

SENATE BILL NO. 178—SENATOR HARDY

FEBRUARY 19, 2015

Referred to Committee on Education

SUMMARY—Revises provisions relating to pupil health. (BDR 34-235)

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

CONTAINS UNFUNDED MANDATE (§§ 3, 6) (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; requiring all public and private schools to provide instruction in physical education for certain grades; requiring certain pupils enrolled in a public or private school to take physical education in certain grade levels; prescribing the minimum number of credits required of pupils enrolled in high school in physical education; requiring the Council to Establish Academic Standards for Public Schools to establish standards of content and performance for physical education; requiring certain school districts to collect data concerning the height and weight of pupils; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law designates English, mathematics, science and social studies as the  
2 core academic subjects and requires all public schools, including, without  
3 limitation, charter schools, to teach such subjects. (NRS 386.550, 389.018) In  
4 addition to the core academic subjects, existing law requires public schools to teach  
5 certain additional subjects, including, without limitation, physical education, to the  
6 extent practicable. (NRS 389.018) Existing law requires the Council to Establish  
7 Academic Standards for Public Schools to establish standards of content and  
8 performance for certain grade levels and certain courses of study. (NRS 389.520)  
9 **Section 8** of this bill requires the Council to establish standards of content and  
10 performance for each grade level in kindergarten through grade 11 for physical  
11 education. **Sections 3 and 6** of this bill require public schools, including, without  
12 limitation, charter schools, to teach physical education in kindergarten through  
13 grade 11. **Sections 3 and 6** also require all pupils enrolled in kindergarten through



14 grade 11 in such schools to take physical education. **Sections 3 and 6** also exempt a  
15 pupil who will complete the requirements for graduation from high school at least 1  
16 year early from the requirement to take physical education when the pupil has  
17 completed enough credits to qualify as entering grade 12. **Section 5** of this bill  
18 establishes certain minimum requirements for a course of study in physical  
19 education. **Sections 1 and 2** of this bill provide that statutory and regulatory  
20 requirements relating to a course of study in physical education may not be waived.  
21 Because existing law requires that private schools provide instruction in those  
22 subjects required by law for pupils in public schools, the requirements set forth in  
23 this bill regarding physical education also apply to private schools. (NRS 394.130)

24 Existing law requires a pupil enrolled in public high school to enroll in certain  
25 minimum units of credit in certain academic subjects. Existing law also authorizes a  
26 pupil, his or her parents or legal guardian and an administrator or counselor at the  
27 school to mutually agree to a modified course of study for the pupil. (NRS 389.018)  
28 **Section 6** requires a pupil enrolled in public high school to enroll in a minimum of  
29 three units of credit in physical education and provides that this requirement may  
30 not be modified by such an agreement.

31 Existing law establishes a Program of Empowerment Schools for public  
32 schools within this State and requires a school that wishes to participate in the  
33 Program to develop an empowerment plan. (NRS 386.720, 386.730) Existing law  
34 authorizes an empowerment plan to include a request for a waiver of certain  
35 statutory or regulatory requirements. (NRS 386.740) **Section 4** of this bill prohibits  
36 a request for a waiver from the requirement that physical education be taught in all  
37 public schools or from regulations relating to physical education in an  
38 empowerment plan.

39 Existing law requires the board of trustees of each school district in a county  
40 whose population is 100,000 or more (currently Clark and Washoe Counties), until  
41 June 30, 2015, to: (1) conduct examinations of the height and weight of certain  
42 pupils in the schools within the school district; (2) provide notice of such  
43 examinations to the parent or guardian of a child before performing the  
44 examination; and (3) report the results of such examinations to the Chief Medical  
45 Officer. (NRS 392.420) **Section 9** of this bill: (1) requires the board of trustees of  
46 each such school district to use school nurses, health personnel and certain teachers  
47 to conduct such examinations beginning on July 1, 2016; and (2) provides that  
48 school authorities are not required to provide notice to the parent or guardian of a  
49 child before conducting such an examination. **Section 9** also requires the Division  
50 of Public and Behavioral Health of the Department of Health and Human Services  
51 to: (1) compile a report of the results of such examinations specific to each region  
52 of this State for which such information is collected; and (2) publish and  
53 disseminate the reports.

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

1 **Section 1.** NRS 385.110 is hereby amended to read as follows:  
2 385.110 1. Except as otherwise provided in subsections 2 and  
3 3, the State Board shall prescribe and cause to be enforced the  
4 courses of study for the public schools of this State. The courses of  
5 study prescribed and enforced by the State Board must comply with  
6 the standards of content and performance established by the Council



1 to Establish Academic Standards for Public Schools pursuant to  
2 NRS 389.520.

3 2. For those courses of study prescribed by the State Board:

4 (a) High schools may have modified courses of study, subject to  
5 the approval of the State Board; and

6 (b) Any high school offering courses normally accredited as  
7 being beyond the level of the 12th grade shall, before offering such  
8 courses, have them approved by the State Board.

9 3. ~~1A~~ *Except as otherwise provided in paragraph (j) of*  
10 *subsection 1 of NRS 386.550, a* charter school is not required to  
11 offer the courses of study prescribed by the State Board except for  
12 those courses of study which are required for promotion to the next  
13 grade or graduation from high school.

14 **Sec. 2.** NRS 386.4158 is hereby amended to read as follows:  
15 386.4158 ~~The~~

16 1. *Except as otherwise provided in subsection 2, the* State  
17 Board may waive a course of study otherwise required by statute  
18 upon application of the board of trustees of a school district on  
19 behalf of a school council created pursuant to a program of school-  
20 based decision making.

21 2. *The State Board may not waive the requirement to teach*  
22 *physical education set forth in subsection 3 of NRS 389.018.*

23 **Sec. 3.** NRS 386.550 is hereby amended to read as follows:  
24 386.550 1. A charter school shall:

25 (a) Comply with all laws and regulations relating to  
26 discrimination and civil rights.

27 (b) Remain nonsectarian, including, without limitation, in its  
28 educational programs, policies for admission and employment  
29 practices.

30 (c) Refrain from charging tuition or fees, levying taxes or  
31 issuing bonds.

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

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

36 (f) Except as otherwise provided in this paragraph, schedule and  
37 provide annually at least as many days of instruction as are required  
38 of other public schools located in the same school district as the  
39 charter school is located. The governing body of a charter school  
40 may submit a written request to the Superintendent of Public  
41 Instruction for a waiver from providing the days of instruction  
42 required by this paragraph. The Superintendent of Public Instruction  
43 may grant such a request if the governing body demonstrates to the  
44 satisfaction of the Superintendent that:

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



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

4 (g) Cooperate with the board of trustees of the school district in  
5 the administration of the examinations administered pursuant to  
6 NRS 389.550 and, if the charter school enrolls pupils at a high  
7 school grade level, the end-of-course examinations administered  
8 pursuant to NRS 389.805 and the college and career readiness  
9 assessment administered pursuant to NRS 389.807 to the pupils who  
10 are enrolled in the charter school.

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

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

23 (j) *Except as otherwise provided in this paragraph, provide*  
24 *instruction in physical education and require the pupils who are*  
25 *enrolled in kindergarten and grades 1 to 11, inclusive, in the*  
26 *charter school to take physical education. A pupil who will*  
27 *complete the requirements for graduation from high school at*  
28 *least 1 year early is not required to take physical education when*  
29 *the pupil has completed enough credits to qualify as entering*  
30 *grade 12.*

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

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

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

44 ~~(m)~~ (n) Provide written notice to the parents or legal guardians  
45 of pupils in grades 9 to 12, inclusive, who are enrolled in the charter



1 school of whether the charter school is accredited by the  
2 ~~[Commission on Schools of the]~~ Northwest ~~[Association of Schools~~  
3 ~~and of Colleges and Universities.~~

4 — ~~(n)~~ *Accreditation Commission or its successor organization.*

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

9 ~~[(e)]~~ (p) If the charter school provides a program of distance  
10 education pursuant to NRS 388.820 to 388.874, inclusive, comply  
11 with all statutes and regulations that are applicable to a program of  
12 distance education for purposes of the operation of the program.

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

18 **Sec. 4.** NRS 386.740 is hereby amended to read as follows:

19 386.740 1. Each empowerment plan for a school must:

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

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

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

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

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

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

43 (g) Indicate whether the empowerment plan will offer an  
44 incentive pay structure for staff and a description of that pay  
45 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 **[ ]**, *except for a*  
27 *waiver from the provisions of subsection 3 of NRS 389.018.*

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

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

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

43 (b) Public school, other than a charter school, the empowerment  
44 team for the school shall have discretion of 90 percent of the amount  
45 of money from the state financial aid and local funds that the school



1 district apportions for the school, without regard to any line-item  
2 specifications or specific uses determined advisable by the school  
3 district, unless the empowerment team determines that a lesser  
4 amount is necessary to carry out the empowerment plan.

5 **Sec. 5.** Chapter 389 of NRS is hereby amended by adding  
6 thereto a new section to read as follows:

7 ***1. A course of study in physical education required to be***  
8 ***taught for kindergarten and grades 1 to 11, inclusive, pursuant to***  
9 ***NRS 389.018 must include, without limitation:***

10 ***(a) Not less than 30 minutes per school day of instruction in***  
11 ***physical education; and***

12 ***(b) Not less than 75 minutes per school week of instruction in***  
13 ***physical education which is devoted to moderate to vigorous***  
14 ***physical activity.***

15 ***2. Except as otherwise provided in this subsection, any time***  
16 ***spent engaging in an activity which is not included in a course of***  
17 ***study in physical education, including, without limitation, recess***  
18 ***and any extracurricular activity, may not count towards meeting***  
19 ***the requirements of subsection 1. Any time spent engaging in***  
20 ***extracurricular sports whether or not they are offered at the***  
21 ***school may count towards meeting the requirements of***  
22 ***subsection 1.***

23 ***3. Instruction in physical education may not be withheld or***  
24 ***used to punish a pupil.***

25 ***4. A pupil may not receive a waiver to take a course of study***  
26 ***in physical education required pursuant to subsection 3 of***  
27 ***NRS 389.018.***

28 ***5. The board of trustees of each school district, the governing***  
29 ***body of each charter school and the governing body of each***  
30 ***private school shall submit an annual report to the Department***  
31 ***describing the course of study in physical education that has been***  
32 ***provided to pupils at each grade level during the immediately***  
33 ***preceding school year.***

34 ***6. The State Board shall adopt such regulations as it***  
35 ***determines are necessary to carry out the provisions of this***  
36 ***section.***

37 **Sec. 6.** NRS 389.018 is hereby amended to read as follows:

38 389.018 1. The following subjects are designated as the core  
39 academic subjects that must be taught, as applicable for grade  
40 levels, in all public schools, the Caliente Youth Center, the Nevada  
41 Youth Training Center and any other state facility for the detention  
42 of children that is operated pursuant to title 5 of NRS:

43 (a) English, including reading, composition and writing;

44 (b) Mathematics;

45 (c) Science; and



1 (d) Social studies, which includes only the subjects of history,  
2 geography, economics and government.

3 2. Except as otherwise provided in this subsection, a pupil  
4 enrolled in a public high school must enroll in a minimum of:

5 (a) Four units of credit in English;

6 (b) Four units of credit in mathematics, including, without  
7 limitation, Algebra I and geometry, or an equivalent course of study  
8 that integrates Algebra I and geometry;

9 (c) *Three units of credit in physical education;*

10 (d) Three units of credit in science, including two laboratory  
11 courses; and

12 ~~(d)~~ (e) Three units of credit in social studies, including,  
13 without limitation:

14 (1) American government;

15 (2) American history; and

16 (3) World history or geography.

17 ~~(A)~~ *Except for the credits in physical education, a pupil is not*  
18 *required to enroll in the courses of study and credits required by this*  
19 *subsection if the pupil, the parent or legal guardian of the pupil and*  
20 *an administrator or a counselor at the school in which the pupil is*  
21 *enrolled mutually agree to a modified course of study for the pupil*  
22 *and that modified course of study satisfies at least the requirements*  
23 *for a standard high school diploma or an adjusted diploma, as*  
24 *applicable.*

25 3. *In addition to the other subjects that must be taught*  
26 *pursuant to this section, physical education must be taught in all*  
27 *public schools for kindergarten and grades 1 to 11, inclusive, the*  
28 *Caliente Youth Center, the Nevada Youth Training Center and*  
29 *any other state facility for the detention of children that is*  
30 *operated pursuant to title 5 of NRS. Except as otherwise provided*  
31 *in this subsection, a pupil enrolled in a public school in*  
32 *kindergarten or grades 1 to 11, inclusive, or a child committed to*  
33 *the Caliente Youth Center, the Nevada Youth Training Center or*  
34 *any other state facility for the detention of children that is*  
35 *operated pursuant to title 5 of NRS in kindergarten or grades 1 to*  
36 *11, inclusive, shall take a course of study in physical education. A*  
37 *pupil who will complete the requirements for graduation from*  
38 *high school at least 1 year early is not required to take physical*  
39 *education when the pupil has completed enough credits to qualify*  
40 *as entering grade 12.*

41 4. Except as otherwise provided in this subsection, in addition  
42 to the core academic subjects, the following subjects must be taught  
43 as applicable for grade levels and to the extent practicable in all  
44 public schools, the Caliente Youth Center, the Nevada Youth





1 Training Center and any other state facility for the detention of  
2 children that is operated pursuant to title 5 of NRS:

- 3 (a) The arts;
- 4 (b) Computer education and technology; *and*
- 5 (c) Health. ~~[-; and~~

6 ~~—(d) Physical education.]~~

7 ↪ If the State Board requires the completion of course work in a  
8 subject area set forth in this subsection for graduation from high  
9 school or promotion to the next grade, a public school shall offer the  
10 required course work. Except as otherwise provided for a course of  
11 study in health prescribed by subsection 1 of NRS 389.0185, unless  
12 a subject is required for graduation from high school or promotion  
13 to the next grade, a charter school is not required to comply with  
14 this subsection.

15 **Sec. 7.** NRS 389.0185 is hereby amended to read as follows:

16 389.0185 1. The State Board shall adopt regulations  
17 establishing courses of study and the grade levels for which the  
18 courses of study apply for:

19 (a) The academic subjects set forth in NRS 389.018. A course of  
20 study in health prescribed pursuant to paragraph (c) of subsection  
21 ~~3] 4~~ of NRS 389.018 must, to the extent money is available for this  
22 purpose, for pupils enrolled in middle school, junior high school or  
23 high school, including, without limitation, pupils enrolled in those  
24 grade levels at a charter school, include instruction in:

25 (1) The administration of hands-only or compression-only  
26 cardiopulmonary resuscitation, including a psychomotor skill-based  
27 component, according to the guidelines of the American Red Cross  
28 or American Heart Association; and

29 (2) The use of an automated external defibrillator.

30 (b) Citizenship and physical training for pupils enrolled in high  
31 school.

32 (c) Physiology, hygiene and, except as otherwise prescribed by  
33 paragraph (a), cardiopulmonary resuscitation.

34 (d) The prevention of suicide.

35 (e) Instruction relating to child abuse.

36 (f) The economics of the American system of free enterprise.

37 (g) American Sign Language.

38 (h) Environmental education.

39 (i) Adult roles and responsibilities.

40 ↪ A course of study established for paragraph (a) may include one  
41 or more of the subjects listed in paragraphs (b) to (i), inclusive.

42 2. If a course of study in health in middle school, junior high  
43 school or high school includes instruction in cardiopulmonary  
44 resuscitation and the use of an automated external defibrillator:



1 (a) A teacher who provides the instruction is not required to  
2 hold certification in the administration of cardiopulmonary  
3 resuscitation unless required by the board of trustees of the school  
4 district pursuant to NRS 391.092 or by the governing body of the  
5 charter school.

6 (b) The board of trustees of the school district or the governing  
7 body of the charter school may collaborate with entities to assist in  
8 the provision of the instruction and the provision of equipment  
9 necessary for the instruction, including, without limitation, fire  
10 departments, hospitals, colleges and universities and public health  
11 agencies.

12 (c) A pupil who is enrolled in a course of study in health  
13 through a program of distance education or a pupil with a disability  
14 who cannot perform the tasks included in the instruction is not  
15 required to complete the instruction to pass the course of study in  
16 health.

17 **Sec. 8.** NRS 389.520 is hereby amended to read as follows:

18 389.520 1. The Council shall:

19 (a) Establish standards of content and performance, including,  
20 without limitation, a prescription of the resulting level of  
21 achievement, for the grade levels set forth in subsection 3, based  
22 upon the content of each course, that is expected of pupils for the  
23 following courses of study:

24 (1) English, including reading, composition and writing;

25 (2) Mathematics;

26 (3) Science;

27 (4) Social studies, which includes only the subjects of  
28 history, geography, economics and government;

29 (5) The arts;

30 (6) Computer education and technology;

31 (7) Health; and

32 (8) Physical education.

33 (b) Establish a schedule for the periodic review and, if  
34 necessary, revision of the standards of content and performance. The  
35 review must include, without limitation, the review required  
36 pursuant to NRS 389.570 of the results of pupils on the  
37 examinations administered pursuant to NRS 389.550.

38 (c) Assign priorities to the standards of content and performance  
39 relative to importance and degree of emphasis and revise the  
40 standards, if necessary, based upon the priorities.

41 2. The standards for computer education and technology must  
42 include a policy for the ethical, safe and secure use of computers  
43 and other electronic devices. The policy must include, without  
44 limitation:



1 (a) The ethical use of computers and other electronic devices,  
2 including, without limitation:

3 (1) Rules of conduct for the acceptable use of the Internet  
4 and other electronic devices; and

5 (2) Methods to ensure the prevention of:

6 (I) Cyber-bullying;

7 (II) Plagiarism; and

8 (III) The theft of information or data in an electronic  
9 form;

10 (b) The safe use of computers and other electronic devices,  
11 including, without limitation, methods to:

12 (1) Avoid cyber-bullying and other unwanted electronic  
13 communication, including, without limitation, communication with  
14 on-line predators;

15 (2) Recognize when an on-line electronic communication is  
16 dangerous or potentially dangerous; and

17 (3) Report a dangerous or potentially dangerous on-line  
18 electronic communication to the appropriate school personnel;

19 (c) The secure use of computers and other electronic devices,  
20 including, without limitation:

21 (1) Methods to maintain the security of personal identifying  
22 information and financial information, including, without limitation,  
23 identifying unsolicited electronic communication which is sent for  
24 the purpose of obtaining such personal and financial information for  
25 an unlawful purpose;

26 (2) The necessity for secure passwords or other unique  
27 identifiers;

28 (3) The effects of a computer contaminant;

29 (4) Methods to identify unsolicited commercial material; and

30 (5) The dangers associated with social networking Internet  
31 sites; and

32 (d) A designation of the level of detail of instruction as  
33 appropriate for the grade level of pupils who receive the instruction.

34 3. The Council shall establish standards of content and  
35 performance for ~~each~~ :

36 (a) *Each* grade level in kindergarten and grades 1 to 8,  
37 inclusive, for English and mathematics ~~[. The Council shall establish  
38 standards of content and performance for the]~~ ;

39 (b) *Each grade level in kindergarten and grades 1 to 11,*  
40 *inclusive, for physical education which are consistent with the*  
41 *provisions of section 5 of this act; and*

42 (c) *The* grade levels selected by the Council for the other  
43 courses of study prescribed in subsection 1.



1 4. The Council shall forward to the State Board the standards  
2 of content and performance established by the Council for each  
3 course of study. The State Board shall:

4 (a) Adopt the standards for each course of study, as submitted  
5 by the Council; or

6 (b) If the State Board objects to the standards for a course of  
7 study or a particular grade level for a course of study, return those  
8 standards to the Council with a written explanation setting forth the  
9 reason for the objection.

10 5. If the State Board returns to the Council the standards of  
11 content and performance for a course of study or a grade level, the  
12 Council shall:

13 (a) Consider the objection provided by the State Board and  
14 determine whether to revise the standards based upon the objection;  
15 and

16 (b) Return the standards or the revised standards, as applicable,  
17 to the State Board.

18 ➤ The State Board shall adopt the standards of content and  
19 performance or the revised standards, as applicable.

20 6. The Council shall work in cooperation with the State Board  
21 to prescribe the examinations required by NRS 389.550.

22 7. As used in this section:

23 (a) "Computer contaminant" has the meaning ascribed to it in  
24 NRS 205.4737.

25 (b) "Cyber-bullying" has the meaning ascribed to it in  
26 NRS 388.123.

27 (c) "Electronic communication" has the meaning ascribed to it  
28 in NRS 388.124.

29 **Sec. 9.** NRS 392.420 is hereby amended to read as follows:

30 392.420 1. In each school at which a school nurse is  
31 responsible for providing nursing services, the school nurse shall  
32 plan for and carry out, or supervise qualified health personnel in  
33 carrying out, a separate and careful observation and examination of  
34 every child who is regularly enrolled in a grade specified by the  
35 board of trustees or superintendent of schools of the school district  
36 in accordance with this subsection to determine whether the child  
37 has scoliosis, any visual or auditory problem, or any gross physical  
38 defect. The grades in which the observations and examinations must  
39 be carried out are as follows:

40 (a) For visual and auditory problems:

41 (1) Before the completion of the first year of initial  
42 enrollment in elementary school;

43 (2) In at least one additional grade of the elementary schools;  
44 and



1 (3) In one grade of the middle or junior high schools and one  
2 grade of the high schools; and

3 (b) For scoliosis, in at least one grade of schools below the high  
4 schools.

5 ↪ Any person other than a school nurse, including, without  
6 limitation, a person employed at a school to provide basic first aid  
7 and health services to pupils, who performs an observation or  
8 examination pursuant to this subsection must be trained by a school  
9 nurse to conduct the observation or examination.

10 2. *In addition to the requirements of subsection 1, the board*  
11 *of trustees of each school district in a county whose population is*  
12 *100,000 or more shall direct school nurses, qualified health*  
13 *personnel employed pursuant to subsection 6, teachers who teach*  
14 *physical education or health or other licensed educational*  
15 *personnel who have completed training in measuring the height*  
16 *and weight of a pupil provided by the school district, to measure*  
17 *the height and weight of a representative sample of pupils who are*  
18 *enrolled in grades 4, 7 and 10 in the schools within the school*  
19 *district. The Division of Public and Behavioral Health of the*  
20 *Department of Health and Human Services shall determine the*  
21 *number of pupils necessary to include in the representative*  
22 *sample.*

23 3. If any child is attending school in a grade above one of the  
24 specified grades and has not previously received such an  
25 observation and examination, the child must be included in the  
26 current schedule for observation and examination. Any child who is  
27 newly enrolled in the district must be examined for any medical  
28 condition for which children in a lower grade are examined.

29 ~~[3.]~~ 4. A special examination for a possible visual or auditory  
30 problem must be provided for any child who:

31 (a) Is enrolled in a special program;

32 (b) Is repeating a grade;

33 (c) Has failed an examination for a visual or auditory problem  
34 during the previous school year; or

35 (d) Shows in any other way that the child may have such a  
36 problem.

37 ~~[4.]~~ 5. The school authorities shall notify the parent or guardian  
38 of any child who is found or believed to have scoliosis, any visual or  
39 auditory problem, or any gross physical defect, and shall  
40 recommend that appropriate medical attention be secured to correct  
41 it.

42 ~~[5.]~~ 6. In any school district in which state, county or district  
43 public health services are available or conveniently obtainable, those  
44 services may be used to meet the responsibilities assigned under the  
45 provisions of this section. The board of trustees of the school district



1 may employ qualified personnel to perform them. Any nursing  
2 services provided by such qualified personnel must be performed in  
3 compliance with chapter 632 of NRS.

4 ~~[6.]~~ 7. The board of trustees of a school district may adopt a  
5 policy which encourages the school district and schools within the  
6 school district to collaborate with:

7 (a) Qualified health care providers within the community to  
8 perform, or assist in the performance of, the services required by  
9 this section; and

10 (b) Postsecondary educational institutions for qualified students  
11 enrolled in such an institution in a health-related program to  
12 perform, or assist in the performance of, the services required by  
13 this section.

14 ~~[7.—The]~~

15 **8. *Except as otherwise provided in this subsection, the*** school  
16 authorities shall provide notice to the parent or guardian of a child  
17 before performing on the child the examinations required by this  
18 section. The notice must inform the parent or guardian of the right to  
19 exempt the child from all or part of the examinations. Any child  
20 must be exempted from an examination if the child's parent or  
21 guardian files with the teacher a written statement objecting to the  
22 examination.

23 ~~[8.]~~ ***School authorities are not required to provide notice to***  
24 ***the parent or guardian of a child before measuring the child's***  
25 ***height or weight pursuant to subsection 2 if it is not practicable to***  
26 ***do so.***

27 **9.** Each school nurse or a designee of a school nurse, including,  
28 without limitation, a person employed at a school to provide basic  
29 first aid and health services to pupils, shall report the results of the  
30 examinations conducted pursuant to this section in each school at  
31 which he or she is responsible for providing services to the Chief  
32 Medical Officer in the format prescribed by the Chief Medical  
33 Officer. Each such report must exclude any identifying information  
34 relating to a particular child. The Chief Medical Officer shall  
35 compile all such information the Officer receives to monitor the  
36 health status of children and shall retain the information.

37 **10. *The Division of Public and Behavioral Health of the***  
38 ***Department of Health and Human Services shall:***

39 (a) ***Compile a report relating to each region of this State for***  
40 ***which data is collected regarding the height and weight of pupils***  
41 ***measured pursuant to subsection 2 and reported to the Chief***  
42 ***Medical Officer pursuant to subsection 9; and***

43 (b) ***Publish and disseminate the reports not later than 12***  
44 ***months after receiving the results of the examinations pursuant to***  
45 ***subsection 9.***



1     **Sec. 10.** The provisions of NRS 354.599 do not apply to any  
2 additional expenses of a local government that are related to the  
3 provisions of this act.

4     **Sec. 11.** This act becomes effective:

- 5       1. Upon passage and approval for the purpose of adopting any  
6 regulations and performing any other preparatory administrative  
7 tasks that are necessary to carry out the provisions of this act; and
- 8       2. On January 1, 2016, for all other purposes.

