
ASSEMBLY BILL NO. 303—ASSEMBLYMEN JONES, DICKMAN, FIORE,
MOORE, SHELTON; ARMSTRONG, ELLISON, GARDNER,
MUNFORD, OHRENSCHALL AND TROWBRIDGE

MARCH 13, 2015

JOINT SPONSOR: SENATOR GUSTAVSON

Referred to Committee on Education

SUMMARY—Revises provisions governing academic standards in public schools. (BDR 34-886)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 5)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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

AN ACT relating to education; removing the requirement that a pupil pass current end-of-course examinations in certain subject areas; requiring the State Board of Education to prescribe an examination to determine whether a pupil has mastered certain standards of content and performance; voiding the regulations through which the State Board of Education adopted the Common Core State Standards; providing for certain former standards in this State to become effective; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law creates the Council to Establish Academic Standards for Public
2 Schools and requires the Council to: (1) establish standards of content and
3 performance for certain courses of study; and (2) forward these standards to the
4 State Board of Education for adoption. (NRS 389.510, 389.520) Existing law
5 authorizes the State Board to adopt regulations to establish such standards. (NRS
6 385.080, 389.520) Existing law also requires the State Board to adopt regulations
7 establishing courses of study and the grade levels for which the courses of study
8 apply for certain subjects. (NRS 389.0185)



9 **Section 7** of this bill voids the regulations through which the State Board
10 adopted the Common Core State Standards on July 1, 2015. **Section 7** also makes
11 the regulations that established standards of content and performance that were in
12 effect before the State Board adopted the Common Core State Standards effective
13 upon the repeal of those standards. **Sections 5 and 6** of this bill make conforming
14 changes.

15 Existing law requires the State Board to adopt regulations that prescribe the
16 criteria for a pupil to receive a standard high school diploma. Existing law requires
17 this criteria to include, without limitation, the requirement that a pupil pass end-of-
18 course examinations in the subject areas for which the State Board has adopted the
19 common core standards. (NRS 389.805) This requirement was enacted to assist
20 with the implementation of Common Core State Standards. Because this bill voids
21 the Common Core State Standards, **section 3** of this bill eliminates this requirement
22 and instead requires a pupil to successfully complete an examination prescribed by
23 regulation of the State Board to determine whether the pupil has mastered certain
24 standards of content and performance. **Sections 1, 2 and 4** of this bill make
25 conforming changes.

26 Existing law requires the State Board to develop model curriculum for English
27 language arts and mathematics for each grade level. Existing law also requires the
28 Department of Education to provide such curriculum to the board of trustees of
29 each school district and the governing body of each regional training program for
30 the professional development of teachers and administrators. (NRS 389.0187)
31 These requirements were enacted to assist school districts with implementation of
32 the Common Core State Standards by providing teachers in the school districts with
33 an example from which to instruct pupils or a product for implementing the
34 Common Core State Standards. (Chapter 109, Statutes of Nevada 2011, p. 476)
35 Because this bill voids the Common Core State Standards, **section 9** of this bill
36 repeals these requirements.

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

1 **Section 1.** NRS 386.550 is hereby amended to read as follows:

2 386.550 1. A charter school shall:

3 (a) Comply with all laws and regulations relating to
4 discrimination and civil rights.

5 (b) Remain nonsectarian, including, without limitation, in its
6 educational programs, policies for admission and employment
7 practices.

8 (c) Refrain from charging tuition or fees, levying taxes or
9 issuing bonds.

10 (d) Comply with any plan for desegregation ordered by a court
11 that is in effect in the school district in which the charter school is
12 located.

13 (e) Comply with the provisions of chapter 241 of NRS.

14 (f) Except as otherwise provided in this paragraph, schedule and
15 provide annually at least as many days of instruction as are required
16 of other public schools located in the same school district as the
17 charter school is located. The governing body of a charter school



1 may submit a written request to the Superintendent of Public
2 Instruction for a waiver from providing the days of instruction
3 required by this paragraph. The Superintendent of Public Instruction
4 may grant such a request if the governing body demonstrates to the
5 satisfaction of the Superintendent that:

6 (1) Extenuating circumstances exist to justify the waiver; and

7 (2) The charter school will provide at least as many hours or
8 minutes of instruction as would be provided under a program
9 consisting of 180 days.

10 (g) Cooperate with the board of trustees of the school district in
11 the administration of the examinations administered pursuant to
12 NRS 389.550 and, if the charter school enrolls pupils at a high
13 school grade level, the ~~end of course examinations administered~~
14 *examination prescribed by the State Board* pursuant to *subsection*
15 *2 of* NRS 389.805 and the college and career readiness assessment
16 administered pursuant to NRS 389.807 to the pupils who are
17 enrolled in the charter school.

18 (h) Comply with applicable statutes and regulations governing
19 the achievement and proficiency of pupils in this State.

20 (i) Provide instruction in the core academic subjects set forth in
21 subsection 1 of NRS 389.018, as applicable for the grade levels of
22 pupils who are enrolled in the charter school, and provide at least
23 the courses of study that are required of pupils by statute or
24 regulation for promotion to the next grade or graduation from a
25 public high school and require the pupils who are enrolled in the
26 charter school to take those courses of study. This paragraph does
27 not preclude a charter school from offering, or requiring the pupils
28 who are enrolled in the charter school to take, other courses of study
29 that are required by statute or regulation.

30 (j) If the parent or legal guardian of a child submits an
31 application to enroll in kindergarten, first grade or second grade at
32 the charter school, comply with NRS 392.040 regarding the ages for
33 enrollment in those grades.

34 (k) Refrain from using public money to purchase real property
35 or buildings without the approval of the sponsor.

36 (l) Hold harmless, indemnify and defend the sponsor of the
37 charter school against any claim or liability arising from an act or
38 omission by the governing body of the charter school or an
39 employee or officer of the charter school. An action at law may not
40 be maintained against the sponsor of a charter school for any cause
41 of action for which the charter school has obtained liability
42 insurance.

43 (m) Provide written notice to the parents or legal guardians of
44 pupils in grades 9 to 12, inclusive, who are enrolled in the charter
45 school of whether the charter school is accredited by the



1 Commission on Schools of the Northwest Association of Schools
2 and of Colleges and Universities.

3 (n) Adopt a final budget in accordance with the regulations
4 adopted by the Department. A charter school is not required to adopt
5 a final budget pursuant to NRS 354.598 or otherwise comply with
6 the provisions of chapter 354 of NRS.

7 (o) If the charter school provides a program of distance
8 education pursuant to NRS 388.820 to 388.874, inclusive, comply
9 with all statutes and regulations that are applicable to a program of
10 distance education for purposes of the operation of the program.

11 2. A charter school shall not provide instruction through a
12 program of distance education to children who are exempt from
13 compulsory attendance authorized by the State Board pursuant to
14 subsection 1 of NRS 392.070. As used in this subsection, "distance
15 education" has the meaning ascribed to it in NRS 388.826.

16 **Sec. 2.** NRS 386.740 is hereby amended to read as follows:
17 386.740 1. Each empowerment plan for a school must:

18 (a) Set forth the manner by which the school will be governed;

19 (b) Set forth the proposed budget for the school, including,
20 without limitation, the cost of carrying out the empowerment plan,
21 and the manner by which the money apportioned to the school will
22 be administered;

23 (c) Prescribe the academic plan for the school, including,
24 without limitation, the manner by which courses of study will be
25 provided to the pupils enrolled in the school and any special
26 programs that will be offered for pupils;

27 (d) Prescribe the manner by which the achievement of pupils
28 will be measured and reported for the school, including, without
29 limitation, the results of the pupils on the examinations administered
30 pursuant to NRS 389.550 and, if applicable for the grade levels of
31 the empowerment school, the ~~end-of-course examinations~~
32 ~~administered~~ *examination prescribed by the State Board* pursuant
33 to *subsection 2 of* NRS 389.805 and the college and career
34 readiness assessment administered pursuant to NRS 389.807;

35 (e) Prescribe the manner by which teachers and other licensed
36 educational personnel will be selected and hired for the school,
37 which must be determined and negotiated pursuant to chapter 288 of
38 NRS;

39 (f) Prescribe the manner by which all other staff for the school
40 will be selected and hired, which must be determined and negotiated
41 pursuant to chapter 288 of NRS;

42 (g) Indicate whether the empowerment plan will offer an
43 incentive pay structure for staff and a description of that pay
44 structure, if applicable;



1 (h) Indicate the intended ratio of pupils to teachers at the school,
2 designated by grade level, which must comply with NRS 388.700 or
3 388.720, as applicable;

4 (i) Provide a description of the professional development that
5 will be offered to the teachers and other licensed educational
6 personnel employed at the school;

7 (j) Prescribe the manner by which the empowerment plan will
8 increase the involvement of parents and legal guardians of pupils
9 enrolled in the school;

10 (k) Comply with the plan to improve the achievement of the
11 pupils enrolled in the school prepared pursuant to NRS 385.357;

12 (l) Address the specific educational needs and concerns of the
13 pupils who are enrolled in the school; and

14 (m) Set forth the calendar and schedule for the school.

15 2. If the empowerment plan includes an incentive pay structure,
16 that pay structure must:

17 (a) Provide an incentive for all staff employed at the school;

18 (b) Set forth the standards that must be achieved by the pupils
19 enrolled in the school and any other measurable objectives that must
20 be met to be eligible for incentive pay; and

21 (c) Be in addition to the salary or hourly rate of pay negotiated
22 pursuant to chapter 288 of NRS that is otherwise payable to the
23 employee.

24 3. An empowerment plan may:

25 (a) Request a waiver from a statute contained in this title or a
26 regulation of the State Board or the Department.

27 (b) Identify the services of the school district which the school
28 wishes to receive, including, without limitation, professional
29 development, transportation, food services and discretionary
30 services. Upon approval of the empowerment plan, the school
31 district may deduct from the total apportionment to the
32 empowerment school the costs of such services.

33 4. For purposes of determining the budget pursuant to
34 paragraph (b) of subsection 1, if a public school which converts to
35 an empowerment school is a:

36 (a) Charter school, the amount of the budget is the amount equal
37 to the apportionments and allowances from the State Distributive
38 School Account pursuant to NRS 387.121 to 387.126, inclusive, and
39 its proportionate share of any other money available from federal,
40 state or local sources that the school or the pupils enrolled in the
41 school are eligible to receive.

42 (b) Public school, other than a charter school, the empowerment
43 team for the school shall have discretion of 90 percent of the amount
44 of money from the state financial aid and local funds that the school
45 district apportions for the school, without regard to any line-item



1 specifications or specific uses determined advisable by the school
2 district, unless the empowerment team determines that a lesser
3 amount is necessary to carry out the empowerment plan.

4 **Sec. 3.** NRS 389.805 is hereby amended to read as follows:

5 389.805 1. A pupil with a disability who does not satisfy the
6 requirements for receipt of a standard high school diploma may
7 receive a diploma designated as an adjusted diploma if the pupil
8 satisfies the requirements set forth in his or her individualized
9 education program. As used in this subsection, "individualized
10 education program" has the meaning ascribed to it in 20 U.S.C. §
11 1414(d)(1)(A).

12 2. The State Board shall adopt regulations that prescribe the ~~[-~~
13 ~~—(a) Criteria]~~ *criteria* for a pupil to receive a standard high school
14 diploma, which must include, without limitation, the requirement
15 that ~~[-~~

16 ~~—(1) Commencing with the 2014 2015 school year and each~~
17 ~~school year thereafter, a pupil enrolled]~~ *a pupil:*

18 (a) *Enrolled* in grade 11 take the college and career readiness
19 assessment administered pursuant to NRS 389.807;

20 ~~[-(2) Commencing with the 2014 2015 school year and each~~
21 ~~school year thereafter, a pupil enroll]~~

22 (b) *Enroll* in the courses of study designed to prepare the pupil
23 for graduation from high school and for readiness for college and
24 career; and

25 ~~[-(3) Commencing with the 2014 2015 school year and each~~
26 ~~school year thereafter, a pupil pass at least four end of course~~
27 ~~examinations prescribed pursuant to paragraph (b)-~~

28 ~~—(b) Courses of study in which pupils must pass the end of~~
29 ~~course examinations required by subparagraph (3) of paragraph (a),~~
30 ~~which must include, without limitation, the subject areas for which~~
31 ~~the State Board has adopted the common core standards and which~~
32 ~~may include any other courses of study prescribed by the State~~
33 ~~Board.]~~

34 (c) ~~[-The maximum number of times, if any, that a pupil is~~
35 ~~allowed to take the end of course examinations if the pupil fails to~~
36 ~~pass the examinations after the first administration.]~~ *Successfully*
37 *complete an examination prescribed by the State Board to*
38 *determine whether the pupil has mastered the standards of content*
39 *and performance established by the Council to Establish*
40 *Academic Standards for Public Schools pursuant to NRS 389.520.*

41 3. The criteria prescribed by the State Board pursuant to
42 subsection 2 for a pupil to receive a standard high school diploma
43 must not include the results of the pupil on the college and career
44 readiness assessment administered to the pupil in grade 11 pursuant
45 to NRS 389.807.



1 4. If a pupil does not satisfy the requirements prescribed by the
2 State Board to receive a standard high school diploma, the pupil
3 must not be issued a certificate of attendance or any other document
4 indicating that the pupil attended high school but did not satisfy the
5 requirements for such a diploma. The provisions of this subsection
6 do not apply to a pupil who receives an adjusted diploma pursuant
7 to subsection 1.

8 **Sec. 4.** NRS 389.809 is hereby amended to read as follows:

9 389.809 1. The Department shall develop an informational
10 pamphlet concerning the ~~{end-of-course-examinations-required}~~
11 *examination prescribed by the State Board* pursuant to *subsection*
12 *2 of NRS 389.805* and the college and career readiness assessment
13 administered pursuant to NRS 389.807 for pupils who are enrolled
14 in junior high, middle school and high school, and their parents and
15 legal guardians. The pamphlet must include a written explanation of
16 the:

17 (a) Importance of ~~{passing}~~ *successfully completing* the ~~{end-of-~~
18 ~~course-examinations}~~ *examination prescribed by the State Board*
19 *pursuant to subsection 2 of NRS 389.805* and the importance of
20 taking the college and career readiness assessment;

21 (b) Courses of study ~~{for which the end-of-course-examinations~~
22 ~~are administered}~~ *tested on the examination prescribed by the State*
23 *Board pursuant to subsection 2 of NRS 389.805* and the subject
24 areas tested on the college and career readiness assessment; *and*

25 (c) Format for the ~~{end-of-course-examinations}~~ *examination*
26 *prescribed by the State Board pursuant to subsection 2 of NRS*
27 *389.805* and the college and career readiness assessment, including,
28 without limitation, the range of items that are contained on the
29 examinations and the assessment. ~~}; and~~

30 ~~—(d) Maximum number of times, if any, that a pupil is allowed to~~
31 ~~take the end-of-course-examinations if the pupil fails to pass the~~
32 ~~examinations after the first administration.]~~

33 2. The Department shall review the pamphlet on an annual
34 basis and make such revisions to the pamphlet as it considers
35 necessary to ensure that pupils and their parents or legal guardians
36 fully understand the ~~{end-of-course-examinations}~~ *examination*
37 *prescribed by the State Board pursuant to subsection 2 of NRS*
38 *389.805* and the college and career readiness assessment.

39 3. On or before September 1, the Department shall provide a
40 copy of the pamphlet or revised pamphlet to the board of trustees of
41 each school district and the governing body of each charter school
42 that includes pupils enrolled in a junior high, middle school or high
43 school grade level.

44 4. The board of trustees of each school district shall provide a
45 copy of the pamphlet to each junior high, middle school or high



1 school within the school district for posting. The governing body of
2 each charter school shall ensure that a copy of the pamphlet is
3 posted at the charter school. Each principal of a junior high, middle
4 school, high school or charter school shall ensure that the teachers,
5 counselors and administrators employed at the school fully
6 understand the contents of the pamphlet.

7 5. On or before October 1, the:

8 (a) Board of trustees of each school district shall provide a copy
9 of the pamphlet to each pupil who is enrolled in a junior high,
10 middle school or high school of the school district and to the parents
11 or legal guardians of such a pupil.

12 (b) Governing body of each charter school shall provide a copy
13 of the pamphlet to each pupil who is enrolled in the charter school at
14 a junior high, middle school or high school grade level and to the
15 parents or legal guardians of such a pupil.

16 **Sec. 5.** NRS 391.544 is hereby amended to read as follows:

17 391.544 1. Based upon the assessment of needs for training
18 within the region and priorities of training adopted by the governing
19 body pursuant to NRS 391.540, each regional training program shall
20 provide:

21 (a) Training for teachers and other licensed educational
22 personnel in the:

23 (1) Standards established by the Council to Establish
24 Academic Standards for Public Schools pursuant to NRS 389.520;

25 (2) ~~Curriculum and instruction required for the common~~
26 ~~core state standards adopted by the State Board;~~

27 ~~—(3)~~ Curriculum and instruction recommended by the
28 Teachers and Leaders Council of Nevada; and

29 ~~[(4)]~~ (3) Culturally relevant pedagogy, taking into account
30 cultural diversity and demographic differences throughout this State.

31 (b) Through the Nevada Early Literacy Intervention Program
32 established for the regional training program, training for teachers
33 who teach kindergarten and grades 1, 2 or 3 on methods to teach
34 fundamental reading skills, including, without limitation:

35 (1) Phonemic awareness;

36 (2) Phonics;

37 (3) Vocabulary;

38 (4) Fluency;

39 (5) Comprehension; and

40 (6) Motivation.

41 (c) Training for administrators who conduct the evaluations
42 required pursuant to NRS 391.3125 and 391.3127 relating to the
43 manner in which such evaluations are conducted. Such training must
44 be developed in consultation with the Teachers and Leaders Council
45 of Nevada created by NRS 391.455.



1 (d) Training for teachers, administrators and other licensed
2 educational personnel relating to correcting deficiencies and
3 addressing recommendations for improvement in performance that
4 are identified in the evaluations conducted pursuant to NRS
5 391.3125 or 391.3127.

6 (e) At least one of the following types of training:

7 (1) Training for teachers and school administrators in the
8 assessment and measurement of pupil achievement and the effective
9 methods to analyze the test results and scores of pupils to improve
10 the achievement and proficiency of pupils.

11 (2) Training for teachers in specific content areas to enable
12 the teachers to provide a higher level of instruction in their
13 respective fields of teaching. Such training must include instruction
14 in effective methods to teach in a content area provided by teachers
15 who are considered masters in that content area.

16 (3) In addition to the training provided pursuant to paragraph
17 (b), training for teachers in the methods to teach basic skills to
18 pupils, such as providing instruction in reading with the use of
19 phonics and providing instruction in basic skills of mathematics
20 computation.

21 (f) In accordance with the program established by the Statewide
22 Council pursuant to paragraph (b) of subsection 2 of NRS 391.520
23 training for:

24 (1) Teachers on how to engage parents and families,
25 including, without limitation, disengaged families, in the education
26 of their children and to build the capacity of parents and families to
27 support the learning and academic achievement of their children.

28 (2) Training for teachers and paraprofessionals on working
29 with parent liaisons in public schools to carry out strategies and
30 practices for effective parental involvement and family engagement.

31 2. The training required pursuant to subsection 1 must:

32 (a) Include the activities set forth in 20 U.S.C. § 7801(34), as
33 deemed appropriate by the governing body for the type of training
34 offered.

35 (b) Include appropriate procedures to ensure follow-up training
36 for teachers and administrators who have received training through
37 the program.

38 (c) Incorporate training that addresses the educational needs of:

39 (1) Pupils with disabilities who participate in programs of
40 special education; and

41 (2) Pupils who are limited English proficient.

42 3. The governing body of each regional training program shall
43 prepare and maintain a list that identifies programs for the
44 professional development of teachers and administrators that
45 successfully incorporate:



1 (a) The standards of content and performance established by the
2 Council to Establish Academic Standards for Public Schools
3 pursuant to NRS 389.520;

4 (b) Fundamental reading skills; and

5 (c) Other training listed in subsection 1.

6 ↪ The governing body shall provide a copy of the list on an annual
7 basis to school districts for dissemination to teachers and
8 administrators.

9 4. A regional training program may include model classrooms
10 that demonstrate the use of educational technology for teaching and
11 learning.

12 5. A regional training program may contract with the board of
13 trustees of a school district that is served by the regional training
14 program as set forth in NRS 391.512 to provide professional
15 development to the teachers and administrators employed by the
16 school district that is in addition to the training required by this
17 section. Any training provided pursuant to this subsection must
18 include the activities set forth in 20 U.S.C. § 7801(34), as deemed
19 appropriate by the governing body for the type of training offered.

20 6. To the extent money is available from legislative
21 appropriation or otherwise, a regional training program may provide
22 training to paraprofessionals.

23 **Sec. 6.** NRS 391.556 is hereby amended to read as follows:

24 391.556 The board of trustees of each school district shall
25 submit an annual report to the State Board, the Commission, the
26 Legislative Committee on Education and the Legislative Bureau of
27 Educational Accountability and Program Evaluation that includes
28 for the immediately preceding year:

29 1. The number of teachers and administrators employed by the
30 school district who received training through the program,
31 including, without limitation, the type of training received.

32 2. An evaluation of whether that training included the:

33 (a) Standards of content and performance established by the
34 Council to Establish Academic Standards for Public Schools
35 pursuant to NRS 389.520;

36 (b) ~~Curriculum and instruction required for the common core
37 standards adopted by the State Board;~~

38 ~~(c)~~ Curriculum and instruction recommended by the Teachers
39 and Leaders Council of Nevada; and

40 ~~(d)~~ (c) Culturally relevant pedagogy, taking into account
41 cultural diversity and demographic differences throughout this State.

42 3. An evaluation of the effectiveness of the training on
43 improving the quality of instruction and the achievement of pupils.

44 **Sec. 7.** The regulations adopted by the State Board of
45 Education in LCB File No. R019-11, which was approved by the



1 Legislative Commission and filed with the Secretary of State on
2 May 30, 2012, are hereby declared void effective July 1, 2015. Any
3 regulations that were amended or repealed by LCB File No. R019-
4 11 become enforceable on July 1, 2015, as they existed before the
5 adoption of that regulation.

6 **Sec. 8.** The provisions of NRS 354.599 do not apply to any
7 additional expenses of a local government that are related to the
8 provisions of this act.

9 **Sec. 9.** NRS 389.0187 is hereby repealed.

10 **Sec. 10.** This act becomes effective on July 1, 2015.

TEXT OF REPEALED SECTION

389.0187 Development of model curriculum for English language arts and mathematics; distribution; authorized use by teachers and regional training programs for professional development.

1. The State Board shall develop a model curriculum for the subject areas of English language arts and mathematics for each grade level in kindergarten and grades 1 to 12, inclusive.

2. The Department shall provide each model curriculum developed pursuant to subsection 1 to:

(a) The board of trustees of each school district; and

(b) The governing body of each regional training program for the professional development of teachers and administrators.

3. The Department shall provide to the governing body of each charter school the model curriculum developed pursuant to subsection 1 for the grade levels taught at the charter school.

4. The board of trustees of each school district shall make available to each public school within the school district the model curriculum for the grade levels taught at the public school.

5. The model curriculum may be used as a guide by teachers and administrators in developing class lesson plans to ensure compliance with the academic standards adopted for English language arts and mathematics.

6. The governing body of each regional training program for the professional development of teachers and administrators may use the model curriculum in the provision of training to teachers and administrators to ensure compliance with the academic standards adopted for English language arts and mathematics.

