money from escrow accounts be disbursed in accordance with federal law governing next-day availability of such money;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law governs the disbursement of money held in escrow relating to certain transactions and prohibits disbursements from an escrow account on the same business day as the money is deposited unless the deposit is made in certain forms which allow for the immediate withdrawal of the money. (NRS 645A.171) This bill requires certain disbursements which are available on the same business day as that on which the money is deposited to be payable in United States currency. **This bill also requires that money in an escrow account which is accorded next-day availability be disbursed in accordance with all applicable federal laws.**

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

**Section 1.** NRS 645A.171 is hereby amended to read as follows:

645A.171 1. No escrow officer or person who acts as an escrow agent may disburse money from an escrow account unless deposits which are at least equal in value to the proposed disbursements and which relate directly to the transaction for which the money is to be disbursed have been received.

2. No escrow officer or person who acts as an escrow agent may disburse money from an escrow account on the same business day as the money is deposited unless the deposit is made in one of the following forms:

(a) Cash;

(b) Interbank electronic transfer such that the money deposited is available for immediate withdrawal without condition ~~[;]~~ ***and payable in United States currency;***

(c) Negotiable order of withdrawal, money order, cashier's check or certified check which is payable in this State and which is drawn from a financial institution located in this State;

(d) Any depository check, including any cashier's check or teller's check, that is governed by the Expedited Funds Availability Act, 12 U.S.C. §§ 4001 et seq.; or

(e) Any other form that permits conversion of the deposit to cash on the same day as the deposit is made.

3. *An escrow officer or person who acts as an escrow agent who disburses money from an escrow account pursuant to this section on the next business day after the day on which the money is deposited shall comply with all applicable federal laws or regulations with respect to the disbursement of money accorded next-day availability that is deposited in an escrow account.*

4. As used in this section, “escrow officer” has the meaning ascribed to it in NRS 692A.028.

Assemblyman Atkinson moved the adoption of the amendment.

Remarks by Assemblyman Atkinson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 262.

Bill read second time and ordered to third reading.

Assembly Bill No. 280.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 110.

SUMMARY—Requires the adoption of patient safety checklists **and patient safety policies** at certain medical facilities. (BDR 40-517)

AN ACT relating to public health; requiring certain medical facilities to establish patient safety checklists ~~and~~ **and patient safety policies**; revising the requirements of the patient safety plans of certain medical facilities to include the patient safety checklists ~~and~~ **and patient safety policies**; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires certain medical facilities to adopt patient safety plans and establish patient safety committees to oversee matters relating to the health and safety of patients at the facilities. (NRS 439.865, 439.875) **Sections 1 and 5** of this bill require the patient safety committee of such a medical facility to adopt certain patient safety checklists to improve the health outcomes of patients in the medical facility ~~and~~ **and patient safety policies**. **Sections 1 and 5** also require the patient safety committee to review those checklists **and policies** at least annually and revise the checklists **and policies** as necessary. **Section 1** also provides for annual reporting by the patient safety committees to the Legislative Committee on Health Care. **Section 4** of this bill requires the patient safety checklists **and patient safety policies** to be included in the patient safety plan established for the medical facility.

**Section 7** of this bill provides that existing administrative sanctions which may be imposed against a medical facility that fails to adopt a patient safety plan or establish a patient safety committee may be imposed against a medical facility for a violation of **section 1**.

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

**Section 1.** Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

**1. *The patient safety committee established pursuant to NRS 439.875 by a medical facility shall adopt patient safety checklists and patient safety policies for use by ~~providers~~ ;***

***(a) Providers of health care who provide treatment to patients at the medical facility ;***

***(b) Other personnel of the medical facility who provide treatment or assistance to patients;***

***(c) Employees of the medical facility who do not provide treatment to patients but whose duties affect the health or welfare of the patients at the facility, including, without limitation, a janitor of the medical facility; and***

***(d) Persons with whom the medical facility enters into a contract to provide treatment to patients or to provide services which may affect the health or welfare of patients at the facility.***

**2. *The patient safety checklists adopted pursuant to subsection 1 must ~~be designed to ensure that the providers of health care~~ follow ~~a recognized protocol~~ protocols to improve the health outcomes of patients at the medical facility and must include, without limitation:***

***(a) ~~A checklist for appropriately identifying a patient and ensuring that the patient is being provided the treatment ordered by a provider of health care, including, without limitation, requiring providers of health care positively to identify the patient upon each interaction;~~ Checklists related to specific types of treatment. Such checklists must include, without limitation, a requirement to document that the treatment provided was properly ordered by the provider of health care.***

***(b) ~~A checklist~~ Checklists for ensuring that ~~each provider of health care adheres to the universal precautions protocol, including, without limitation, requiring a provider of health care to wash his or her hands before and after every interaction with a patient and after coming into direct contact with a surface or object which may be contaminated; and~~ employees of the medical facility and contractors with the medical facility who are not providers of health care follow protocols to ensure that the room and environment of the patient is sanitary.***

(c) A checklist to be used when discharging a patient from the facility which includes, without limitation, verifying that the patient received:

- (1) Proper instructions concerning prescription medications;
- (2) Instructions concerning aftercare; and
- (3) Any other instructions concerning his or her care upon discharge.

(d) Any other checklists which may be appropriate ~~for the type of treatment provided~~ to ensure the safety of patients at the medical facility, ~~for which may be required by the State Board of Health.~~

~~2~~ 3. The patient safety policies adopted pursuant to subsection 1 must include, without limitation:

(a) A policy for appropriately identifying a patient before providing treatment. Such a policy must require the patient to be identified with at least two personal identifiers before each interaction with a provider of health care. The personal identifiers may include, without limitation, the name and date of birth of the patient.

(b) A policy regarding the nationally recognized standard precautionary protocols to be observed by providers of health care at the medical facility including, without limitation, protocols relating to hand hygiene.

(c) A policy to ensure compliance with the patient safety checklists and patient safety policies adopted pursuant to this section, which may include, without limitation, active surveillance. Active surveillance may include, without limitation, a system for reporting violations, peer-to-peer communication, video monitoring and audits of sanitation materials.

4. The patient safety committee shall:

(a) Monitor and document the effectiveness of the patient identification policy adopted pursuant to paragraph (a) of subsection 3.

(b) At least annually, review the patient safety checklists and patient safety policies adopted pursuant to this section and consider any additional patient safety checklists and patient safety policies that may be appropriate for adoption for use at the medical facility.

~~((b))~~ (c) Revise a patient safety checklist and patient safety policy adopted pursuant to this section as necessary to ensure that the checklist or policy, as applicable, reflects the most current standards in patient safety protocols.

~~((c))~~ (d) On or before July 1 of each year, submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Health Care. The report must include information regarding the development, revision and usage of the patient safety checklists and patient safety policies and a summary of the annual review conducted pursuant to paragraph ~~((a))~~ (b).

Sec. 2. NRS 439.800 is hereby amended to read as follows:

439.800 As used in NRS 439.800 to 439.890, inclusive, **and section 1 of this act**, unless the context otherwise requires, the words and terms defined in NRS 439.802 to 439.830, inclusive, have the meanings ascribed to them in those sections.

**Sec. 3.** NRS 439.860 is hereby amended to read as follows:

439.860 Any report, document and any other information compiled or disseminated pursuant to the provisions of NRS 439.800 to 439.890, inclusive, **and section 1 of this act** is not admissible in evidence in any administrative or legal proceeding conducted in this State.

**Sec. 4.** NRS 439.865 is hereby amended to read as follows:

439.865 1. Each medical facility that is located within this state shall develop, in consultation with the providers of health care who provide treatment to patients at the medical facility, an internal patient safety plan to improve the health and safety of patients who are treated at that medical facility. ***The patient safety plan must include, without limitation, the patient safety checklists and patient safety policies most recently adopted pursuant to section 1 of this act.***

2. A medical facility shall submit its patient safety plan to the governing board of the medical facility for approval in accordance with the requirements of this section.

3. After a medical facility's patient safety plan is approved, the medical facility shall notify all providers of health care who provide treatment to patients at the medical facility of the existence of the plan and of the requirements of the plan. A medical facility shall require compliance with its patient safety plan.

**Sec. 5.** NRS 439.875 is hereby amended to read as follows:

439.875 1. A medical facility shall establish a patient safety committee.

2. Except as otherwise provided in subsection 3:

(a) A patient safety committee established pursuant to subsection 1 must be composed of:

(1) The patient safety officer of the medical facility.

(2) At least three providers of health care who treat patients at the medical facility, including, without limitation, at least one member of the medical, nursing and pharmaceutical staff of the medical facility.

(3) One member of the executive or governing body of the medical facility.

(b) A patient safety committee shall meet at least once each month.

3. The Administrator shall adopt regulations prescribing the composition and frequency of meetings of patient safety committees at medical facilities having fewer than 25 employees and contractors.

4. A patient safety committee shall:

(a) Receive reports from the patient safety officer pursuant to NRS 439.870.

(b) Evaluate actions of the patient safety officer in connection with all reports of sentinel events alleged to have occurred at the medical facility.

(c) Review and evaluate the quality of measures carried out by the medical facility to improve the safety of patients who receive treatment at the medical facility.

(d) Make recommendations to the executive or governing body of the medical facility to reduce the number and severity of sentinel events that occur at the medical facility.

(e) At least once each calendar quarter, report to the executive or governing body of the medical facility regarding:

(1) The number of sentinel events that occurred at the medical facility during the preceding calendar quarter; and

(2) Any recommendations to reduce the number and severity of sentinel events that occur at the medical facility.

***(f) Adopt patient safety checklists and patient safety policies as required by section 1 of this act, review the checklists and policies annually and revise the checklists and policies as the patient safety committee determines necessary.***

5. The proceedings and records of a patient safety committee are subject to the same privilege and protection from discovery as the proceedings and records described in NRS 49.265.

**Sec. 6.** NRS 439.880 is hereby amended to read as follows:

439.880 No person is subject to any criminal penalty or civil liability for libel, slander or any similar cause of action in tort if the person, without malice:

1. Reports a sentinel event to a governmental entity with jurisdiction or another appropriate authority;

2. Notifies a governmental entity with jurisdiction or another appropriate authority of a sentinel event;

3. Transmits information regarding a sentinel event to a governmental entity with jurisdiction or another appropriate authority;

4. Compiles, prepares or disseminates information regarding a sentinel event to a governmental entity with jurisdiction or another appropriate authority; or

5. Performs any other act authorized pursuant to NRS 439.800 to 439.890, inclusive ~~[-]~~, ***and section 1 of this act.***

**Sec. 7.** NRS 439.885 is hereby amended to read as follows:

439.885 1. If a medical facility:

(a) Commits a violation of any provision of NRS 439.800 to 439.890, inclusive, ***and section 1 of this act,*** or for any violation for which an

administrative sanction pursuant to NRS 449.163 would otherwise be applicable; and

(b) Of its own volition, reports the violation to the Administrator,  
↳ such a violation must not be used as the basis for imposing an administrative sanction pursuant to NRS 449.163.

2. If a medical facility commits a violation of any provision of NRS 439.800 to 439.890, inclusive, *and section 1 of this act* and does not, of its own volition, report the violation to the Administrator, the Health Division may, in accordance with the provisions of subsection 3, impose an administrative sanction:

(a) For failure to report a sentinel event, in an amount not to exceed \$100 per day for each day after the date on which the sentinel event was required to be reported pursuant to NRS 439.835;

(b) For failure to adopt and implement a patient safety plan pursuant to NRS 439.865, in an amount not to exceed \$1,000 for each month in which a patient safety plan was not in effect; and

(c) For failure to establish a patient safety committee or failure of such a committee to meet pursuant to the requirements of NRS 439.875, in an amount not to exceed \$2,000 for each violation of that section.

3. Before the Health Division imposes an administrative sanction pursuant to subsection 2, the Health Division shall provide the medical facility with reasonable notice. The notice must contain the legal authority, jurisdiction and reasons for the action to be taken. If a medical facility wants to contest the action, the facility may file an appeal pursuant to the regulations of the State Board of Health adopted pursuant to NRS 449.165 and 449.170. Upon receiving notice of an appeal, the Health Division shall hold a hearing in accordance with those regulations.

4. An administrative sanction collected pursuant to this section must be accounted for separately and used by the Health Division to provide training and education to employees of the Health Division, employees of medical facilities and members of the general public regarding issues relating to the provision of quality and safe health care.

**Sec. 8.** NRS 439.890 is hereby amended to read as follows:

439.890 The State Board of Health shall adopt such regulations as the Board determines to be necessary or advisable to carry out the provisions of NRS 439.800 to 439.890, inclusive ~~{ }~~, *and section 1 of this act*.

**Sec. 9.** This act becomes effective on July 1, 2011.

Assemblywoman Mastroluca moved the adoption of the amendment.

Remarks by Assemblywoman Mastroluca.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 358.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 126.

AN ACT relating to manufactured buildings; requiring the Administrator of the Manufactured Housing Division of the Department of Business and Industry to adopt regulations prescribing certain safety standards with respect to portable buildings; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Administrator of the Manufactured Housing Division of the Department of Business and Industry to adopt regulations with respect to the construction, assembly, installation and use of certain structures. (NRS 489.231, 489.241-489.261) **Section 3** of this bill requires the Administrator to adopt regulations prescribing safety standards for the construction, transportation, installation, inspection, maintenance, repair and use of a portable building. A person who violates a regulation adopted by the Administrator pursuant to existing law or **section 3** is subject to an administrative fine and a civil penalty. (NRS 489.381, 489.421, 489.811)

**Section 5** of this bill exempts a portable building and a single-wide commercial coach not for public use from regulation as a commercial coach. ~~{Section 6 of this bill provides that a portable building is a manufactured building.}~~

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

**Section 1.** Chapter 489 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

**Sec. 2.** *“Portable building” means a structure which:*

1. *Is at ground level ~~is~~, has no axles and rests on the surface of the ground;*
2. *Is for nonresidential ~~and private~~ use;*
3. *Is not a fixture or improvement to real property;*
4. *Is designed to be used without a permanent foundation; and*
5. *Contains an electrical system with a component that allows for the quick connection or disconnection of the electrical system to a source of electricity.*

**Sec. 3.** *The Administrator shall adopt regulations prescribing safety standards for:*

1. *The construction, transportation, installation and use of a portable building;*

**2. The inspection of any plumbing, heating, cooling, fuel burning or electrical system contained in a portable building; and**

**3. The maintenance and repair of a portable building.**

**Sec. 4.** NRS 489.031 is hereby amended to read as follows:

489.031 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 489.036 to 489.155, inclusive, **and section 2 of this act** have the meanings ascribed to them in those sections.

**Sec. 5.** NRS 489.062 is hereby amended to read as follows:

489.062 “Commercial coach” means a structure without motive power which is designed and equipped for human occupancy for industrial, professional or commercial purposes. The term does not include a recreational park trailer ~~[ ]~~, ~~nor~~ **portable building** ~~nor~~ **or single-wide commercial coach not for public use.**

**Sec. 6.** ~~NRS 461.132 is hereby amended to read as follows:~~

~~461.132 “Manufactured building” means any modular building or any building which is constructed in whole or in substantial part using modular components, but does not include a recreational park trailer. The term includes a portable building as defined in section 2 of this act.] (Deleted by amendment.)~~

Assemblyman Atkinson moved the adoption of the amendment.

Remarks by Assemblyman Atkinson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Atkinson moved that upon return from the printer Assembly Bill No. 358 be rereferred to the Committee on Ways and Means.

Motion carried.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 2.

Bill read third time.

Remarks by Assemblywoman Kirkpatrick.

Roll call on Assembly Bill No. 2:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 2 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 152.

Bill read third time.

Remarks by Assemblyman Atkinson.

Roll call on Assembly Bill No. 152:

YEAS—27.

NAYS—Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirner, Kite, Livermore, McArthur, Sherwood—14.

EXCUSED—Ohrenschall.

Assembly Bill No. 152 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 156.

Bill read third time.

Remarks by Assemblyman Frierson.

Roll call on Assembly Bill No. 156:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 156 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 306.

Bill read third time.

Remarks by Assemblyman Kite.

Roll call on Assembly Bill No. 306:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 306 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 322.

Bill read third time.

Remarks by Assemblymen Smith, Hansen, and Bobzien.

Roll call on Assembly Bill No. 322:

YEAS—35.

NAYS—Hansen, Hardy, Hickey, Kirner, Kite, McArthur—6.

EXCUSED—Ohrenschall.

Assembly Bill No. 322 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 451.

Bill read third time.

Remarks by Assemblywoman Pierce.

Roll call on Assembly Bill No. 451:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 451 having received a constitutional majority,  
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 464.

Bill read third time.

Remarks by Assemblyman Frierson.

Roll call on Assembly Bill No. 464:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 464 having received a constitutional majority,  
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

#### UNFINISHED BUSINESS

#### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 10, 11, 66, and 103.

#### GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Charlotte Nicely, David Nicely, and Mary Nicely.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from George L. Dilworth Middle School: Brianna Aguirre, Lauren Aguirre, Esmeralda Barajas, Miranda Brown, Brandon Bush, Sierra Damers, Luis Dalatorre, Marco Flores, Christian Gogo, Ricardo Guadron, Jenni Gullstrom, Matthew Johnson, Daniel Lopez Jr., Alexander Orejel Oliva, Khusbu Patel, Kenneth Peterson, Leslie Rea Aguilar, Nathan Acero, Ziola Avila Caudillo, Kayty Bahr, Halen Baker, Maria Cordova, Aurelio Cortes, Christian Crank, Cristal DeLaRiva, Eugenia Gonzalez, Victor Gonzalez Jr., Christopher Kaulitzke, Myra Lara, Alissa Lauer, Omar Lopez-Chavez, Tatianna Macias, Porsha Major, Dennis Martin, Cheyenne McGrogan, Logan Ramirez Barrera, Dario Rodriguez Bernardino Jr., Itzayana Silva, Ryan Avants, Benjamin Belmontes, Luke Cooper, Angie Cruz Nicolas, Patrick Dallas, Ricardo Garcia Reyes, Ashten Gonzales, Bridgette Grable,

Noah Neely, Amanda Norris, Roderick Po'oi, Jasmine Ramirez, Grace Christine Reimel, Jose Rios Hernandez, Andrea Saldana, Kasandra Sanchez, Brock Tilton, Jesse Valdes, Kayla Advincula, Adam Barrie, Giselle Chavez Rivera, Julie Cook, Cruz Garcia Jr., Whitney Ginn, Jose Jose Paolo, Marina Leigh, Andrew Lucas, Bryce McNeil, Valeria Nava Flores, Brian Palacios Bustos, Miguel Perez, Carlos Ramirez, Dominick Rowley, Brayan Segura, Sarah Shirley, Chris Aguero, Alexis Fall, Henry Fournier, Deborah Rowley, Mike Bush, Yanira Maldonado, Janet Peterson, Jen Powers, Colleen Knecht, Meredith Biggs, Keeli Parga, Taylor Clark, Cristal Cisneros, and Steve Felsing.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Lilian Brooke Bouza and William Curry.

On request of Assemblyman Goedhart, the privilege of the floor of the Assembly Chamber for this day was extended to William B. J. Baker.

On request of Assemblyman Kite, the privilege of the floor of the Assembly Chamber for this day was extended to Brett McCaskill.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Bordewich Bray Elementary School: Camron Bass, Emilee Bobbitt, Sophie Callos, Kristian Chicas, Sipseanna Cossio, Eduardo DeLeon Fernandez, Stacy Ferrel, Eliseo Garcia Cruz, Sethro Griffith, Breonna Hutchinson, Austin Martinez, Jose Ramos Talamantes, Antonio Rivas Gonzales, Areli Rivera, Nathan Rivera, Elijah Romero, Brooklyn Smith, Bryce Stimka, Andrew Street, Bryan Tabora, Linsey Taylor, Brenda Jimenez, Ali Stimka, Nicole Medeiros, and Emily Hinman.

Assemblyman Conklin moved that the Assembly adjourn until Monday, April 11, 2011, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:28 p.m.

Approved:

JOHN OCEGUERA  
*Speaker of the Assembly*

Attest: SUSAN FURLONG

*Chief Clerk of the Assembly*