

ASSEMBLY BILL NO. 475—ASSEMBLYMEN WHEELER AND TOLLES

MARCH 25, 2019

Referred to Committee on Education

SUMMARY—Requires training for certain members of certain educational governing bodies and requires certain disclosures of school expenditures. (BDR 34-999)

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

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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; establishing requirements for training certain educational governing bodies; requiring each school district and charter school to report certain information to the Department of Education; requiring the automated system of accountability information for Nevada to include certain information; requiring each member of the board of trustees of a school district to complete certain training within a certain timeframe after the election or appointment of the member; requiring certain conditions to be considered in calculating the basic support guarantee per pupil; requiring a report that contains certain information for the preceding school year to include certain additional information; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 **Section 2** of this bill requires the Department of Education to adopt standards
2 for the contents and timing of the initial training and continuing education provided
3 to certain persons and educational governing bodies. **Section 3** of this bill
4 establishes certain standards for providers of the initial training and continuing
5 education. **Section 4** of this bill requires the president of the board of trustees or the
6 governing body of a charter school to announce the name of each member of the
7 board of trustees or governing body who has: (1) completed the initial training or
8 continuing education; (2) exceeded the number of required hours of initial training
9 or continuing education; and (3) not completed the initial training or continuing
10 education. **Section 5** of this bill requires the State Board of Education to commend
11 any board of trustees and superintendent of a school district or governing body and
12 principal of a charter school that complete at least 8 hours of training as a team.



13 Existing law requires certain training of newly elected or appointed members of
14 the board of trustees of a school district (NRS 386.327) **Section 7** of this bill
15 requires such a member to complete such training not later than 60 days after the
16 election or appointment of the member.

17 Existing law requires the basic support guarantee per pupil for each school
18 district to be calculated through an equity allocation model that incorporates certain
19 information. (NRS 387.122) **Section 9** of this bill requires information related to
20 conditions considered to be guaranteed to pupils by the Department, including,
21 without limitation, class-size ratios by grade level, to be incorporated in the
22 calculation.

23 Existing law requires each public school and charter school that receives certain
24 funding to submit a report containing certain information. (NRS 387.139) **Section 8**
25 of this bill requires each school district and each charter school to post certain
26 information for each school on its Internet website and submit the information to
27 the Department of Education, which must post the information on its Internet
28 website. **Section 10** of this bill requires the report required by existing law to
29 include the amount of certain types of funding and expenditures and the
30 information submitted pursuant to **section 8**. **Section 11** of this bill makes a
31 conforming change. **Section 12** of this bill requires the Department of Education to
32 provide the initial training required by this bill by a certain date.

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

1 **Section 1.** Chapter 385 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 5, inclusive, of this
3 act.

4 **Sec. 2. 1. The Department shall adopt, by regulation,**
5 **standards for the contents and timing of initial training and**
6 **annual continuing education concerning issues relating to**
7 **outcomes, achievements and the well-being of pupils to be**
8 **provided to:**

9 (a) *Members of the State Board;*

10 (b) *Members of the State Public Charter School Authority;*

11 (c) *Each member of the board of trustees of each school*
12 *district in this State;*

13 (d) *Each member of the governing body of a charter school;*

14 (e) *The superintendent of schools of each school district; and*

15 (f) *The principal of each charter school.*

16 2. *The initial training and continuing education provided*
17 *pursuant to subsection 1 must:*

18 (a) *Be provided by a provider registered with the Department*
19 *pursuant to section 3 of this act;*

20 (b) *Use the standards adopted pursuant to subsection 1 for the*
21 *initial training and continuing education provided to each person*
22 *listed in subsection 1;*



1 (c) Assess the continuing education needs of each person listed
2 in subsection 1, based on the standards adopted pursuant to
3 subsection 1, to plan continuing education activities for the year;

4 (d) Include a review of the roles, rights and responsibilities of
5 the State Board, State Public Charter School Authority, board of
6 trustees of a school district, governing body of a charter school,
7 superintendent of a school district and principal of a charter
8 school as outlined in the standards adopted pursuant to
9 subsection 1;

10 (e) Be designed to increase the efficiency of the State Board,
11 State Public Charter School Authority, board of trustees of a
12 school district, governing body of a charter school, superintendent
13 of a school district or principal of a charter school, as applicable,
14 and focus on the outcomes, achievements and the well-being of
15 pupils; and

16 (f) Consist of at least 3 hours of training as determined by the
17 State Board, State Public Charter School Authority, board of
18 trustees of a school district or governing body of a charter school,
19 as applicable.

20 3. To the extent practicable, the State Board, the State Public
21 Charter School Authority, the board of trustees of a school district
22 or the governing body of a charter school shall receive the initial
23 training and continuing education as a group.

24 4. An initial training or a continuing education session must
25 be open to any interested person, including, without limitation, a
26 prospective board member.

27 5. If a school district provides initial training or continuing
28 education to its board of trustees or superintendent of the school
29 district pursuant to section 3 of this act:

30 (a) At least 50 percent of the initial training or continuing
31 education must be designed and delivered by a person not
32 employed by or affiliated with the school district; and

33 (b) Not more than 1 hour of the initial training or continuing
34 education may utilize materials or activities that are self-
35 instructional.

36 6. Training provided pursuant to this section is not subject to
37 the provisions of chapter 241 of NRS.

38 **Sec. 3. 1.** The Department shall adopt, by regulation,
39 standards for a private or professional organization, private
40 consultant, governmental agency or community college, state
41 college or university to qualify to provide the initial training or
42 continuing education required pursuant to section 2 of this act.

43 2. Except as otherwise provided in subsection 3, a provider of
44 initial training or continuing education must register with the
45 Department. The registration must include documentation of the



1 *training, experience and expertise of the provider in the areas*
2 *included in the standards adopted by the Department pursuant to*
3 *section 2 of this act. A provider must update its registration with*
4 *the Department every 3 years.*

5 3. *A school district may provide the initial training or*
6 *continuing education required pursuant to section 2 of this act to*
7 *its board of trustees and superintendent of the school district. A*
8 *school district that provides the initial training or continuing*
9 *education is not required to register with the Department.*

10 4. *A registered provider or school district that provides the*
11 *initial training or continuing education shall provide verification*
12 *of the completion of the training or continuing education to each*
13 *participant and the school district of the participant. The*
14 *verification must include the registration number of the provider,*
15 *if applicable.*

16 5. *A registered provider or the board of trustees of a school*
17 *district providing its own initial training or continuing education*
18 *shall charge a registration fee to each individual participant to*
19 *cover the costs of providing the initial training or continuing*
20 *education.*

21 **Sec. 4. 1.** *At the last regular meeting held by the board of*
22 *trustees of a school district or the governing body of a charter*
23 *school during each calendar year, the president of the board of*
24 *trustees or the governing body shall announce the name of each*
25 *member of the board of trustees or governing body who has:*

26 (a) *Completed the initial training or continuing education*
27 *required pursuant to section 2 of this act.*

28 (b) *Exceeded the number of required hours of initial training*
29 *or continuing education.*

30 (c) *Not completed the initial training or continuing education.*

31 2. *The announcement required by subsection 1 must include*
32 *a statement that completing the initial training or continuing*
33 *education is a basic obligation and expectation of a current*
34 *member of the board of trustees or governing body.*

35 3. *The president or governing body shall ensure that the*
36 *minutes of a meeting during which an announcement is made*
37 *pursuant to subsection 1 reflect the content of the announcement*
38 *and shall make the information publicly available.*

39 **Sec. 5.** *Each year, the State Board shall commend the board*
40 *of trustees of a school district, governing body of a charter school,*
41 *superintendent of a school district or principal of a charter school*
42 *that, as a team, completes at least 8 hours of the continuing*
43 *education required pursuant to section 2 of this act.*



1 **Sec. 6.** NRS 385A.800 is hereby amended to read as follows:
2 385A.800 1. The Department shall establish and maintain an
3 automated system of accountability information for Nevada. The
4 system must:

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

8 (1) In the manner required by 20 U.S.C. §§ 6301 et seq., and
9 the regulations adopted pursuant thereto, and NRS 385A.070 and
10 385A.400; and

11 (2) In a separate reporting for each group of pupils identified
12 in the statewide system of accountability for public schools;

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

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

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

20 (3) Which must, to the extent money is available for this
21 purpose, include, without limitation, a unique identifier for each
22 pupil whose parent or guardian is a member of the Armed Forces of
23 the United States, a reserve component thereof or the National
24 Guard in a manner that will allow for the disaggregation of each
25 category;

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

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

33 (e) Have the capacity to identify which teachers are assigned to
34 individual pupils;

35 (f) Have the capacity to provide other information concerning
36 schools and school districts that is not linked to individual pupils,
37 including, without limitation, the ratings of schools and, if available,
38 school districts pursuant to the statewide system of accountability
39 for public schools and an identification of which schools, if any, are
40 persistently dangerous;

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



1 (h) Be designed to improve the ability of the Department, the
2 sponsors of charter schools, the school districts and the public
3 schools in this State, including, without limitation, charter schools,
4 to account for the pupils who are enrolled in the public schools,
5 including, without limitation, charter schools ~~[]~~; and

6 *(i) Have the capacity to report school-level expenditures and,*
7 *for each public school, all information required to be provided to*
8 *the Department pursuant to subsection 1 of section 8 of this act.*

9 ➤ The information maintained pursuant to paragraphs (c), (d) and
10 (e) must be used for the purpose of improving the achievement of
11 pupils and improving classroom instruction.

12 2. The Department shall establish, to the extent authorized by
13 the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. §
14 1232g, and any regulations adopted pursuant thereto, a mechanism
15 by which persons or entities, including, without limitation, state
16 officers who are members of the Executive or Legislative Branch,
17 administrators of public schools and school districts, teachers and
18 other educational personnel, and parents and guardians, will have
19 different types of access to the accountability information contained
20 within the automated system to the extent that such information is
21 necessary for the performance of a duty or to the extent that such
22 information may be made available to the general public without
23 posing a threat to the confidentiality of an individual pupil.

24 3. On or before December 31 of each year, the Department
25 shall share with the Interagency Council on Veterans Affairs
26 aggregate data collected pursuant to subsection 1 concerning each
27 pupil whose parent or guardian is a member of the Armed Forces of
28 the United States, a reserve component thereof or the National
29 Guard.

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

36 **Sec. 7.** NRS 386.327 is hereby amended to read as follows:

37 386.327 1. ~~[Each]~~ *In addition to the training required*
38 *pursuant to section 2 of this act, each* person who is elected or
39 appointed to serve as a member of the board of trustees of a school
40 district shall complete training for professional development ~~[during~~
41 ~~the first and third year of the term]~~ *not later than 60 days after the*
42 *election or appointment* of the member which must include not less
43 than 6 hours of instruction covering:

44 (a) Laws relating to public records, including, without
45 limitation, the provisions of chapter 239 of NRS;



1 (b) The Open Meeting Law, including, without limitation, the
2 provisions of chapter 241 of NRS;

3 (c) Local government employee-management relations,
4 including, without limitation, the provisions of chapter 288 of NRS;

5 (d) The system of K-12 public education in this State, including,
6 without limitation, the provisions of title 34 of NRS;

7 (e) Local government ethics, including, without limitation, the
8 provisions of chapter 281A of NRS;

9 (f) The manner in which to identify and prevent violence in
10 public schools, including, without limitation, sexual violence;

11 (g) Financial management, including, without limitation,
12 information concerning oversight, accountability and audits;

13 (h) The fiduciary duties of a member of the board of trustees of
14 a school district, including, without limitation, the provisions of this
15 chapter; and

16 (i) Laws relating to employment and contracts.

17 2. A member of the board of trustees of a school district shall
18 provide written certification of completion of the training required
19 by this section to the clerk of the board of trustees.

20 3. If a member fails to complete the training or to provide the
21 written certification of completion which is required by this section,
22 the clerk must post notice of such noncompliance in a conspicuous
23 manner on the Internet website of the board of trustees. The clerk
24 must also provide written notice of the noncompliance to the other
25 members of the board of trustees.

26 4. The clerk of the board of trustees shall assist each member
27 of the board as necessary to complete the training required pursuant
28 to this section.

29 **Sec. 8.** Chapter 387 of NRS is hereby amended by adding
30 thereto a new section to read as follows:

31 *1. Each school district and each charter school shall provide*
32 *to the Department and post on the Internet website maintained by*
33 *the school district or charter school, as applicable, the following*
34 *information for each public school in the school district or the*
35 *charter school, as applicable:*

36 *(a) Each grade level at which the public school enrolls pupils;*

37 *(b) The number of pupils attending the public school;*

38 *(c) The basic support guarantee for each pupil in the school;*

39 *(d) The average class size;*

40 *(e) The number of persons employed by the public school to*
41 *provide instruction, support to pupils and administrative support*
42 *and other personnel, including, without limitation, the number of*
43 *employees in any subgroup of each type or classification of*
44 *personnel as prescribed by the Department;*



1 *(f) The professional development provided to each teacher at*
2 *the public school;*

3 *(g) The amount of money spent per pupil for supplies,*
4 *materials, equipment and textbooks;*

5 *(h) For each category of pupils for which the public school*
6 *receives any additional funding, including, without limitation,*
7 *pupils with disabilities, pupils who are English learners, pupils*
8 *who are at risk and gifted and talented pupils:*

9 *(1) The number of pupils in each category who attend the*
10 *public school;*

11 *(2) If the Department determines that pupils within a*
12 *category must be divided based on severity of need, the number of*
13 *pupils in each such subcategory; and*

14 *(3) The number of persons employed to provide instruction,*
15 *support to pupils and administrative support and other personnel*
16 *employed by the public school and dedicated to providing services*
17 *to each category or subcategory of pupils, including, without*
18 *limitation, any subgroup of each type or classification of*
19 *personnel prescribed by the Department; and*

20 *(i) The amount of money received to support the operations of*
21 *the public school other than the basic support guarantee, divided*
22 *by the number of pupils enrolled in the public school and*
23 *expressed as an amount per pupil.*

24 *2. The Department shall post the information received*
25 *pursuant to subsection 1 on its Internet website.*

26 **Sec. 9.** NRS 387.122 is hereby amended to read as follows:

27 387.122 1. For making the apportionments of the State
28 Distributive School Account in the State General Fund required by
29 the provisions of this title, the basic support guarantee per pupil for
30 each school district is established by law for each school year. The
31 formula for calculating the basic support guarantee may be
32 expressed as an estimated weighted average per pupil, based on the
33 total expenditures for public education in the immediately preceding
34 even-numbered fiscal year, plus any legislative appropriations for
35 the immediately succeeding biennium, minus those local funds not
36 guaranteed by the State pursuant to NRS 387.163.

37 2. The estimated weighted average per pupil for the State must
38 be calculated as a basic support guarantee for each school district
39 through an equity allocation model that incorporates:

40 (a) Factors relating to wealth in the school district;

41 (b) Salary costs;

42 (c) Transportation; ~~and~~

43 *(d) Conditions that are considered to be guaranteed to pupils*
44 *by the Department, including, without limitation, class-size ratios*
45 *by grade level; and*



1 (e) Any other factor determined by the Superintendent of Public
2 Instruction after consultation with the school districts and the State
3 Public Charter School Authority.

4 3. The basic support guarantee per pupil must include a
5 statewide multiplier for pupils with disabilities. Except as otherwise
6 provided in this section, the funding provided to each school district
7 and charter school through the multiplier for pupils with disabilities
8 is limited to the actual number of pupils with disabilities enrolled in
9 the school district or charter school, not to exceed 13 percent of total
10 pupil enrollment for the school district or charter school.

11 4. Except as otherwise provided in this subsection, if a school
12 district or charter school has reported an enrollment of pupils with
13 disabilities equal to more than 13 percent of total pupil enrollment,
14 the school district or charter school must receive, for each such
15 additional pupil, an amount of money equal to one-half of the
16 statewide multiplier then in effect for pupils with disabilities. An
17 apportionment made to a school district or charter school pursuant
18 to this subsection is subject to change from year to year in
19 accordance with the number of pupils with disabilities enrolled in
20 the school district or charter school. If the money available for
21 apportionment pursuant to this subsection is insufficient to make
22 the apportionment otherwise required by this subsection, the
23 Superintendent of Public Instruction shall proportionately reduce the
24 amount so apportioned to each school district and charter school.
25 The Department shall account separately for any money apportioned
26 pursuant to this subsection.

27 5. Not later than July 1 of each even-numbered year, the
28 Superintendent of Public Instruction shall review and, if necessary,
29 revise the factors used for the equity allocation model adopted for
30 the previous biennium and present the review and any revisions at a
31 meeting of the Legislative Committee on Education for
32 consideration and recommendations by the Committee. After the
33 meeting, the Superintendent of Public Instruction shall consider any
34 recommendations of the Legislative Committee on Education,
35 determine whether to include those recommendations in the equity
36 allocation model and adopt the model. The Superintendent of Public
37 Instruction shall submit the equity allocation model to the:

38 (a) Governor for inclusion in the proposed executive budget.

39 (b) Director of the Legislative Counsel Bureau for transmittal to
40 the next regular session of the Legislature.

41 6. The Department shall make available updated information
42 regarding the equity allocation model on the Internet website
43 maintained by the Department.



1 **Sec. 10.** NRS 387.139 is hereby amended to read as follows:

2 387.139 1. The Department shall prescribe school
3 achievement targets and performance targets which must be used by
4 a public school that receives money pursuant to NRS 387.131 to
5 evaluate and track the performance of pupils who receive services
6 pursuant to NRS 387.133. The school achievement targets and
7 performance targets prescribed by the Department must be aligned
8 to the statewide system of accountability for public schools.

9 2. Each public school that receives money pursuant to NRS
10 387.131 shall submit, on or before a date prescribed by the board of
11 trustees of the school district in which the public school is located or
12 the sponsor of the charter school, as applicable, a report to the
13 school district or sponsor which uses the school achievement targets
14 and performance targets prescribed by the Department to measure
15 the effectiveness of the public school in providing services pursuant
16 to NRS 387.133.

17 3. On or before November 30 of each year, the board of
18 trustees of a school district and the sponsor of a charter school shall
19 gather the reports submitted by each public school located in the
20 school district or sponsored by the sponsor, as applicable, which
21 contains information for the preceding school year and submit a
22 report to the Department which contains such information for all
23 public schools located in the school district or sponsored by the
24 sponsor. *The report must include:*

25 (a) *School-level, per-pupil expenditures, including, without*
26 *limitation, the amount of federal, state and local funds and the*
27 *actual personnel and nonpersonnel expenditures of such funds*
28 *disaggregated by the source of the funds for each school district,*
29 *each school within a school district and each charter school for*
30 *the preceding fiscal year; and*

31 (b) *For each such public school, all information required to be*
32 *provided to the Department pursuant to subsection 1 of section 8*
33 *of this act.*

34 4. The Department shall contract with an independent evaluator
35 to evaluate the effectiveness of services provided pursuant to NRS
36 387.133. The evaluation must include, without limitation, a
37 determination of whether each public school is making an effective
38 use of the money received by the public school pursuant to NRS
39 387.131 and an identification of services which have been identified
40 to offer the greatest and the least improvement to pupil performance.
41 The evaluation must be provided on or before February 1 of:

42 (a) Each even-numbered year to the Legislative Committee on
43 Education.



1 (b) Each odd-numbered year to the Director of the Legislative
2 Counsel Bureau for transmission to the next regular session of the
3 Legislature.

4 **Sec. 11.** NRS 241.016 is hereby amended to read as follows:

5 241.016 1. The meetings of a public body that are quasi-
6 judicial in nature are subject to the provisions of this chapter.

7 2. The following are exempt from the requirements of this
8 chapter:

9 (a) The Legislature of the State of Nevada.

10 (b) Judicial proceedings, including, without limitation,
11 proceedings before the Commission on Judicial Selection and,
12 except as otherwise provided in NRS 1.4687, the Commission on
13 Judicial Discipline.

14 (c) Meetings of the State Board of Parole Commissioners when
15 acting to grant, deny, continue or revoke the parole of a prisoner or
16 to establish or modify the terms of the parole of a prisoner.

17 3. Any provision of law, including, without limitation, NRS
18 91.270, 219A.210, 228.495, 239C.140, 281A.350, 281A.690,
19 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345,
20 287.338, 288.220, 289.387, 295.121, 360.247, 388.261, 388A.495,
21 388C.150, 388G.710, 388G.730, 392.147, 392.467, 394.1699,
22 396.3295, 433.534, 435.610, 463.110, 622.320, 622.340, 630.311,
23 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170,
24 696B.550, 703.196 and 706.1725 **§** and *section 2 of this act*,
25 which:

26 (a) Provides that any meeting, hearing or other proceeding is not
27 subject to the provisions of this chapter; or

28 (b) Otherwise authorizes or requires a closed meeting, hearing
29 or proceeding,

30 ↪ prevails over the general provisions of this chapter.

31 4. The exceptions provided to this chapter, and electronic
32 communication, must not be used to circumvent the spirit or letter of
33 this chapter to deliberate or act, outside of an open and public
34 meeting, upon a matter over which the public body has supervision,
35 control, jurisdiction or advisory powers.

36 **Sec. 12.** 1. On or before July 1, 2020, the Department of
37 Education shall provide for the initial training of 16 of the persons
38 and educational governing bodies required to receive training
39 pursuant to section 2 of this act.

40 2. On or before July 1, 2021, the Department of Education
41 shall provide for the initial training of the remaining three persons
42 and educational governing bodies required to receive training
43 pursuant to section 2 of this act and for the continuing education of
44 the 16 persons and educational governing bodies that received initial
45 training pursuant to subsection 1.



1 3. For each year thereafter, the Department of Education shall
2 provide for the initial training of new members of educational
3 governing bodies and for the continuing education of all of the
4 persons and educational governing bodies required to receive
5 training pursuant to section 2 of this act.

6 **Sec. 13.** This act becomes effective on July 1, 2019.

