

**2013 Legislative Outcomes for P-16 Education**  
**Nevada Department of Education**  
**June 10, 2013**

**Note:** *This summary is provided as a briefing for the State Board of Education regarding agenda item #12 at the June 13, 2013 meeting. As of this release, many bills have not yet been signed into law (or still may be vetoed) by the Governor. Therefore this report should be viewed as a snapshot in time and not a final analysis. Readers are directed to the Legislative website for the most up-to-date information (<http://www.leg.state.nv.us>). The Department expects to issue a report on July 1, 2013 on the new laws that were enacted that affect schools and school districts.*

This summary highlights changes in law that occurred in the 77<sup>th</sup> Legislative Session and the 27<sup>th</sup> Special Session, relating to education. It is organized by education policy area to give the reader a broad overview of the new legislation affecting education. The policy areas are presented in alphabetical order only and do not reflect the order of priority of the Board or the Department. The reader is directed to the detailed description of each bill that will be issued by the Department on July 1 for more detail.

*K-12 Budget for the 2013-15 Biennium*

This budget represents an increase in education funding of \$489M from the current biennium to the next, which is a 7.8 percent increase. For the biennium, the Basic Support rises by \$189 million — which is an increase of more than \$300 per student. The law also adds a Distributive School Account (DSA) enhancement to correct for an accounting error identified mid-session and characterized as a “technical adjustment”.

With regard to special education funding, the bill includes an increase of more than \$13.5 million over the biennium for state support for students with disabilities, the first increase in the value of a special education unit in several years. This increase won't fully resolve the impacts of sequestration, but will definitely help to mitigate the effects of federal IDEA cuts.

The Jobs for America's Graduates program (JAG) funding represents an important statement in how much we value the role of education in spurring and sustaining a healthy economy. This program is important in reducing drop out rates, increasing graduation rates, helping graduates access quality jobs, and boosting college enrollment and completion for students traditionally unlikely to succeed in these endeavors.

Actions concerning early childhood education and education of English language learners are described in separate sections below. In addition, specific details included in the budget bill include the following.

- Distributive School Account
  - Budget includes the 2 percent roll-ups for each year of the biennium to address inflationary considerations;
  - Budget includes enrollment growth of .60 percent in FY 2014 and an additional .39 percent in FY 2015 based on enrollment reported in the 387 report;
  - Budget includes funding for the PERS rate increase (split 50-50 with employees)
  - Budget includes health benefit inflation in the second year of 3.6 percent - the first such increase since 2009;
  - Budget includes continuation of the 2.6 percent LSST, the prepayment of the Net Proceed of Minerals, and the transfer of the State Supplemental School Support Fund into the DSA as a guaranteed revenue;

- Statewide Basic Support: FY 2014 \$5,590; FY 2015 \$5,676, an increase of 4 percent from 2013 to 2014 and another 1.5 percent from 2014 to 2015.
  - Special Education Funding – Same number and distribution of Special Education Units however, the per unit allocation has increased (again first time since 2009) from \$39,768 per unit to \$41,608 per unit in FY 2014 and \$42,745 per unit in FY 2015.
  - Class Size Reduction for grades 1-3 was funded at the 16:1 level for 1<sup>st</sup> and 2<sup>nd</sup> grade and at the 19:1 level for 3<sup>rd</sup> grade.
  - SB 481 continues the waiver for the minimum textbook expenditure requirement.
  - SB 522 (Education Funding Bill) continues the +2 student flexibility for class size reduction for grades 1-3 or in the alternative CSR program for rural districts, grades 1-6.
- Remediation Trust
    - Full-day Kindergarten was approved to include the Governor’s proposed expansion of \$30M across the biennium. A list of proposed eligible schools for FY 2014 has been sent to Nevada school districts.
    - Funding for Regional Professional Development Programs (RPDPS) received enhanced funding of \$1.17 million in FY 2014 and up to \$1.3 million in FY 2015; ,with the exact level of funding in FY 2015 to be determined by the Interim Finance Committee (IFC) in the summer of 2014 (see SB 407 and SB 522 for details).
    - SB 504 provides \$50M across the biennium for the first-ever statewide program to address the needs of Nevada’s English Language Learners.
    - SB 522 provides funding to bring kindergarten class sizes (pupil:teacher ratios) down to 21:1. Important note – these ratios must be met at the school level – not the district level. These are not subject to the +2 student waiver. Districts may grant waivers (and include in the reporting to the Department of Education) for up to 25:1 at a school level but there are no additional waivers available. Also, AB 162, which became AB 2 of the 27<sup>th</sup> Special Session, requires more frequent and detailed reporting for Class Size Reduction and more frequent and detailed criteria for variance requests.
- Other State Programs
    - Existing grants funded at the FY 2013 level
    - Approved funding of \$750,000 per year for the Jobs for America’s Graduates (JAG) program
- Incentives For Licensed Education Personnel
    - Legislature eliminated funding for the cash incentive program. The only funding approved was for potential outstanding liabilities of the 1/5 retirement incentive program (a continuing legal obligation to those members who opted into the program in 2007 and have not yet received a full year of service credit and meet the eligibility criteria).

*Career and Technical Education*

The law as amended sets forth requirements for the use of state funds for Career and Technical Education.

Bill: SB328

*Child Nutrition*

New laws encourage school districts to develop programs to promote fresh fruits and vegetables in schools and transfer authority over programs of nutrition from the Department of Education to the Nevada Department of Agriculture.

Bills: AB 337, SB 466

### *Class Size Reduction*

New laws require the board of trustees of each school district to report to the Department of Education on a quarterly basis the Average Daily Attendance (ADA) of pupils and the ratio of pupils per licensed teacher for certain grades in elementary school that are required to maintain prescribed pupil-teacher ratios; revising the ratios of pupils per licensed teacher for kindergarten and grades 1, 2 and 3; requiring school districts that include one or more elementary schools which exceed the prescribed pupil-teacher ratios in a quarter to request a variance from the State Board of Education for the next quarter.

Bill: Special Session AB2 (was identified as AB 162 in regular session)

### *Curriculum, Assessment, and Accountability*

The laws of 2013 remove the high school proficiency examination and provide for the administration of a value added assessment in high school. They revise provisions governing the Statewide System of Accountability for Public Schools in accordance with the waiver from the Federal No Child Left Behind Act. They require elementary and secondary educational institutions to provide pupils with instruction in civics as part of the required instruction in American government; and create the Advisory Council on Science, Technology, Engineering and Mathematics.

Bills: AB 288, AB 460, SB163, SB 345

### *Early Childhood Education*

The new law makes a large commitment to full-day kindergarten and to manageable class sizes in full and half-day Kindergarten. The law commits \$30 million for expansion of full-day Kindergarten – moving the state from 124 to 201 schools with full-day Kindergarten.

The new law commits more than \$50 million over the biennium for class size reduction in kindergarten. This move is unprecedented, and is a strong statement about the value of high quality early learning, and recognition of the return on investment that these programs will yield.

Bill: SB 522

### *Education of English Language Learners*

The laws of 2013 provide resources and expectations for the academic and linguistic support of students who are learning English. Clark and Washoe County School District will establish “Zoom Schools”, which offer a comprehensive system of supports that includes: offering preschool programming at no cost, expansion of full day kindergarten with reduced class sizes (21:1 per SB522); operating reading skills centers, and providing summer-school and intercession programming at no cost. Zoom Schools shall be chosen based on high ELL student population and low ELL student performance. For rural school districts, the law provides for a non-competitive grant program to allow rural districts and state charter schools to access funding to provide targeted supports for students with ELL, including assessment, technology, and others options such as building teacher capacity to meet the needs of ELL students. Reporting requirements are in place for Zoom schools and for rural districts to ensure accountability that makes clear the return on investment from this unprecedented effort. Further, the law establishes the English Mastery Council to provide guidance on policies regarding professional development, teacher licensure, and other programming needs for ELL students.

Bills: SB 504

### *Education of Incarcerated Youth*

The laws of 2013 authorize the Director of the Department of Corrections, upon good cause shown, to restrict the access to a facility of an employee who fails to adhere to rules or regulations of the Director pertaining to health and safety for not more than 30 days during which time an interagency panel must be convened to determine whether to uphold the exclusion.

Bill: AB 17

### *Educational Choice and Opportunity*

The new laws authorize the Public School Charter School Authority to enter into performance contracts with charter schools and expand the authority for the Department of Education to oversee charter school sponsors. They authorize the Director of the Department of Business and Industry to issue bonds, notes and other obligations to finance the acquisition, construction, improvement, restoration or rehabilitation of

property, buildings and facilities for charter schools.  
Bills: AB 205, SB 443, SB 384

#### *Educator Effectiveness*

The laws implement various changes to support the Teachers and Leaders Council including establishing a period for validation of the Educator Performance Framework. The laws require the Office of Parental Involvement and Family Engagement to collaborate with the Statewide Council for the Coordination the Regional Training Programs concerning training teachers and administrators on effective parental involvement and family engagement. They revise provisions governing the budgets of the regional training programs for the professional development of teachers and administrators; authorize certain unlicensed personnel to monitor a computer laboratory without the direct supervision of licensed personnel; revise provisions governing the membership and duties of the Statewide Council for the Coordination of the Regional Training Programs; require a regional training program to provide certain training related to performance evaluations for administrators, teachers and other licensed educational personnel; and revise provisions relating to the annual reporting requirement for the governing body of a regional training program.

Bills: SB 407, SB 447

#### *Information Technology*

Law changes include requiring certain agencies to share information and records relating to homeless children and eliminating or modifying certain restrictions on enrollment by a pupil in a program of distance education; and providing for an additional exemption from the requirement that an unlicensed employee of a school district be directly supervised by a licensed employee. The law revises provisions governing the collection and maintenance of data relating to K-12 public education concerning students with parents active in the military. In addition, the law revises the name of the Council to oversee the development of the State Longitudinal Data System to the P-20W Council and requires the Council to develop a plan of collaborative research.

SB 31, SB 58, AB 224, AB 259

#### *Parent Engagement*

The law provides that the right of a parent to make decisions regarding the upbringing, education and care of his or her child is a fundamental right.

Bill: SB 314

#### *Protection of Students*

The new laws make several changes aimed at providing greater protection of students. They revise provisions governing the crime of sexual conduct between a school employee and a pupil. They require the State Board of Education and the board of trustees of each school district, in their respective annual reports of accountability, to provide information about the number of reported instances of bullying, cyber-bullying, harassment or intimidation; requiring each public school to hold an annual assembly on bullying; revise provisions governing training in the prevention, identification and reporting of bullying and similar conduct; require training for principals in preventing and responding to violence and suicide associated with bullying; require notice to the parent or guardian of any pupil allegedly involved in a reported incident of bullying or similar conduct; and require that certain annual reports submitted to the Attorney General also be provided to the Governor and the Legislature.

The laws require the principal of a public school or a designee of the principal to provide certain pupils with a written statement verifying that the pupil has complied with certain attendance requirements; authorize a school police officer or certain other persons to impose administrative sanctions against a pupil who is a habitual truant; and revise the actions the principal of a school and an advisory board to review school attendance may implement for a pupil who is declared a habitual truant.

The laws require courts to inform school districts of incidents of unlawful bullying or cyber-bullying; revise the definition of bullying; revise the prohibition against bullying and cyber-bullying to include certain persons and acts that occur away from school.

Bills: AB 377, SB 164, SB 269, SB 427

*Capital Construction.* The laws provide for the imposition and administration of a new sales and use tax and ad valorem tax in the Washoe County School District to raise revenue for school construction projects in the district. They require consistency in zoning ordinances with respect to certain standards and specifications for the construction or alteration of public schools in certain counties and that such standards and specifications be developed in conjunction with the school district of that county. They authorize the board of trustees of a school district to donate surplus personal property of the school district to another school district; revising provisions relating to the duties of oversight panels for school facilities including the submission of a biennial report to the Legislature with written recommendations for financing the costs of construction of school facilities by oversight panels for school facilities.

Bills: AB 46, AB 87, AB 459

*Distributive School Account:* In addition to the new budget described above and the result of SB522, the new laws create the Task Force on K-12 Public Education Funding to recommend a plan for funding public schools based upon a weighted formula that takes into account the individual educational needs and demographic characteristics of pupils and prescribe the membership and duties of the Task Force.

Bill: SB 500

*Streamlining:* The new laws eliminate certain mandates pertaining to school districts and public schools in this State allowing the Department of Education to make available electronic copies of laws rather than paper copies, eliminate reporting requirements related to bullying, and require the contents of those reports to be included within the annual reports of accountability prepared by the State Board of Education and the board of trustees of each school district. Other changes in the law eliminate the (now defunct) Commission on Educational Excellence, create alignment in the Department of Education with other state agencies with regard to minimum qualifications and prescribed job duties of agency leadership and modify the deadline for submission of the NRS 387.3903 report from November 15 for charter schools and November 20 for school districts to November 1 in order to allow the time necessary to compile and check data from 52 school districts and charter schools for the report that is the basis for building the Distributive School Account budget.

Bills: SB 442, SB 467

*Miscellaneous:* Other new laws relating to school district finance and management include the following:

- Temporarily delay the statutory deadline for notifying certain school district employees of reemployment status.
- Require certain gifts and bequests of money or property to be reported by the State Board of Education or the board of trustees of a school district.
- Exempt certain committees and subcommittees of a public body from compliance with the Open Meeting Law in certain circumstances; prohibit a member of a public body from designating a person to attend a meeting in the member's place without certain authority; revise provisions relating to the prosecution of an alleged violation of the Open Meeting Law; and revise provisions governing the provision of supporting material for meetings to the public.
- Prohibit a local government, the Administrator of the Purchasing Division of the Department of Administration and a board of trustees of a school district from joining, using or entering into certain contracts or agreements contrary to the statutory and regulatory provisions governing state purchasing.
- Require the superintendent of schools of each school district to establish criteria for determining certain budgetary priorities; requiring the board of trustees of each school district to use the criteria in preparing the budget of the school district; requiring that the expenditures of each school district be prioritized to ensure that the budgetary priorities are carried out
- Propose the Education Priority Act as the Legislature's competing ballot measure to Initiative Petition No. 1 to raise additional revenues for education.

Bills: SB 510, SB 392, AB 65, AB 85

### *Student Health*

Law changes in this area include:

- Establishing a pilot program in the Clark County School District and the Washoe County School District for the administration of mental health screenings to pupils enrolled in selected secondary schools within each school district.
- Requiring instruction in cardiopulmonary resuscitation and the use of automated external defibrillators in public secondary schools.
- Revising provisions relating to the rules and regulations of the Nevada Interscholastic Activities Association.
- Requiring the State Board of Education to prescribe a training program for employees of public and private schools who volunteer to serve as diabetes care aides. This allows a physician to prescribe auto-injectable epinephrine to a public or private school; provides for public and private schools to obtain auto-injectable epinephrine under certain conditions; and requires public and private schools, if feasible, to provide certain training to employees and to develop a comprehensive plan concerning anaphylaxis.

Bills: AB 386, AB 414, SB 125, SB 453

#### *Students with Disabilities*

Law changes in this area include requiring an individualized education program team to consider certain factors when developing an individualized education program for a pupil with a hearing impairment and changes the term from "Mental Retardation" to "Intellectual Disability" in Nevada Revised Statutes.

Bills: AB 210, SB 338