



**NYE COUNTY SCHOOL DISTRICT**  
**Board of Trustees**  
**Regular Agenda**

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A Regular of the Board of Trustees of Nye County School District will be held on Friday, July 29, 2005, beginning at 9:00 AM at the Southern District Office Boardroom, 484 S West Street, Pahrump, NV 89048.

The subjects to be discussed, considered, or acted upon are listed below. Items do not have to be taken in the order presented below and the Board may combine two or more agenda items for consideration at any time. The Board may also remove any items on the agenda or delay discussion relating to any item listed on the agenda at any time. Unless removed from the Consent Agenda, items identified within the Consent Agenda will be acted on at one time.

1. CALL TO ORDER
  - A. PLEDGE OF ALLEGIANCE
  - B. ROLL CALL
2. ADOPTION OF AGENDA, ACTION ITEM
3. CONSENT CALENDAR, ACTION ITEM
  - A. APPROVAL OF JUNE 17, 2005 REGULAR MEETING MINUTES
  - B. APPROVAL OF JUNE 17, 2005 EXECUTIVE SESSION MINUTES
  - C. APPROVAL OF JUNE 23, 2005 REGULAR MEETING MINUTES
  - D. APPROVAL OF JUNE 24, 2005 REGULAR MEETING MINUTES
  - E. APPROVAL OF JUNE 24, 2005 EXECUTIVE SESSION MINUTES
  - F. ACCEPTANCE OF HOME SCHOOL APPLICATIONS
  - G. APPROVAL TO ADMINISTER GED EXAMS TO 16-YEAR OLD STUDENTS
  - H. APPROVAL OF REQUESTS FOR IMMUNIZATION EXEMPTION
  - I. APPROVAL OF WARRANTS
  - J. APPROVAL FOR BOARD MEMBERS TO ATTEND NEVADA ASSOCIATION OF SCHOOL BOARDS CONFERENCE IN LAS VEGAS, OCT. 14-16, 2005
4. REPORTS, INFORMATIONAL ITEM
  - A. SUPERINTENDENT'S REPORT
  - B. ADMINISTRATOR REPORTS
  - C. BOARD REPORTS

#### D. BOARD COMMITTEE REPORTS

5. BOARD APPOINTMENTS, ACTION ITEM
6. CHANGE OF DATE/LOCATION OF FUTURE BOARD MEETINGS, ACTION ITEM
7. DECISION REGARDING SUBDIVISION MAPS, ACTION ITEM
8. APPROVAL OF GRANTS, ACTION ITEM
9. RECOGNITIONS, INFORMATIONAL ITEM
10. REPORT ON NATIONAL YOUTH LEADERSHIP FORUM TO WASHINGTON, DC, INFORMATIONAL ITEM
11. DISCUSSION & POSSIBLE DECISION REGARDING SUPPORT FOR A BOYS & GIRLS CLUB AT A SCHOOL SITE, ACTION ITEM
12. DEMONSTRATION OF LEAPFROG, AN ESL PRODUCT, INFORMATIONAL ITEM
13. DISCUSSION & POSSIBLE ACTION ON THE 2005 SCHOOL BUILDING & REFUNDING BOND RESOLUTION, ACTION ITEM
14. REPORT ON 2005 LEGISLATIVE SESSION, INFORMATIONAL ITEM
15. APPROVAL OF ADEQUATE YEARLY PROGRESS (AYP) DESIGNATIONS, ACTION ITEM
16. APPROVAL OF REQUEST TO HIRE ADDITIONAL SCHOOL STAFF, ACTION ITEM
17. AUTHORIZATION TO SCHEDULE FIVE SHORT SCHOOL DAYS IN SESSION, ACTION ITEM
18. AWARD OF BID: ROOFING PROJECT, CSS BUILDING, ACTION ITEM
19. AWARD OF BID: GRADING, PAVING & OVERLAY WORK AT J. G. JOHNSON ELEMENTARY, MT. CHARLESTON ELEMENTARY, EARLY CHILDHOOD & SOUTHERN DISTRICT OFFICE PARKING LOTS, ACTION ITEM
20. AWARD OF BID: PHASE 5 REMEDIATION/REPAIR WORK AT ROSEMARY CLARKE MIDDLE SCHOOL, ACTION ITEM
21. DECISION REGARDING NYE COUNTY SCHOOL DISTRICT'S MEMBERSHIP IN NATIONAL SCHOOL BOARDS ASSOCIATION, ACTION ITEM
22. DECISION REGARDING REQUEST TO PURCHASE BLACKBERRY FOR USE BY BOARD PRESIDENT, ACTION ITEM
23. DECISION REGARDING REQUEST FOR PURCHASE OF BOARD OFFICE FURNITURE AT SOUTHERN DISTRICT OFFICE, ACTION ITEM
24. APPROVAL OF SECOND READING, POLICY 6233 - NECESSITY LEAVE, ACTION ITEM
25. APPROVAL OF FIRST READING, POLICY 2411 - SPECIFICATIONS FOR NEW BUILDING SITES, ACTION ITEM
26. APPROVAL OF FIRST READING, POLICY 3341 - FREE ADMISSIONS, ACTION ITEM

27. APPROVAL OF FIRST READING, POLICY 5376 - SCHOOL CAMPS, ACTION ITEM
28. APPROVAL OF FIRST READING, POLICY 5556 - INTERNET & SCHOOL NETWORK ACCEPTABLE USE, ACTION ITEM
29. APPROVAL OF FIRST READING, POLICY 6100 - GENERAL PERSONNEL POLICIES, ACTION ITEM
30. APPROVAL OF FIRST READING, POLICY 6226 STAFF FRINGE BENEFITS, ACTION ITEM
31. APPROVAL OF FIRST READING, POLICY 6227 - SICK LEAVE, ACTION ITEM
32. APPROVAL OF FIRST READING, POLICY 7222 - ATTENDANCE MONITORING/ACCOUNTING, ACTION ITEM
33. APPROVAL OF FIRST READING, POLICY 7363 - STUDENT USE OF ELECTRONIC COMMUNICATION DEVICES SUCH AS CELLULAR TELEPHONES OR PAGERS, ACTION ITEM
34. APPROVAL OF FIRST READING, POLICY 7371 - PREGNANT STUDENTS, ACTION ITEM
35. APPROVAL OF FIRST READING, POLICY 7460 - STUDENT TRAVEL, ACTION ITEM
36. APPROVAL OF FIRST READING, POLICY 7500 - STUDENT DISCIPLINE, ACTION ITEM
37. APPROVAL OF FIRST READING, POLICY 7510 - CORPORAL PUNISHMENT, ACTION ITEM
38. APPROVAL OF FIRST READING, POLICY 7622 - IMMUNIZATION OF STUDENTS, ACTION ITEM
39. APPROVAL OF FIRST READING, POLICY 7623 - COMMUNICABLE/INFECTIOUS DISEASES, ACTION ITEM
40. APPROVAL OF FIRST READING, POLICY 7624 - STUDENTS & STAFF WITH HIV/AIDS, ACTION ITEM
41. APPROVAL OF FIRST READING, POLICY 7630 - GUIDANCE & COUNSELING, ACTION ITEM
42. APPROVAL OF FIRST READING, POLICY 7642 - IDENTIFICATION, INTERVENTION & POSTVENTION PROCEDURES FOR STUDENT PROBLEMS, ACTION ITEM
43. APPROVAL OF FIRST READING, POLICY 7720 - EMPLOYMENT OF STUDENTS, ACTION ITEM
44. APPROVAL TO DELETE POLICY 5341 - HOME SCHOOLING, ACTION ITEM
45. EXECUTIVE (CLOSED) SESSION
  - A. DISCUSSION REGARDING POSSIBLE STUDENT RIGHTS VIOLATIONS
  - B. DISCUSSION REGARDING RESULTS OF STUDENT DISCIPLINARY HEARINGS

C. DISCUSSION REGARDING LEGAL ITEMS

D. DISCUSSION REGARDING PERSONNEL ITEMS

E. DISCUSSION REGARDING NEGOTIATIONS

46. DECISION REGARDING POSSIBLE STUDENT RIGHTS VIOLATIONS, ACTION ITEM

47. PUBLIC INPUT, INFORMATIONAL ITEM

48. ADJOURNMENT, ACTION ITEM

This Meeting will be streamed live online via the link

<https://livestream.nyeschools.org/ViewStream.html> on the Nye County School District website.

Click on the following link if you have difficulties with the live streaming:

<https://bit.ly/ncsdbotmeetings>.

Public input may be accepted live via email for the duration of the Meeting and shared during the public input designated timeframe (all rules and timelines as listed in the Agenda still apply). Public comments made by members of the public attending the meeting virtually must be emailed to [publiccomment@nyeschools.org](mailto:publiccomment@nyeschools.org) and must include:

- a. The author's first and last name
- b. The author's phone number (will not be read with comment)
- c. Date of the Meeting for which the comment is intended

Nye County School District (NCSD) will empower students to learn at their highest level in an environment of mutual respect.

The NCSD BOT Goals are as follows:

**Culture**

Improve and sustain a culture of learning for all through:

- ◆ Recruiting, selecting, inducting, supporting, evaluating, and developing staff.
- ◆ Fostering a safe and respectful learning and working environment.
- ◆ Promoting ongoing family and community engagement in pursuit of our vision.

**Academic**

Elevate achievement and support lifelong learning for all through:

- ◆ Creating and sustaining a results-focused learning environment; establishing measurable goals for all.
- ◆ Creating and sustaining an instructional framework and common language to ensure essential content standards drive instruction.

The notice for this posting was posted on the NCSD Website (<https://www.nye.k12.nv.us>), Nevada's Notice Website (<https://notice.nv.gov/>), at the main physical location of the meeting, and has also been provided to all persons who have made a specific request of a copy of the Agenda by US Mail or electronic mail. A Public Binder will be available for viewing at the scheduled location at the time of the Meeting.

*NYE COUNTY SCHOOL DISTRICT NOTICE OF NONDISCRIMINATION*

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*or expression, or any other category protected by applicable state or federal law in its program and activity, including employment. In keeping with requirements of federal and state law, NCSD strives to remove any vestige of discrimination in accommodating the public at public meetings.*

*The Nye County School District is pleased to provide reasonable accommodations for the disabled. Members of the public who are physically handicapped and require special accommodations or assistance to attend the meeting are requested to notify the Executive Assistant to the Superintendent and Board of Trustees in writing at 484 S West Street, Pahrump, NV 89048, email Iliana Garcia at [igarcia@nyeschools.org](mailto:igarcia@nyeschools.org), or call 775-727-7743, ext. 239 at least one week before the meeting.*

## NYE COUNTY SCHOOL DISTRICT

**-M-I-N-U-T-E-S-**

**June 17, 2005**

Present: Deborah Wescoatt, President; Tracie Ward, Vice-President; Dennis Keating, Clerk; Edna Forsgren, Nicole Genet, Cindy Marcotte and Dawn Murphy, Members; Dr. William Roberts, Superintendent; Cameron McRae, Transportation; Lisa Mays, Board and Administrative Services Coordinator; and Kerry Paniagua, Executive Secretary.

Absent: None.

Guests: Gina B. Good, Pahrump Valley Times.

1. Call to Order

The meeting was called to order in the Pahrump boardroom at 9:08 a.m. The Pledge of Allegiance was recited and roll call taken.

2. Adoption of Agenda

Dennis Keating moved adoption of the agenda. Edna Forsgren seconded, and a unanimous vote was recorded.

3. Public Input

Ms. Good introduced herself as the new reporter for the Pahrump Valley Times.

4a. Discussion Regarding Superintendent's Evaluation

4b. Discussion Regarding Superintendent's 2005-06 Contract

Discussion is reflected in Executive Session minutes.

5. Intent to Name Three Schools and Football Field

Mrs. Wescoatt said the policy indicates the public must be given 30 days' notice of the intent to name schools. She scheduled the item for decision at the first meeting in August. Dennis Keating made the motion to hold a meeting on August 12 at 9:00 a.m. and consider the naming of schools and a football field, and Dawn Murphy seconded. The motion and second were amended to indicate the schools were in Pahrump and the football field is in Tonopah. The vote was unanimous in favor.

6. Adjournment

Cindy Marcotte moved to adjourn at 12:26 p.m., and Dawn Murphy seconded. Those voting aye: Edna Forsgren, Dennis Keating, Cindy Marcotte, Dawn Murphy, Tracie Ward and Deborah Wescoatt. Those voting nay: none. Mrs. Genet was absent for this vote. The motion carried with a majority vote.

**SCHEDULE OF MEETING**

The meeting was called to order at 9:08 a.m. Dennis Keating made the motion to go into Executive Session at 9:14 a.m. Cindy Marcotte seconded, and a unanimous vote was cast. The regular session resumed at 12:26, and the meeting adjourned at 12:26 p.m.

By \_\_\_\_\_

## NYE COUNTY SCHOOL DISTRICT

**-M-I-N-U-T-E-S-**

**June 23, 2005**

Present: Deborah Wescoatt, President; Tracie Ward, Vice-President; Dennis Keating, Clerk; Edna Forsgren and Cindy Marcotte, Members; Dr. William Roberts, Superintendent; Kay Walker, Assistant Superintendent; Ray Ritchie, Chief Financial and Administrative Officer; Lynna Howerton, Tonopah Elementary/Silver Rim Elementary Principal; Lisa Mays, Board and Administrative Services Coordinator; and Kerry Paniagua, Executive Secretary.

Absent: Nicole Genet and Dawn Murphy.

Guests: Colleen Harvey, Janice Beaudin-Johnson, Danni Wilson, Mary Bayne, Jill Katzenbach, Pat Woods, Larry Woods and Anena Kipp, Tonopah Elementary/Middle School; Kristy Ferguson, Dorie Stacy, Jennifer Clifford, Joel Cofer and Jamee Cofer, Silver Rim Elementary; Susan Terras, Dyan Yeager, Tamara Morgando, Jo Eason, Jim Merlino, Connie Ayers, Stefanie Galli and Donna Galli, Tonopah.

### 1. Call to Order

The meeting was called to order at 7:00 p.m. in the Tonopah boardroom with a videoconference link to the Pahrump boardroom. Board members, administrators and guests recited the Pledge of Allegiance. President Wescoatt conducted roll call of board members; Nicole Genet and Dawn Murphy were absent.

### 2. Adoption of Agenda

Dennis Keating moved adoption of the agenda. Edna Forsgren seconded, and a unanimous vote was cast.

### 3. Public Input on any Item not Listed on Agenda

None offered.

4. Public Hearing on Possible Reconfiguration of Silver Rim Elementary & Tonopah Elementary Schools

Mrs. Howerton gave a PowerPoint presentation regarding the history of this issue, expected benefits and other considerations. She also discussed results of parent surveys. She explained that staff members visited similarly configured schools in Las Vegas and Battle Mountain. The main benefits are that bullying by older children would be eliminated, struggling students could be taken by one teacher while the remaining students were taught by the other teacher, there would be more grade level collaboration, better use of teacher time on remediation, no variances, better balance of class size, common planning time, less transition time for younger students, students would only be with a particular special education teacher for three grades and there would be a greater population in each testing group. She felt the District's move to Professional Learning Communities would be better served by reconfiguration.

Mrs. Wescoatt shared with the audience the news that the Esmeralda County school board will begin busing the approximately 20 Esmeralda County students who live in the Tonopah area, and there will be no variances. She opened up the discussion for public input.

Jan Beaudin-Johnson said she loved having neighborhood schools but said only having three grades in special education would be a benefit because she could do so much more.

Pat Woods said the kindergarten classroom at Tonopah Elementary is one third larger than Silver Rim, and every inch of her classroom is used. She also has use of an outside area, which she would not at Silver Rim. She foresees a loss of parent involvement because parents will have children at two schools and problems with parent/teacher conferences. She believed there would be increased transportation costs, and children would have to leave home earlier to be bused. Older siblings would no longer be able to pick up younger children and was concerned about lack of supervision.

Jo Eason was concerned about children waiting at bus stops with no supervision. She would be unable to drop off her children before 7:45 and asked if start times would be changed.

Jill Katzenbach said when her four-year old twins enter school, she would like them to be separated. She felt there were more discipline problems at Tonopah Elementary, and reconfiguration would split the discipline problems and split personalities. She suggested changing start times.

Tamara Morgando wondered why there were even two elementary schools when Tonopah Elementary could house them all. She liked having her younger child walk to school with her older child.

Colleen Harvey said scheduling and programs can be very easily adjusted. She regularly calls the other two schools before scheduling events so that conflicts are reduced. Silver Rim is a good school for smaller children because it was made for smaller people. It is extremely safe because everything is inside. The gym can be used during bad weather. Tonopah Elementary is not handicapped accessible, whereas Silver Rim is. That's one good reason to have two schools.

Dr. Roberts said the Tonopah community is recognized for academic achievement. He said a lot of the issues seem to have solutions. One of the issues that continually returns is why there are two schools, and the board has tried to protect the integrity of what the community wanted. Three years ago when finances were tight, 22 teachers were RIFd along with classified staff. The board even started the process of charging for athletics but managed not to do that. Now, the District is faced with a different challenge in trying to raise student achievement. It affects leveling classes, inclusion, and ESL students among others. In addition, they will lose the Esmeralda County students. With the loss of students, it may not be economically feasible to keep two schools open. Reconfiguration is a good opportunity to balance classes.

Mrs. Forsgren said there were very good arguments but wondered why there weren't more parents. Mrs. Howerton said letters were sent home with students, and there was a notice in the paper. Mrs. Woods said the process should have started while school was still in session, and there might have been more involvement. Mrs. Wescoatt said the board needed to wait because of the legislative session, and the DSA amount was only released June 6.

Miss Harvey pointed out that it's not only Silver Rim students who live in the apartments in Esmeralda County; there are also middle school students. Jim Merlino suggested asking the Commissioners if Tonopah is paying for fire and police protection for that end of town.

Mrs. Howerton said she is really looking at student achievement. She was unhappy with CRT scores and feels deeply that this will increase student achievement. She said there is extra storage space at Silver Rim to accommodate the kindergarten teacher. Mrs. Wescoatt asked if the kindergarten could just stay at Silver Rim, but Mrs. Howerton said that teacher needs to work with the primary grade teachers. Miss Harvey pointed out that kindergarten students would have to be bused regardless of which school houses them.

Mrs. Cofer said her daughter attended Silver Rim starting in kindergarten when there were over 20 students in each session and said there was plenty of space. She said Silver Rim is ideal for K-2. She said when the school was built, there were add-ons in case it went to one school. Miss Harvey said the school still has the same number of rooms as it did when it was built because four classrooms had been added on before four were torn down. Mrs. Eason asked if they would have to hire additional drivers; Mr. Cofer said no.

5. Decision Regarding Proposed Reconfiguration of Silver Rim Elementary and Tonopah Elementary Schools

Mrs. Wescoatt said she would like to reconfigure the schools, but if the District lost 26 students, they might have to have another conversation about the schools. She said they would have to keep careful watch. She asked that the motion include reconfiguring and receive a memo September 2 about the count at Tonopah schools.

Tracie Ward made the motion to reconfigure the schools pending the outcome of all factors including Esmeralda students. Dennis Keating seconded, and there was a unanimous vote in favor.

6. Adjournment

Dennis Keating moved to adjourn at 8:23 p.m. Edna Forsgren seconded, and a unanimous vote was recorded.

**SCHEDULE OF MEETING**

The meeting was called to order at 7:00 p.m. and was adjourned at 8:23 p.m.

By \_\_\_\_\_

## NYE COUNTY SCHOOL DISTRICT

### -M-I-N-U-T-E-S-

**June 24, 2005**

Present: Deborah Wescoatt, President; Tracie Ward, Vice-President; Dennis Keating, Clerk; Edna Forsgren, Nicole Genet, Cindy Marcotte and Dawn Murphy, Members; Dr. William Roberts, Superintendent; Kay Walker and Rod Pekarek, Assistant Superintendents; Ray Ritchie, Chief Financial and Administrative Officer; Bob Whimpey, Maintenance and Operations; Karen Liberty, Elementary Curriculum Coordinator; Jerry Hill, Secondary Curriculum Coordinator; Ginger Olson, Testing and Accountability Coordinator; Mary Sue Morin, ELL Director; Sam Simatos, Manse Principal; Dale Norton, Clarke Middle School Principal; Barbara Floto, Tonopah High Principal; Lisa Mays, Board and Administrative Services Coordinator; and Kerry Paniagua, Executive Secretary.

Absent: None.

Guests: Michael Ponton, NCCTA President; Joan Mercadante, Johnson Elementary; Lyndee Presgrove, Mt. Charleston Elementary; Connie Van Cleave, Pahrump High; Laura Billman and Patti Chipman, Nevada Elect; and Gina B. Good, Pahrump Valley Times.

#### 1. Call to Order

The meeting was called to order at 9:00 a.m. in the Tonopah boardroom with a videoconference link to the Pahrump boardroom. Board members, administrators and guests recited the Pledge of Allegiance. The President conducted roll call of board members. Mrs. Forsgren, Mr. Keating and Mrs. Wescoatt were in Tonopah. Mrs. Ward, Mrs. Murphy and Mrs. Marcotte were in Pahrump; and Mrs. Genet was connected by phone.

#### 2. Adoption of Agenda

Dennis Keating moved adoption of the agenda. Edna Forsgren seconded, and a unanimous vote was recorded.

- 3a. Approval of May 18, 2005 Regular Meeting Minutes
- 3b. Approval of May 20, 2005 Regular Meeting Minutes
- 3c. Approval of May 20, 2005 Executive Session Minutes
- 3d. Approval of June 3, 2005 Regular Meeting Minutes
- 3e. Approval of June 3, 2005 Executive Session Minutes
- 3f. Acceptance of Home School Applications
- 3g. Approval to Administer GED Exams to 16-Year Old Students
- 3h. Approval of Requests for Immunization Exemption
- 3i. Approval of Warrants
- 3j. Approval for Board Member to Attend West Ed Conference at Lake Tahoe, July 20-21, 2005

Tracie Ward made the motion to approve consent agenda items 3a through 3j, and Dennis Keating seconded. Mr. Keating requested correction of Laura Boggs in place of Linda Boggs in item 8 of the May 20 regular meeting minutes. Both the motion and second were amended to accommodate this correction, and a unanimous vote was registered.

4a. Superintendent's Report

In addition to Dr. Roberts' written report, he announced 14 administrators attended the NASA conference at which there were numerous professional development classes. He announced the reconfiguration of Silver Rim and Tonopah Elementary effective with the 2005-06 school year as a result of the hearing held the night before. Silver Rim will have grades K-2, and Tonopah Elementary will house grades 3-5. The day prior to that, he was informed that Esmeralda County School District will bus their students living in the Tonopah area; and variances will likely not be allowed. He announced Patsy Jensen has been named Tonopah High Principal, Nancy Hein has been named Beatty Principal, and Kent Roberts has been named Pahrump High Assistant Principal. He said they all bring a lot of experience and enthusiasm to their jobs.

4b. Administrator Reports

There were no questions on written reports.

4c. Board Reports

Mrs. Genet said she was able to attend Pahrump High graduation as well as a number of events that week. Mrs. Ward attended the CNA pinning ceremony, athletic awards and graduation at Pahrump and Gabbs. She participated in NASB Directors' meeting and attended the Commissioners' meeting. Mrs. Marcotte attended several awards programs as well as graduation in Beatty and Gabbs.

Mrs. Murphy attended the CNA pinning ceremony, athletic awards, Pahrump graduation and volunteer day at Johnson Elementary. Mrs. Forsgren attended eighth grade promotion at Duckwater in addition to Tonopah and Round Mountain graduations. She participated

in half of the Tonopah High principal selection committee meetings. Mr. Keating attended kindergarten and fifth grade promotions at Hafen and Mt. Charleston, senior awards, Pahrump graduation and field day and planned to attend the Blue Butterfly hospice fundraiser. He will be attending the NASB retreat in Reno on Saturday.

Mrs. Wescoatt attended two kindergarten promotions. She said there is a land swap on next week's Pahrump Town Board meeting that should benefit the school district. The Commissioners have asked for a joint meeting with the school board and the Pahrump Town Board on July 6 at 8:30 a.m. to talk with Concordia and Beazer about development agreements. She will be attending the PLC conference next week with Mrs. Murphy and has been invited by West Ed to attend a seminar on restructuring high schools.

4d. Board Committee Reports

Mrs. Murphy said she was unable to attend the special United Way meeting. Mrs. Ward reported that 90% of the NASB dues go to NSBA, and the directors don't feel membership in NSBA is worth the money. They would like to use the money to hire a full-time director. If the State doesn't belong to NSBA, the counties cannot belong. She asked board members to email their input. Mrs. Murphy said the school board should back NASB. Mr. Keating felt the board should move forward with what NASB has done for the counties since NSBA isn't accommodating. Mr. Ritchie thought the dues would be up in December. Mrs. Ward said that NASB's dues are up in August, and that's when the District's membership would end; they would have to refund the balance of membership dues. Mrs. Wescoatt said the policy committee meets June 30 and would probably take two and one half hours.

5. Board Appointments

6. Change of Date/Location of Future Board Meetings

7. Decision Regarding Subdivision Maps

8. Approval of Grants

Items withdrawn.

9. Decision Regarding Request to Use Pahrump Board Room for Meetings

Mrs. Wescoatt said Bill King was unable to attend because he was recovering from surgery. Tracie Ward made the motion to allow this group an exception to use the board room. Her motion died for lack of a second. Edna Forsgren made the motion to deny use of the board room, and Nicole Genet seconded. Those voting aye: Edna Forsgren, Nicole Genet, Dennis Keating, Cindy Marcotte, Dawn Murphy and Deborah Wescoatt. Those voting nay: Tracie Ward. The motion carried with a majority vote.

10. Approval of 2004-05 Augmented/Revised Budget #2

Tracie Ward moved approval of the augmented/revised budget. Cindy Marcotte seconded, and a unanimous vote was registered.

## 11. Recognitions

Ms. Walker said the employees who were invited to be in Tonopah were not present and recommended holding off presenting their awards until September. The following individuals were given service awards in Pahrump: Rod Pekarek for 30 years; Cindy Simpson for 25 years; Willis Garlin, Elaine Goins, Diana Haulman, Joan Mercadante, Faye Porche, Lyndee Presgrove, Connie Van Cleave and Sheila Windholz for 20 years. Only Mr. Pekarek, Mrs. Mercadante, Ms. Presgrove and Ms. Van Cleave were present.

## 12. Report on Test Data

Mrs. Olson said students have seven opportunities to pass the proficiency exam. Standard or advanced diplomas were given to 198 students, adjusted diplomas were given to 47 students, and 13 received certificates of attendance. Thirteen didn't pass math, four didn't pass reading, and two weren't proficient in writing. Millennium scholarships were given to 87 students. Mr. Keating had heard from someone in Clark County that if a student didn't pass a portion of the test, he could retake that portion and could do so until the following year's graduation. Ms. Walker said that might be unique to Clark County but is not applicable to Nye students. Mrs. Olson said the July administration is the last opportunity for a student to pass. They then have to take the exam under the adult ed program and have a year in which to receive a regular diploma.

Dr. Roberts said the only exception he knows of is a special ed student who may continue to be enrolled in high school until age 22. Mrs. Wescoatt said the information shows 90 Pahrump students received advanced diplomas, but the school only gave out about 40 honors awards. Mr. Hill explained that an advanced diploma is given for four years of science and four years of math, and students wouldn't necessarily be honors students. Mrs. Wescoatt still asked that the number be checked.

Mrs. Wescoatt asked if there was concern that some schools aren't even at the 50% level on CRTs. Mrs. Olson said that schools look at the data as one piece as they develop their school improvement plans. She said that Mrs. Liberty is looking at curriculum to see if adjustments are needed there. Mrs. Wescoatt asked if schools are collaborating with one another. Mrs. Olson said the District improvement plan calls for the professional learning communities model so there would be collaboration among principals. They have to consider such things as transiency rates among students and teachers, teaching methods and strategies. Dr. Roberts said that RPDP will provide additional TOSAs in math, and several schools have already contacted him about that. Mt. Charleston is using a couple programs to raise the bar in math that seem to be very effective. He has directed principals to collaborate on best practices.

Mrs. Wescoatt said the same schools seem to be having problems in both math and reading. She expressed concerns about HSPE at grade 10, and some students are still taking proficiency math at that grade. She warned against hanging everything on professional learning communities. Mrs. Olson said the math proficiency is an exit test

for 12<sup>th</sup> grade. She said one of the differences between math and reading is that reading is a skill that builds and is refined in high school whereas math is abstract. The brain has to mature enough to understand math. Dr. Roberts said most students have not taken geometry by tenth grade so they don't know those concepts.

Mrs. Wescoatt said students who take algebra in eighth grade don't get high school credit, and Dr. Roberts said that's because it's not a high school class. The teacher would only be highly qualified with a K-8 license and may not be highly qualified to teach high school math. At the high school level, teachers have to be licensed in the field they teach. Mr. Pekarek said the District does not have teachers in all middle schools that are highly qualified to teach high school math. Mr. Keating pointed out that when the middle school in Pahrump was next to the high school, middle school students could walk to the high school to take a high school math class.

Mrs. Olson said each year more students pass the test. The group that hasn't passed gets smaller and smaller, and the results become skewed. Only 6.5% didn't pass at the completion of 12<sup>th</sup> grade.

13. Report on Preliminary AYP Designations

Mrs. Olson said Clarke Middle School reduced the percentage of non-proficient students enough that they reached safe harbor in IEP for math and English/Language Arts. If they make it next year, they will be off needs improvement. Dr. Roberts said it took a significant amount of work by staff to accomplish that. Mrs. Olson said Hafen also made safe harbor in English/Language Arts in IEP and free/reduced lunch. She is appealing participation for Hispanic groups at Amargosa and Johnson Elementary because there were extenuating circumstances preventing students from attending school. Dr. Roberts said this is a complete reversal of where they were headed and commended the principals. He said there's a need to continue to work with IEP and ELL students. Mrs. Olson added that the cut score increased dramatically this year and will hold steady for three years before taking another jump. She didn't have information on Beatty High before she posted the information but has since learned that they made AYP.

14. Approval of Resolution Authorizing the Creation of 18 Funds

Dennis Keating moved approval of the resolution. Cindy Marcotte seconded, and a unanimous vote was cast.

15. Approval of Debt Management Policy, Capital Improvement Plan & Report of Indebtedness

Dennis Keating made the motion to approve the debt management policy, capital improvement plan and report of indebtedness. Dawn Murphy seconded, and a unanimous vote was recorded.

16. Approval of Request to Hire Additional School Staff

Mrs. Wescoatt said Pahrump High previously had a .5 ELL teacher, and this request would fund English, math and science teachers, increase the ELL teacher to full-time, and provide for an additional hall monitor. Dawn Murphy made the motion to approve the request. Tracie Ward seconded, and a unanimous vote was registered.

17. Approval of Request to Create Additional District Level Position

Tracie Ward made the motion to approve hiring an additional assistant superintendent. Cindy Marcotte seconded, and a unanimous vote was cast. Mr. Keating pointed out a mathematical error on the Ending Fund Balance, and Mr. Ritchie corrected that. Mrs. Forsgren brought up her concern that there was no administrator in Tonopah and asked if this person could be assigned there. Mrs. Wescoatt said it's hard to get somebody to agree to that because of declining enrollment. She said all three will be required to rotate though Tonopah each week. Mr. Keating asked if that meant somebody would be there every day. Dr. Roberts said the other two assistants will increase their attendance in Tonopah but couldn't guarantee there would be someone there on a daily basis. There is a need to visit all sites in the north.

18. Approval of Interlocal Agreement between Nye County School District & Nye County Coalition

Dennis Keating made the motion to approve the interlocal agreement. Tracie Ward seconded, and a unanimous vote was recorded.

19. Approval of Request to Purchase K-8 English/Language Arts Textbooks

Mrs. Wescoatt asked for the motion be separate for K-5 and 6-8. Edna Forsgren made the motion to approve Scott Foresman as the vendor for K-5 textbooks. Dennis Keating seconded, and a unanimous vote was cast. Mrs. Wescoatt said the committee selected McDougall, but she's received numerous requests to deny the choice. The teachers from Clarke felt they were outnumbered and listed a number of reasons why Holt should be the vendor chosen. Dr. Roberts said the body as a whole made the choice, and either vendor would be appropriate.

Mrs. Liberty said it had been a heated discussion. She disagreed with some of the points brought up by the Clarke teachers. There is differentiated instruction in both series, and both were state adopted textbooks and thus aligned with standards. She felt McDougall did all the work for the teacher in breaking up the stories into smaller pieces for the struggling readers to gain comprehension, and another for enrichment for readers with higher order thinking skills. In the Holt series, it is up to the teacher to do the strategy, creating extra work. She said the board could approve one series for Clarke and another for the rest of the District. Both series have a good writing component. She said the workbook is free every year for every student for seven years. Dr. Roberts recommended allowing Clarke to have their preference. He said typically they try to standardize across the District, but each community is different. He said it was heartwarming to see teachers

fight so passionately over textbooks. But he said, if the District buys them, teachers are going to use them. He would direct an analysis of test scores after a year. Tracie Ward made the motion to select the Holt series for Clarke and McDougall for the rest of the schools. Dennis Keating seconded, and a unanimous vote was registered.

20. Approval of 2005-06 Board Meeting Calendar

Dennis Keating made the motion to accept the first proposed calendar, and Tracie Ward seconded. Mrs. Wescoatt tossed out both calendars and set the following dates for board meetings: July 29, August 12, August 26, September 9, September 23, October 7, October 21, November 4, November 18, December 2, December 16, January 6, January 20, February 10, February 24, March 10, March 24, April 14, April 28, May 12, May 17, May 26, June 16 and June 30. Mr. Keating withdrew his previous motion and made a new motion to accept the calendar developed and to make the start time 10:00 a.m. Tracie Ward withdrew her second. Nicole Genet seconded Mr. Keating's motion, and a unanimous vote was recorded. Mrs. Wescoatt said there will be some traveling next year because they will be selling a bond. Mr. Keating said they would need to hold several meetings in the north. A copy of the meeting calendar is attached.

21. Declaration of Intent to Build a New School

Tracie Ward made the motion to build a new elementary school in Pahrump on the property donated by American West. Cindy Marcotte seconded, and a unanimous vote was cast.

22. Approval to Obtain Commercial Estimate on Manse School Acreage

Dennis Keating made the motion to approve the request, and Edna Forsgren seconded. Mrs. Ward was concerned that it would reduce the property the District owns free and clear. Mrs. Wescoatt said different developers are interested in the acreage, and before the District even starts negotiations, they need to know what it's worth. Mrs. Ward didn't think it was feasible at this time. Mr. Keating said at the time they get the appraisals, they might consider other action. He just wanted to make sure there was a school available for students before letting it go. The vote was unanimous in favor.

23. Approval of Community Work Experience (CWEP) Cooperative Agreement

Tracie Ward made the motion to approve the cooperative agreement, and Dawn Murphy seconded. Mr. Keating asked that anyone interacting on site facilities would undergo fingerprints and a background check. The vote was unanimous in favor.

24. Recognition of Nye County Association of School Administrators

Tracie Ward made the motion to recognize the Nye County Association of School Administrators. Cindy Marcotte seconded, and a unanimous vote was cast.

25. Approval of Changes to Parent/Student Handbook

The following corrections/additions were made in addition to changes made in the handbook: (1) add email addresses for board members, (2) add Crystal to Mrs. Marcotte's area description, (3) change Kelly Wales' title to "Director of Special Ed and Related Programs," (4) add "a projectile that could cause harm or injury" to the list of prohibited items, (5) straps must be adequate to cover underclothing, (6) flip flops (shower shoes) are not appropriate, and (7) bare bellies are not to be shown. Dennis Keating made the motion to approve the changes to the parent/student handbook. Edna Forsgren seconded, and a unanimous vote was recorded.

26. Approval of Second Reading, Policy 6225 – Professional Supplementary Pay Plans

Dawn Murphy moved approval of the second reading of this policy. Tracie Ward seconded, and a unanimous vote was cast. A copy of this policy is attached.

27. Approval of Second Reading, Policy 6235 – Retiree Insurance

Dawn Murphy made the motion to approve the second reading. Tracie Ward seconded, and a unanimous vote was recorded. Mr. Keating asked if a retiree was prohibited from coming back to the District plan once he had chosen the State plan and was told yes. A copy of this policy is incorporated into these minutes.

28. Approval of First Reading, Policy 6233 – Necessity Leave

Dawn Murphy moved approval of the first reading. Tracie Ward seconded, and a unanimous vote was registered. A copy of this policy is attached to the minutes.

29. Announce Results of Superintendent's Evaluation & Approval of 2005-06 Contract

Mrs. Wescoatt announced that Dr. Roberts was given a satisfactory evaluation, and the board felt he had done a good job. Dennis Keating made the motion to approve the 2005-06 contract. Edna Forsgren seconded the motion, and a unanimous vote was cast.

30a. Discussion Regarding Possible Student Rights Violations

30b. Discussion Regarding Results of Student Disciplinary Hearings

30c. Discussion Regarding Legal Items

30d. Discussion Regarding Personnel Items

30e. Discussion Regarding Negotiations

Discussion is reflected in Executive Session minutes.

31. Decision Regarding Possible Student Rights Violations

Tracie Ward moved that the board found no violations of student rights. Cindy Marcotte seconded, and a unanimous vote was recorded.

32. Public Input

None offered.

33. Adjournment

Dawn Murphy made the motion to adjourn at 1:06 p.m. Dennis Keating seconded, and a unanimous vote was recorded.

**SCHEDULE OF MEETING**

The meeting was called to order at 9:00 a.m. Dennis Keating made the motion to go into Executive Session at 12:10 p.m. Cindy Marcotte seconded, and a unanimous vote was cast. The regular session resumed at 1:05 p.m. The meeting adjourned at 1:06 p.m.

By \_\_\_\_\_

# Nevada Association of School Boards

## Improving Student Achievement through Local School Board Leadership

201 South Rook Street, Suite 102 Carson City, NV 89701 phn. (775) 885-7466 fax (775) 883-7398  
Email: nvasb@nsn.k12.nv.us

July 20, 2005

### **Re: 2005 NASB Annual Conference - Sunset Station Hotel, Las Vegas, NV, October 14<sup>th</sup> - 16<sup>th</sup>**

Dear Local School Board Member:

The 42<sup>nd</sup> Annual Conference of the Nevada Association of School Boards is set for October 14-16, 2005 at the beautiful Sunset Station Hotel in Las Vegas, NV. This year's conference will be another in a series of "can't miss" opportunities. In fact, this year's conference will be one of the best ever! So, plan now to attend and prepare yourself for some of the highest quality leadership and boardsmanship training and information you've ever had!

The conference begins **Friday**, October 14<sup>th</sup> with a welcome lunch, followed by an afternoon of workshops on a variety of topics, including distance-education, open meeting law, legislative advocacy, and more. Scheduled for late afternoon is a roundtable discussion with elected leaders and candidates. Friday evening will feature student entertainment and a dynamite keynote speaker. And then...it's time for Saturday!

**Saturday** will be one of the most informative and intensive annual conference Saturdays we've ever had. We begin with an in-depth review of Nevada's ethics laws for elected officials (offered through the POWER program for credit). Following that, we are thrilled to have with us again the Iowa Lighthouse Study – a continuing scientific research project of the Iowa Association of School Boards specifically designed to identify the skills, knowledge and attitudes of school boards whose work leads directly to improved student achievement. Then, we are absolutely pleased to present Doug Eadie and his work on successful board-superintendent relationships and the five habits of high impact boards. The day concludes with our Annual Awards Banquet – always a fun and enjoyable evening as we recognize the outstanding achievements of school boards and school board members. Without a doubt, **Saturday will be awesome!**

**Also on Saturday** will be the 2<sup>nd</sup> Annual Board Secretaries Workshop. Last year was the first year for this new program. Due to its overwhelming success, we are doing it again! This year's workshop will focus on producing high quality meeting minutes, changes to open meeting law that affect board secretaries and assistants, and the ever-popular and informative roundtable discussions of best practices.

**Sunday** morning it's time for our annual buffet breakfast and one of the best parts of our conferences: the "Local School Board Best Practices" session. This session has become both a tradition and a highlight of our conferences as local school boards briefly share a positive practice or program that is improving student achievement in their local school districts. You don't want to miss this session! (And we've designed the schedule so nobody has to!)

Although we are still negotiating with the conference hotel for a better room rate, **A REGISTRATION FORM FOR THE CONFERENCE HAS BEEN SENT TO YOUR SCHOOL DISTRICT OFFICE, PLEASE LET THEM KNOW OF YOUR PLANS TO ATTEND BY AUGUST 15<sup>TH</sup>!**

*Due to the focus of our conference this year on high impact school boards and board superintendent relationships, we are strongly encouraging each local school board member to attend, as well as encouraging their superintendent to join with them for at least the Saturday portions of the conference. Having both school boards and superintendents in attendance will dramatically increase the effectiveness of the workshops and presentations.*

Once again,

**PLEASE RSVP TO YOUR DISTRICT'S OFFICE BY AUGUST 15<sup>th</sup>**

We look forward to seeing each of you in Las Vegas.

Sincerely,

Curt Chapman, NASB President

Randy Robison, Executive Director

*p.s. As soon as we finalize negotiations on a room rate with the hotel, we will send you another notice with room reservation information.*

**NEVADA ASSOCIATION OF SCHOOL BOARDS  
ANNUAL CONFERENCE**

**OCTOBER 14-16, 2005  
SUNSET STATION HOTEL.CASINO  
LAS VEGAS, NEVADA**

**REGISTRATION**

SCHOOL DISTRICT \_\_\_\_\_

**PLEASE INDICATE WHICH MEALS YOU WILL ATTEND**

NAMES OF PERSONS ATTENDING	FRIDAY LUNCH	FRIDAY DINNER	SATURDAY BKFAST	SATURDAY LUNCH	SATURDAY DINNER	SUNDAY BKFAST
_____	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
_____	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
_____	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
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_____	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]

**REGISTRATION DEADLINE IS AUGUST 15, 2005. PLEASE MAIL OR FAX THIS  
REGISTRATION FORM TO:**

**NEVADA ASSOCIATION OF SCHOOL BOARDS  
201 S. ROOP STREET, SUITE 102  
CARSON CITY, NEVADA 89701-4790**

**FAX: 775-883-7398**

**NEVADA ASSOCIATION OF SCHOOL BOARDS  
2<sup>ND</sup> ANNUAL BOARD SECRETARIES WORKSHOP**

**OCTOBER 15, 2005  
SUNSET STATION HOTEL.CASINO  
LAS VEGAS, NEVADA**

**REGISTRATION**

**SCHOOL DISTRICT**

*YOU ARE WELCOME TO JOIN US FOR MEALS DURING THE NASB CONFERENCE*

*PLEASE MARK WHICH MEALS YOU WILL ATTEND*

NAMES OF PERSONS ATTENDING	FRIDAY	FRIDAY	SATURDAY	SATURDAY	SATURDAY	SUNDAY
	LUNCH	DINNER	BKFAST	LUNCH	DINNER	BKFAST
_____	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
_____	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
_____	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
_____	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
_____	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]

**REGISTRATION DEADLINE IS AUGUST 15, 2005. PLEASE MAIL OR FAX THIS  
REGISTRATION FORM TO:**

**NEVADA ASSOCIATION OF SCHOOL BOARDS  
201 S. ROOP STREET, SUITE 102  
CARSON CITY, NEVADA 89701-4790**

**FAX: 775-883-7398**



# Nye County School District

**Office of the County Superintendent**  
P.O. Box 113  
Tonopah, Nevada 89049  
Phone 775-482-6258  
Fax 775-482-8573

**Southern Administration Office**  
484 S. West Street  
Pahrump, Nevada 89048  
Phone 775-727-7743  
Fax 775-727-7768

## BOARD OF TRUSTEES

Deborah L. Wescoatt, President  
Tracie Ward, Vice President  
Dennis Keating, Clerk  
Edna Jean Forsgren  
Nicole Genet  
Cindy Marcotte  
Dawn Murphy

**Dr. William E. (Rob) Roberts**  
Superintendent

July 29, 2005

## MEMORANDUM

**TO:** Board of Trustees  
**FROM:** Dr. William E. Roberts, Superintendent  
**SUBJECT:** Superintendent's Report

Another wonderful fiscal year has started. A little warm outside, but when is summer not?

On June 27, 28, and 29, I attended the Professional Learning Communities at Work Institute in Las Vegas.

I have replaced Kelly Wales as Director of Special Education, due to her resignation, with Sam Simatos. He will be acting Director for one year. Ms. Evangelyn Visser will be an acting Vice Principal for Manse Elementary during Sam's tenure as Director of Special Education.

I attended two Special County Commissioner's Meetings on July 6 and July 18 regarding the development contracts between the County and the Beazer and Concordia companies.

I attended the two day WestEd seminar "Redesigning America's High Schools" at Incline Village

I have attached a letter from the Public Utilities Commission of Nevada that is a response to our request for investigation of us not having approval of water and sewer for our modular classrooms.

Also attached is a letter from Senator Harry Reid regarding his efforts to re-introduce legislation to help rural school districts with transportation costs. I do take credit for being quoted as the district that drives of 1,000,000 miles per year....

For the first time in three years I actually took seven days off in a row, and am looking forward to a few more days vacation prior to the 15<sup>th</sup> of August.

STATE OF NEVADA  
PUBLIC UTILITIES COMMISSION OF NEVADA

1150 E. William Street  
Carson City, Nevada 89701-3109  
Policy (775) 684-6107 • Fax (775) 684-6110  
Staff (775) 684-6101 • Fax (775) 684-6120  
<http://puc.state.nv.us>

RURAL NEVADA  
557 W. Silver Street, No. 207  
Elko, Nevada 89801  
(775) 738-4914 • Fax (775) 778-6928



SOUTHERN NEVADA OFFICE  
101 Convention Center Drive, Suite 250  
Las Vegas, Nevada 89109  
(702) 486-2600 • Fax (702) 486-2595

July 11, 2005

Dr. William E. Roberts, Superintendent  
Nye County School District  
484 S. West Street  
Pahrump, NV 89048

RE: Nye County School District vs. Utilities, Inc.  
of Central Nevada

FILE: CCU-071105-RH

Dear Dr. Roberts:

Thank you for advising the Public Utilities Commission about the problems you are having with Utilities, Inc. of Central Nevada.

Please be advised that a review and investigation has been initiated on your behalf by the Consumer Division's Staff. You will be advised of our findings as soon as the investigation has been completed. We normally aim for a 30-day turn around on written complaints, although this may not always be possible if the case is highly technical or if we have to request additional information from the company.

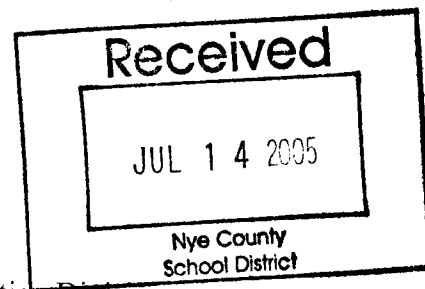
In a separate letter to Utilities, Inc. of Central Nevada, we have asked that they do not contact, or respond directly to you without getting prior approval from this office. Likewise, we request that you do not contact the company regarding this matter without first contacting this office.

When making inquiries about this complaint, please be sure to include the above-captioned file number in all your correspondence.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Hackman".

Rick Hackman, Manager  
Consumer Complaint Resolution Division



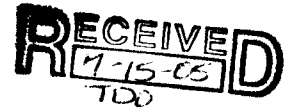
**CONSUMER DIVISION:**

Carson City/Reno—(775) 684-6100 • Las Vegas—(702) 486-2600 • Other Areas—800-992-0900, Ext. 684-6100

# United States Senate

WASHINGTON, DC 20510-7012

June 23, 2005



William E. Roberts Ed.D.  
Superintendent  
Nye County School District  
Post Office Box 113  
Tonopah, Nevada 89049-0113

Dear Dr. Roberts:

When I met with all of Nevada's school superintendents in May 2004, I was dismayed to learn that the school buses in some rural Nevada counties travel almost a million miles in one school year. I also discovered that nine of Nevada's seventeen school districts will need to replace nearly 150 school buses as a result of a major defect in the construction of the bus roof. Unfortunately, as the bus manufacturer is no longer in business, these school districts are faced with the full cost of replacement.

This situation is not unique to Nevada. Nationwide, rural school districts are operating outdated, unsafe school buses that are driven until they finally cannot pass inspection any longer. As you are well aware, many rural districts are financially strapped and cannot afford to buy newer, safer buses. Skyrocketing fuel prices have only made the problem worse.

I plan to re-introduce legislation to help rural school districts transport children to school in a way that is safe, affordable and environmentally sound. The "Bus Utility and Safety in School Transportation Opportunity and Purchasing Act of 2005" – or "BUS STOP Act" - authorizes the federal government to provide \$50,000,000 in grants on a competitive basis to rural school districts seeking federal share assistance to purchase school buses in Fiscal Years 2006-2011. The federal share will be 75 percent.

The school districts in Nevada identified the need for newer school buses and have asked the federal government for assistance. Working in the spirit of clean air and healthy children, I will work to pass this legislation to help rural school districts buy buses that are better for our air, and safer for our children.

I appreciate your continued support in this effort and look forward to working together on other issues important to Nevada's students.

My best wishes to you.

Sincerely,

A handwritten signature in black ink that reads "Harry Reid". The signature is written in a cursive, flowing style.

HARRY REID  
United States Senator

FINANCIAL INFORMATION  
NYE COUNTY SCHOOL DISTRICT  
BOARD OF TRUSTEES MEETING July 29, 2005

Dear Board Member:

If you have questions regarding this Financial Report, please contact Mr. Ritchie's Office in Pahrump prior to the Board Meeting, to insure a timely response at the meeting.

7/7/2005

BOARD OF TRUSTEES BUDGET for 04-05

	<u>Budgeted</u>	<u>YTD Exp.</u>	<u>Encumbered</u>	<u>Balance</u>
Social Security	700	987		(287)
Workers Comp	200	271		(71)
Medicare	200	231		(31)
Day of Service	13,680	15,920		(2,240)
Professional Service	75,000	41,062		33,938
Lobbying		4,500		(4,500)
Communications		748		(748)
Travel	7,000	10,496		(3,496)
Supplies	4,000	4,085	658	(742)
Tech Items of Value		10,326		(10,326)
Dues & Fees	15,600	15,738		(138)
TOTAL	\$116,380	\$104,364	\$658	\$11,358



OFFICE OF THE  
**STATE TREASURER**  
Local Government Investment Pool  
NYE COUNTY SCHOOL DISTRICT Detail Report

5/9/2005 12:56:27PM

Page: 1

Date	Beginning Balance	Total Debits	Total Credits	Ending Balance
<b>NCSD - NYE COUNTY SCHOOL DISTRICT</b>				
04/01/2005	11,223,518.53			11,251,458.77
04/02/2005	11,251,458.77		112.21	11,251,458.77
04/03/2005	11,251,458.77			11,251,458.77
04/04/2005	11,251,458.77			11,251,458.77
04/05/2005	11,251,458.77			11,251,458.77
04/06/2005	11,251,458.77	1,264,000.00		12,515,458.77
04/07/2005	12,515,458.77			12,515,458.77
04/08/2005	12,515,458.77			12,515,458.77
04/09/2005	12,515,458.77			12,515,458.77
04/10/2005	12,515,458.77			12,515,458.77
04/11/2005	12,515,458.77			12,515,458.77
04/12/2005	12,515,458.77			12,515,458.77
04/13/2005	12,515,458.77			12,515,458.77
04/14/2005	12,515,458.77			12,515,458.77
04/15/2005	10,765,458.77		1,750,000.00	10,765,458.77
04/16/2005	10,765,458.77			10,765,458.77
04/17/2005	10,765,458.77			10,765,458.77
04/18/2005	10,765,458.77			10,765,458.77
04/19/2005	10,765,458.77			10,765,458.77
04/20/2005	10,765,458.77			10,765,458.77
04/21/2005	10,765,458.77			10,765,458.77
04/22/2005	10,765,458.77			10,765,458.77
04/23/2005	10,765,458.77			10,765,458.77
04/24/2005	10,765,458.77			10,765,458.77
04/25/2005	10,765,458.77			10,765,458.77
04/26/2005	10,765,458.77			10,765,458.77
04/27/2005	10,765,458.77			10,765,458.77
04/28/2005	10,765,458.77			10,765,458.77
04/29/2005	10,765,458.77		808,000.00	9,957,458.77
04/30/2005	9,957,458.77			9,957,458.77
<b>Totals</b>	<b>11,223,518.53</b>	<b>1,292,052.45</b>	<b>2,558,112.21</b>	<b>9,957,458.77</b>

**Account Summary**

Ending Balance:	\$9,957,458.77
Gross Earnings:	\$25,888.88
Administrative Fee:	-\$103.56
<b>Net Earnings:</b>	<b>\$25,785.32</b>
Gross Interest Rate:	2.7592 %
Net Interest Rate:	2.7482 %



OFFICE OF THE  
**STATE TREASURER**  
Local Government Investment Pool  
NYE COUNTY SCHOOL DISTRICT Detail Report

6/7/2005 11:58:22AM

Page: 1

Date	Beginning Balance	Total Debits	Total Credits	Ending Balance
<b>NCSD - NYE COUNTY SCHOOL DISTRICT</b>				
05/01/2005	9,957,458.77			
05/02/2005	9,983,244.09	25,888.88	103.56	9,983,244.09
05/03/2005	9,983,244.09			9,983,244.09
05/04/2005	18,106,244.09	8,123,000.00		18,106,244.09
05/05/2005	18,106,244.09			18,106,244.09
05/06/2005	18,106,244.09			18,106,244.09
05/07/2005	18,106,244.09			18,106,244.09
05/08/2005	18,106,244.09			18,106,244.09
05/09/2005	18,106,244.09			18,106,244.09
05/10/2005	18,106,244.09			18,106,244.09
05/11/2005	18,106,244.09			18,106,244.09
05/12/2005	18,106,244.09			18,106,244.09
05/13/2005	17,606,244.09		500,000.00	17,606,244.09
05/14/2005	16,606,194.09		1,000,050.00	16,606,194.09
05/15/2005	16,606,194.09			16,606,194.09
05/16/2005	16,606,194.09			16,606,194.09
05/17/2005	16,606,194.09			16,606,194.09
05/18/2005	16,606,194.09			16,606,194.09
05/19/2005	16,606,194.09			16,606,194.09
05/20/2005	16,606,194.09			16,606,194.09
05/21/2005	16,175,194.09		431,000.00	16,175,194.09
05/22/2005	16,175,194.09			16,175,194.09
05/23/2005	16,175,194.09			16,175,194.09
05/24/2005	16,175,194.09			16,175,194.09
05/25/2005	16,175,194.09			16,175,194.09
05/26/2005	16,175,194.09			16,175,194.09
05/27/2005	16,175,194.09			16,175,194.09
05/28/2005	14,475,194.09		1,700,000.00	14,475,194.09
05/29/2005	14,475,194.09			14,475,194.09
05/30/2005	14,475,194.09			14,475,194.09
05/31/2005	14,475,194.09			14,475,194.09
<b>Totals</b>	9,957,458.77	8,148,888.88	3,631,153.56	14,475,194.09

**Account Summary**

Ending Balance:	\$14,475,194.09
Gross Earnings:	\$0.00
Administrative Fee:	\$0.00
Net Earnings:	\$0.00
Gross Interest Rate:	2.9403 %
Net Interest Rate:	2.9286 %



OFFICE OF THE  
**STATE TREASURER**  
Local Government Investment Pool  
NYE COUNTY SCHOOL DISTRICT Detail Report

7/6/2005 12:24:02PM

Page: 1

Date	Beginning Balance	Total Debits	Total Credits	Ending Balance
<b>NCSD - NYE COUNTY SCHOOL DISTRICT</b>				
06/01/2005	14,475,194.09			
06/02/2005	14,516,061.78	41,031.82	164.13	14,516,061.78
06/03/2005	14,516,061.78			14,516,061.78
06/04/2005	14,516,061.78			14,516,061.78
06/05/2005	14,516,061.78			14,516,061.78
06/06/2005	14,516,061.78			14,516,061.78
06/07/2005	14,516,061.78			14,516,061.78
06/08/2005	14,516,061.78	2,756,126.00		14,516,061.78
06/09/2005	17,272,187.78			17,272,187.78
06/10/2005	17,272,187.78			17,272,187.78
06/11/2005	17,272,187.78			17,272,187.78
06/12/2005	17,272,187.78			17,272,187.78
06/13/2005	17,272,187.78			17,272,187.78
06/14/2005	17,272,187.78			17,272,187.78
06/15/2005	17,272,187.78			17,272,187.78
06/16/2005	17,272,187.78			17,272,187.78
06/17/2005	15,302,187.78		1,970,000.00	15,302,187.78
06/18/2005	15,302,187.78			15,302,187.78
06/19/2005	15,302,187.78			15,302,187.78
06/20/2005	15,302,187.78			15,302,187.78
06/21/2005	15,302,187.78			15,302,187.78
06/22/2005	15,302,187.78			15,302,187.78
06/23/2005	15,302,187.78			15,302,187.78
06/24/2005	15,302,187.78			15,302,187.78
06/25/2005	15,302,187.78			15,302,187.78
06/26/2005	15,302,187.78			15,302,187.78
06/27/2005	15,302,187.78			15,302,187.78
06/28/2005	13,662,187.78		1,640,000.00	13,662,187.78
06/29/2005	13,662,187.78			13,662,187.78
06/30/2005	13,662,187.78			13,662,187.78
<b>Totals</b>	<b>14,475,194.09</b>	<b>2,797,157.82</b>	<b>3,610,164.13</b>	<b>13,662,187.78</b>

**Account Summary**

Ending Balance:	\$13,662,187.78
Gross Earnings:	\$39,989.20
Administrative Fee:	-\$159.96
<b>Net Earnings:</b>	<b>\$39,829.24</b>

Gross Interest Rate:	3.1109 %
Net Interest Rate:	3.0985 %



# Nye County School District

## Office of the County Superintendent

P.O. Box 113  
Tonopah, Nevada 89049  
Phone 775-482-6258  
Fax 775-482-8573

## Southern Administration Office

484 S. West Street  
Pahrump, Nevada 89048  
Phone 775-727-7743  
Fax 775-727-7768

## BOARD OF TRUSTEES

Debbie Wescoatt, President  
Tracie Ward, Vice Pres.  
Dennis Keating, Clerk  
Edna Jean Forsgren  
Nicole Genet  
Cindy Marcotte  
Dawn Murphy

**Dr. William E. "Rob" Roberts**  
Superintendent

**Raymond Ritchie**  
Chief Financial &  
Administrative Officer

---

Corr:102:05

July 19, 2005

TO: Board of Trustees  
FROM: Raymond Ritchie, Chief Financial & Administrative Officer  
RE: Credit Cards

After careful review of credit card agreements from BOA, Wells Fargo, Diners Club, and JP Morgan Chase. I recommend that we go with JP Morgan Chase. I am waiting to hear from their department contact to confirm all the details. Once I get all the details in order I will order the credit cards and we will be up and running. Stay tuned.

RR:ro



NATIONAL  
YOUTH  
LEADERSHIP  
FORUM

MEDICINE

Washington, D.C.

Presented by:  
Nicholas Owens

---

We arrived on Sunday, July 3, 2005.  
The next day we explored medical  
ethics and learned about the match  
process.

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On Tuesday and Wednesday I witnessed a triple bypass open heart surgery. Then we explored cadavers and the significance of them.

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We had four great guest speakers.  
One of the more honorable was  
Dr. Richard Carmona, the Surgeon  
General of the United States.

---



**Dr. Richard H. Carmona**  
*United States Surgeon  
General Commander*



---

On Friday and Saturday, we visited the Smithsonian Museums and the Monuments. These are some of the places we visited:

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# Washington Monument



# Smithsonian Museum



# Lincoln Memorial

AS IN THE HEART OF THE PEOPLE  
FOR WHOM HE SAVED THE UNION  
THE MEMORY OF ABRAHAM LINCOLN  
IS ENSHRINED FOREVER



2005 7 9

# The White House



2005 7 9

# World War II Monument



I made many new friends and lasting memories.





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Thank you for your generous contribution, and for helping to make this happen.

---



July 18, 2005

E-Mail: jstern@sah.com

**VIA EMAIL and EXPRESS MAIL**

Ray Ritchie  
Nye County School District  
484 S. West Street  
Pahrump, Nevada 89048

**Nye County School District, Nevada  
General Obligation (Limited Tax) Refunding Bonds  
Series 2005**

Dear Ray:

Enclosed are six execution copies of the "2005 School Building and Refunding Bond Resolution" for adoption by the Board of Trustees at its July 29, 2005 meeting. After the resolution has been adopted, please have the six execution copies completed as originals, retain one for the District's file and return the remaining five to me for eventual inclusion in the transcripts of proceedings. Also enclosed is the form of the escrow agreement and continuing disclosure certificate which are referred to in the bond resolution as being on file with the District. The escrow agreement and continuing disclosure certificate will be completed as closing documents after the bonds are sold.

Via email and for your use in preparing distribution copies is a copy of the resolution in Word format. I am also providing agenda language via email.

Please call me if you have any questions.

Sincerely,

Jennifer Stern

/kh

cc: (via email) Marty Johnson (w/encl.)

Reagan Cannon (w/encl.)

G:\WP\DOCS\03024\021 2005 G.O. SCHOOL BLDG. BONDS\RITCHIE.LTR.DOC

**STATE OF NEVADA**                    )  
                                                   )  
**COUNTY OF NYE**                    ) **ss.**  
                                                   )  
**NYE COUNTY SCHOOL**                )  
**DISTRICT**                                )

I am the duly chosen and qualified Clerk of Nye County School District (herein "District"), Nevada, and in the performance of my duties as Clerk do hereby certify:

1. The foregoing pages constitute a true, correct and compared copy of a resolution of the Board of Trustees (the "Board") adopted at a meeting held on July 29, 2005; and the original of such resolution has been approved and authenticated by the signature of the President of the Board and myself as Clerk, and has been recorded in the minute book of the Board kept for that purpose in the office of the District, which record has been duly signed by such officers and properly sealed.

2. The members of the Board were present at such meeting and voted on the passage of such resolution as follows:

Ayes:	Edna Jean Forsgren Dennis Keating Cindy Marcotte Dawn Murphy Nicole Genet Tracie Ward Deborah Wescoatt
Nays:	_____ _____
Absent:	_____ _____

3. All members of the Board were given due and proper notice of such meeting.

4. Public notice of such meeting was given and such meeting was held and conducted in full compliance with the provisions of NRS ' 241.020. A copy of the notice of meeting containing the time, place, location and an excerpt from the agenda for the meeting relating to the resolutions, as posted at least 3 working days in advance of the meeting on the District's website, at the Board's office and at:

## RESOLUTION

**A RESOLUTION DESIGNATED AS THE "2005 SCHOOL BUILDING AND REFUNDING BOND RESOLUTION"; DECLARING THE NECESSITY OF INCURRING A BONDED INDEBTEDNESS ON BEHALF OF THE NYE COUNTY SCHOOL DISTRICT FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, IMPROVING AND EQUIPPING SCHOOL FACILITIES OF THE DISTRICT AND REFUNDING CERTAIN OUTSTANDING BONDS OF THE DISTRICT; AUTHORIZING THE ISSUANCE OF THE REGISTERED NYE COUNTY SCHOOL DISTRICT, NEVADA, GENERAL OBLIGATION (LIMITED TAX) SCHOOL BUILDING AND REFUNDING BONDS (PSF GUARANTEED), SERIES 2005A AND NYE COUNTY SCHOOL DISTRICT, NEVADA, GENERAL OBLIGATION (LIMITED TAX) SCHOOL BUILDING AND REFUNDING BONDS, SERIES 2005B; PROVIDING THE TERMS AND CONDITIONS OF THE BONDS; PROVIDING OTHER DETAILS IN CONNECTION THEREWITH; RATIFYING ACTION PREVIOUSLY TAKEN RELATING THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF.**

**WHEREAS**, the Nye County School District in the County of Nye and State of Nevada (the "District", the "County", and the "State", respectively) was duly organized and is operating in accordance with the provisions of Nevada Revised Statutes ("NRS"); and

**WHEREAS**, the Board of Trustees of the District (the "Board") has determined and does hereby declare:

(A) Pursuant to ' 387.335, Nevada Revised Statutes ("NRS") (the "Project Act"), the Board is authorized and empowered to borrow money for the purposes provided in the Bond Question defined below (the "Improvement Project") and to evidence such borrowing by the issuance of bonds;

(B) Chapter 350, NRS in effect requires compliance with:

(i) NRS ' ' 350.011 through 350.0165, and all laws amendatory thereof (the "Bond Commission Act"),

(ii) NRS ' ' 350.020 through 350.070, and all laws amendatory thereof (the "Bond Election Act"),

(iii) NRS ' ' 350.105 through 350.195, and all laws amendatory thereof (the "Bond Sale Act"), and

(iv) NRS ' ' 350.500 through 350.720, and all laws amendatory thereof, cited in ' 350.500 thereof as the Local Government Securities Law (the "Bond Act");

(C) In the judgment of the Board, the public interest, health, welfare, and safety require the Improvement Project; and

**WHEREAS**, the Bond Election Act, in effect, provides in part that:

(A) When any municipality proposes to issue or incur general obligations (with certain exceptions not here applicable), the proposal must be submitted to the electors of the municipality at a general or special election called for that purpose, and

(B) If a majority of the electors voting on the question is in favor of the proposal submitted, the proposal is carried; and

**WHEREAS**, the Bond Question was duly submitted to a vote of the qualified electors of the District at an election held on Tuesday, November 3, 1998 (the "Election"), in the manner provided by the Bond Election Act and by the general election laws of the State, i.e., chapter 293, NRS, and all laws amendatory thereof (the "General Election Act"); and

**WHEREAS**, the Bond Question was approved by a majority of the qualified electors voting thereon at the Election, and the results thereof have heretofore been declared; and

**WHEREAS**, pursuant to the Bond Commission Act and NRS 350.020(4), the Board heretofore submitted to the Debt Management Commission of Nye County (the "Commission") the District's proposal to issue general obligation bonds to finance the Improvement Project as authorized at the November 3, 1998 general election (herein the "Bond Question"); and

**WHEREAS**, the Commission, pursuant to the Bond Commission Act, duly approved the Bond Question by the Commissioners' adoption of a resolution of approval for the Bond Question; and

**WHEREAS**, the existing tax for debt service currently levied by the District will at least equal the amount required to pay the principal and interest on the outstanding general

obligations of the District and the general obligations to be issued pursuant to this bond resolution;  
and

**WHEREAS**, pursuant to NRS chapter 387 and all laws amendatory thereof and supplemented therein, including the Local Government Securities Law, being NRS 350.500 through 350.720, and all laws amendatory thereof (the "Bond Act"), the District has heretofore issued and delivered its "Nye County School District, Nevada, General Obligation (Limited Tax) School Building and Refunding Bonds, Series 1999" (the "1999 Bonds"); and

**WHEREAS**, pursuant to NRS 350.684, the Board is authorized to issue general obligation bonds of the District in order to refund, pay and discharge certain outstanding bonds of the District for the purpose of reducing interest rates and effecting other economies; and

**WHEREAS**, after a sale of the General Obligation (Limited Tax) School Building and Refunding Bonds (PSF Guaranteed), Series 2005A (the "2005A Bonds") and the General Obligation (Limited Tax) School Building and Refunding Bonds, Series 2005B (the "2005B Bonds") in accordance with the Bond Sale Act, the District's Superintendent, as the chief administrative officer of the District, or the Director of Business and Finance, as the chief financial officer of the District (the "Chief Financial Officer") is hereby authorized to specify in the Certificate of the Chief Financial Officer (defined below) which maturities of the 1999 Bonds (the "Refunded Bonds"), if any, will be refunded (the "Refunding Project"); to sell the 2005A Bonds and the 2005B Bonds (the "Bonds") to the best bidder therefore (the "Purchaser"), and to accept a binding bid for the Bonds; and

**WHEREAS**, the Bonds are to bear interest at the rates per annum provided in the bond purchase proposal submitted by the Purchaser (the "Bond Purchase Proposal") and accepted by the Superintendent or Chief Financial Officer, which rates must not exceed by more than 3% the Index of Twenty Bonds most recently published in The Bond Buyer prior to the time bids were received for the Bonds, and are to be sold at a price equal to the principal amount thereof, plus accrued interest to the date of delivery of the Bonds, plus a premium or less a discount not exceeding 9% of the principal amount thereof, all as specified by the Superintendent or Chief Financial Officer in a certificate dated on or before the date of delivery of the Bonds (the "Certificate of the Chief Financial Officer"); and

**WHEREAS**, NRS 387.513 to 387.528, inclusive (the "Guarantee Act") authorizes the use of money in the State Permanent School Fund to guarantee certain bonds issued by Nevada school districts; and

**WHEREAS**, the Board has applied to the State Treasurer for a guarantee of the 2005A Bonds (the "Guaranteed Bonds"); and

**WHEREAS**, the Board hereby elects to have the provisions of NRS Chapter 348 apply to the Bonds; and

**WHEREAS**, the Board has determined and does hereby declare that each of the limitations and other conditions to the issuance of the Bonds in the Bond Act and in any other relevant act of the State or the Federal government has been met; and pursuant to NRS 350.708, this determination of the Board that the limitations in the Bond Act have been met shall be conclusive in the absence of fraud or arbitrary or gross abuse of discretion.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE NYE COUNTY SCHOOL DISTRICT, NYE COUNTY, NEVADA:**

Section 1. **Short Title.** This Resolution shall be known and may be cited as the "2005 School Building and Refunding Bond Resolution" (the "Resolution")

Section 2. **Acceptance of Purchase Proposal.** The Superintendent or the Chief Financial Officer is authorized to accept the Bond Purchase Proposal submitted by the Purchaser, subject to the terms and conditions specified herein.

Section 3. **Ratification.** All action heretofore taken (not inconsistent with the provisions of this Resolution) by the District, the officers of the District, and otherwise by the District directed toward the Improvement Project and toward the sale and delivery of the Bonds for that purpose, be, and the same hereby is, ratified, approved and confirmed, including, without limitation, the sale of the Bonds to the Purchaser and the preparation, distribution and execution of the Preliminary Official Statement for the Bonds and a Final Official Statement in connection with the sale of the Bonds.

Section 4. **Necessity of Project and Bonds.** It is necessary and in the best interests of the District, its officers and the inhabitants of the District, that the District effect the Project and defray wholly or in part the cost thereof by the issuance of the Bonds therefore; and it is hereby so determined and declared.

Section 5. **Authorization of Project.** The Board hereby authorizes the Project.

Section 6. **Estimated Cost of Project.** The cost of the Project is estimated not to exceed the principal amount of the Bonds, excluding any such cost defrayed or to be defrayed by any source other than the proceeds of the Bonds.

Section 7. **Resolution to Constitute Contract.** In consideration of the purchase and the acceptance of the Bonds by those who shall hold the same from time to time, the provisions of this Resolution shall constitute a contract between the District and the registered owners from time to time of the Bonds.

Section 8. **Bonds Equally Secured.** The covenants and agreements herein set forth shall be for the equal benefit, protection and security of the registered owners of any and all of the outstanding Bonds, all of which, regardless of the time or times of their issue or maturity, shall be of equal rank without preference, priority or distinction, except as otherwise expressly provided in or pursuant to this Resolution.

Section 9. **General Obligations.** All of the Bonds, as to principal and interest thereon (the "Bond Requirements"), shall constitute general obligations of the District, which hereby pledges its full faith and credit for their payment. The Bonds as to all Bond Requirements shall be payable from general (ad valorem) taxes (the "General Taxes") as herein provided.

Section 10. **Limitations Upon Security.** The payment of the Bonds is not secured by any encumbrance, mortgage or other pledge of property of the District, except the proceeds of General Taxes and any other moneys pledged for the payment of the Bonds. No property of the District, subject to such exception, shall be liable to be forfeited or taken in payment of the Bonds.

Section 11. **Authorization of Bonds.** For the purpose of defraying wholly or in part the cost of the Project, it is hereby declared necessary that the District issue, and there are hereby authorized to be issued, pursuant to the Bond Act, and all laws thereunto enabling, the "Nye County School District, Nevada, General Obligation (Limited Tax) School Building and Refunding Bonds (PSF Guaranteed), Series 2005A," and the "Nye County School District, Nevada, General Obligation (Limited Tax) School Building and Refunding Bonds, Series 2005B," each in the aggregate principal amount to be specified in the Certificate of the Chief Financial Officer (but the total amount of Bonds issued for the Improvement Project shall not exceed \$12,000,000).

Section 12. **Bond Details.** The Bonds shall be issued in fully registered form and shall be dated as of the date of delivery of the Bonds. Except as provided in Section 16 hereof, the Bonds shall be issued in denominations of \$5,000 and any integral multiple thereof (provided that no Bond may be in a denomination which exceeds the principal coming due on any maturity date, and no individual Bond will be issued for more than one maturity). Each series of Bonds shall be numbered from 1 upward and shall bear interest (calculated on the basis of a 360 day year consisting of twelve 30 day months) at the rates shown in the Certificate of the Chief Financial Officer, from their date until their respective fixed maturity dates, payable on May 1 and November 1 of each year commencing on November 1, 2005, except that Bonds which are reissued upon transfer, exchange or other replacement shall bear interest from the most recent interest payment date to which interest has been paid or duly provided for, or if no interest has been paid, from the date of the Bonds. The Bonds shall mature on the dates and in the amounts as set forth in the Certificate of the Chief Financial Officer (not to exceed 25 years from the date of delivery of the Bonds).

Except as otherwise provided in the State Permanent School Fund Guarantee Agreement authorized in Section 42 hereof with respect to the Guaranteed Bonds (the "Guarantee Agreement"), the principal of any Bond shall be payable to the registered owner thereof as shown on the registration records kept by Wells Fargo Bank, N.A., or its successor as Registrar (the "Registrar"), upon maturity thereof and upon presentation and surrender at the corporate trust office of the Wells Fargo Bank, N.A., as Paying Agent (the "Paying Agent") or such other office as designated by the Paying Agent. If any Bond shall not be paid upon presentation and surrender at or after maturity, it shall continue to draw interest at the interest rate borne by said Bond until the principal thereof is paid in full.

Except as provided in Section 16 hereof and except as otherwise provided in the Guarantee Agreement with respect to the Guaranteed Bonds, payment of interest on any Bond shall be made to the registered owner thereof by check or draft mailed by the Paying Agent on each interest payment date (or, if such interest payment date is not a business day, on the next succeeding business day), to the registered owner thereof at his address as shown on the registration records kept by the Registrar at the close of business on the fifteenth day of the calendar month preceding such interest payment date (the "Regular Record Date"); but any such interest not so timely paid or duly provided for shall cease to be payable to the person who is the registered owner thereof at the close

of business on the Regular Record Date and shall be payable to the person who is the registered owner thereof at the close of business on a special record date for the payment of any such defaulted interest (a "Special Record Date"). Such Special Record Date shall be fixed by the Registrar whenever moneys become available for payment of the defaulted interest, and notice of the Special Record Date shall be given to the registered owners of the Bonds not less than ten days prior thereto by first class mail to each such registered owner as shown on the Registrar's registration records on a date selected by the Registrar, stating the date of the Special Record Date and the date fixed for the payment of such defaulted interest. The Paying Agent may make payments of interest on any Bond by such alternative means as may be mutually agreed to between the owner of such Bond and the Paying Agent (provided, however, that the District shall not be required to make funds available to the Paying Agent prior to the due dates of interest and principal, respectively). All such payments shall be made in lawful money of the United States of America.

Section 13. **Redemption.**

A. **Optional Redemption.** Bonds, or portions thereof, maturing on and after the date set forth in the Certificate of the Chief Financial Officer shall be subject to redemption prior to their respective maturities, at the option of the District on and after the date set forth in the Certificate of the Chief Financial Officer, in whole at any time or in part at any time, from such maturities as are selected by the District, and if less than all of the Bonds of a maturity are to be redeemed, the Bonds of such maturity are to be redeemed by lot within a maturity (giving proportionate weight to Bonds in denominations larger than \$5,000), in such other manner as the Paying Agent may determine, for the principal amount of each Bond or portion thereof so redeemed and accrued interest thereon to the redemption date, and a premium, if any, as set forth in the Certificate of the Chief Financial Officer.

B. **Mandatory Sinking Fund Redemption.** The Bonds maturing on the dates specified in the Certificate of the Chief Financial Officer (the "Term Bonds"), if any, are subject to mandatory sinking fund redemption at a redemption price equal to 100% of the principal amount thereof and accrued interest to the redemption date. As and for a sinking fund for the redemption of those Term Bonds there shall be deposited into the Principal Account on or before the dates designated in the Certificate of the Chief Financial Officer, a sum which, together with other

moneys available therein is sufficient to redeem the Term Bonds on the dates and in the principal amounts provided in the Certificate of the Chief Financial Officer.

Not more than 60 days nor less than 30 days prior to the sinking fund payment dates for the Term Bonds, the Registrar shall proceed to select for redemption (by lot in such manner as the Registrar may determine) from all outstanding Term Bonds, a principal amount of the Term Bonds equal to the aggregate principal amount of Bonds redeemable with the required sinking fund payments, and shall call such Term Bonds or portions thereof for redemption from the sinking fund on the next principal payment date, and give notice of such call as provided in Section 13(D) of this Resolution.

At the option of the Board to be exercised by delivery of a written certificate to the Registrar not less than sixty days next preceding any sinking fund redemption date, it may (i) deliver to the Registrar for cancellation Term Bonds or portions thereof (\$5,000 or any integral multiple thereof) in an aggregate principal amount desired by the Board or, (ii) specify a principal amount of Term Bonds or portions thereof (\$5,000 or any integral multiple thereof) which prior to said date have been redeemed (otherwise than through the operation of the sinking fund) and canceled by the Registrar and not theretofore applied as a credit against any sinking fund redemption obligation. Each Term Bond or portion thereof so delivered or previously redeemed which is a part of the maturity which would be subject to mandatory redemption on the following principal payment date shall be credited by the Registrar at 100% of the principal amount thereof against the obligation of the Board on the sinking fund redemption dates and any excess shall be so credited against future sinking fund redemption obligations in such manner as the Board determines. In the event the Board shall avail itself of the provisions of clause (i) of the first sentence of this paragraph, the certificate required by the first sentence of this paragraph shall be accompanied by the respective Term Bonds or portions thereof to be canceled, or in the event the Term Bonds are registered in the name of Cede & Co., as provided in Section 16 of this Resolution, the certificated required by the first sentence of this paragraph shall be accompanied by such direction and evidence of ownership as is satisfactory to The Depository Trust Company.

C. Partial Redemption. If any Bond is in a denomination larger than \$5,000, a portion of such Bond (\$5,000 of principal amount thereof, or any integral thereof) may be redeemed pursuant to subsection A or B hereof, as appropriate, in which case the Registrar, except as

provided in Section 12 hereof, shall, without charge to the owner of such Bond, authenticate and issue a replacement Bond or Bonds for the unredeemed portion thereof. In the case of a partial redemption of Bonds of a single maturity pursuant to subsection A or B hereof, the Paying Agent shall select the Bonds to be redeemed by lot at such time as directed by the District (but at least 30 days prior to the redemption date), and if such selection is more than 60 days before a redemption date, shall direct the Registrar to appropriately identify the Bonds so called for redemption by stamping them at the time any Bond so selected for redemption is presented to the Registrar for stamping or for transfer or exchange, or by such other method of identification as is deemed adequate by the Registrar and any Bond or Bonds issued in exchange for, or to replace, any Bond so called for prior redemption shall likewise be stamped or otherwise identified.

D. Notice of Prior Redemption. Unless waived by any registered owner of a Bond to be redeemed, notice of prior redemption shall be given by the Registrar, by certified or registered mail as long as Cede & Co. is registered owner of the Bonds and otherwise by first-class mail, at least 30 days but not more than 60 days prior to the Redemption Date to the Municipal Securities Rulemaking Board ("MSRB"), the State Treasurer, the insurer of any Bonds, and to the registered owner of any Bond (initially Cede & Co.) all or a part of which is called for prior redemption at his or her address as it last appears on the registration records kept by the Registrar. The notice shall identify the Bonds and state that on such date the principal amount thereof will become due and payable at the Paying Agent (accrued interest to the Redemption Date being payable by mail or as otherwise provided in this Resolution), and that after such Redemption Date interest will cease to accrue. After such notice and presentation of said Bonds, the Bonds called for redemption will be paid. Actual receipt of mailed notice by the MSRB, the insurer of any Bonds, the State Treasurer, or any registered owner of Bonds shall not be a condition precedent to redemption of such Bonds. Failure to give such notice by mailing to the MSRB, the State Treasurer, the insurer of any Bonds, or the registered owner of any Bond designated for redemption, or any defect therein, shall not affect the validity of the proceedings for the redemption of any other Bond. A certificate by the Registrar that notice of call and redemption has been given as provided in this Section shall be conclusive as against all parties; and no owner whose Bond is called for redemption or any other owner of any Bond may object thereto or may object to the cessation of interest on the Redemption Date on the ground that he failed actually to receive such notice of redemption.

Notwithstanding the provisions of this section, any notice of redemption may contain a statement that the redemption is conditioned upon the receipt by the Paying Agent of funds on or before the date fixed for redemption sufficient to pay the redemption price of the Bonds so called for redemption, and that if such funds are not available, such redemption shall be canceled by written notice to the owners of the Bonds called for redemption in the same manner as the original redemption notice was mailed.

Section 14. **Negotiability.** Subject to the registration provisions herein provided, the Bonds shall be fully negotiable within the meaning of and for the purposes of the Uniform Commercial Code -- Investment Securities, and each registered owner shall possess all rights enjoyed by registered owners of negotiable instruments under the Uniform Commercial Code -- Investment Securities.

Section 15. **Registration, Transfer and Exchange of Bonds.** Except as otherwise provided in Section 16 hereof:

A. Records for the registration and transfer of the Bonds shall be kept by the Registrar. Upon the surrender for transfer of any Bond at the Registrar, duly endorsed for transfer or accompanied by an assignment in form satisfactory to the Registrar duly executed by the registered owner or his attorney duly authorized in writing, the Registrar shall authenticate and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount and of the same maturity bearing a number or numbers not previously assigned. Bonds may be exchanged at the Registrar for an equal aggregate principal amount of Bonds of the same maturity of other authorized denominations, as provided in Section 12 hereof. The Registrar shall authenticate and deliver the Bond or Bonds which the registered owner making the exchange is entitled to receive, bearing number or numbers not previously assigned. Such transfers and exchanges of Bonds shall be without charge to the owner or any transferee, but the Registrar shall require the payment by the owner of any Bond requesting exchange or transfer, of any tax or other governmental charge required to be paid with respect to such exchange or transfer.

B. The person in whose name any Bond shall be registered, on the registration records kept by the Registrar, shall be deemed and regarded as the absolute owner thereof for the purpose of making payment thereof (except to the extent otherwise provided in Section 12 hereof with respect to interest payments) and for all other purposes; and payment of or on

account of either principal or interest on any Bond shall be made only to or upon the written order of the registered owner thereof or his legal representative, but such registration may be changed upon transfer of such Bond in the manner and subject to the conditions and limitations provided herein. All such payments shall be valid and effectual to discharge the liability upon such Bond to the extent of the sum or sums so paid.

C. If any Bond shall be lost, stolen, destroyed, or mutilated, the Registrar shall, upon receipt of such evidence, information or indemnity relating thereto as it or the District may reasonably require, and upon payment of all expenses in connection therewith, authenticate and deliver a replacement Bond or Bonds of a like aggregate principal amount and of the same maturity, bearing a number or numbers not previously assigned. If such lost, stolen, destroyed, or mutilated Bond shall have matured, the Registrar may direct that such Bond be paid by the Paying Agent in lieu of replacement.

D. Whenever any Bond shall be surrendered to the Paying Agent upon payment thereof, or to the Registrar for transfer, exchange or replacement as provided herein, such Bond shall be promptly canceled by the Paying Agent or Registrar, and counterparts of a certificate of such cancellation shall be furnished by the Paying Agent or Registrar to the District, upon request.

Section 16. **Use of Depository.**

A. Notwithstanding the foregoing provisions of Sections 12 through 15 of this Resolution, the Bonds shall initially be evidenced by one Bond for each year in which the principal of the Bonds comes due, in a denomination equal to the amount of principal coming due in that year. Such initially delivered Bonds shall be registered in the name of "Cede & Co." as nominee for The Depository Trust Company, the depository for the Bonds. The Bonds may not thereafter be transferred or exchanged except:

(1) To any successor of The Depository Trust Company or its nominee which successor must be both a "clearing corporation" as defined in subsection 3 of NRS 104.8102, and a qualified and registered "clearing agency" under Section 17A of the Securities Exchange Act of 1934, as amended;

(2) Upon the resignation of The Depository Trust Company or a successor or new depository under clause (1) or this clause (2) of this Subsection A or a determination by the Board that The Depository Trust Company or such successor or new depository

is no longer able to carry out its functions and the designation by the Board of another depository institution, acceptable to the Board which must be both a "clearing corporation" as defined in subsection 3 of NRS 104.8102 and a qualified and registered "clearing agency" under Section 17A of the Securities Exchange Act of 1934, as amended, to carry out the functions of The Depository Trust Company or such successor or new depository; or

(3) Upon the resignation of The Depository Trust Company or a successor depository or new depository under clause (1) or (2) of this Subsection A or a determination by the Board that The Depository Trust Company or such successor or new depository is no longer able to carry out its functions and the failure by the Board, after reasonable investigation, to locate another qualified depository institution acceptable to the Board under clause (2) to carry out the functions of The Depository Trust Company or such successor or new depository.

B. In the case of a transfer to a successor of The Depository Trust Company or its nominee as referred to in clause (1) of subsection A hereof or in the case of designation of a new depository pursuant to clause (2) of subsection A hereof upon receipt of the outstanding Bonds by the Registrar, together with written instructions for transfer satisfactory to the Registrar, a single new Bond shall be issued to such successor or new depository, as the case may be, for each maturity of the Bonds then outstanding, registered in the name of such successor or new depository, as the case may be, or its nominee, as is specified in such written transfer instructions. In the case of a determination under clause (3) of subsection A hereof and the failure, after reasonable investigation to locate another depository institution for the Bonds acceptable to the Board and upon receipt of outstanding Bonds by the Registrar together with written instructions for transfer satisfactory to the Registrar, new Bonds shall be issued in the denominations of \$5,000 or any integral multiple thereof, as provided in and subject to the limitations of Section 12 hereof, registered in the names of such persons, and in such denominations as are requested in such written transfer instructions; however, the Registrar shall not be required to deliver such new Bonds within a period of less than 60 days from the date of receipt of such written transfer instructions.

C. The District shall be entitled to treat the registered owner of any Bond as the absolute owner thereof for all purposes of this resolution and any applicable laws notwithstanding any notice to the contrary received by the Registrar or the District and the District shall have no responsibility for transmitting payments to the beneficial owners of the Bonds held by

The Depository Trust Company or any successor or new depository named pursuant to subsection A hereof.

D. The District and the Registrar shall endeavor to cooperate with The Depository Trust Company or any successor or new depository named pursuant to clause (1) or (2) of subsection A hereof in effectuating payment of the Bond Requirements of the Bonds by arranging for payment in such a manner that funds representing such payments are available to the depository on the day they are due.

Section 17. **Execution of Bonds.** The Bonds shall be executed as follows:

A. **Filings with Secretary of State.** Pursuant to NRS ' 350.638, as amended and to the act cited as the Uniform Facsimile Signatures of Public Officials Act, cited as chapter 351 of NRS, and prior to the execution of any Bonds by facsimile signature, the President and the Clerk of the Board (the "President" and the "Clerk", respectively), and the County Treasurer shall each file with the Secretary of State of the State of Nevada his or her manual signature certified by him or her under oath.

B. **Manner of Execution.** Each Bond shall be signed and executed in the name of and on behalf of the District with the manual or facsimile of the signature of the President, and shall be countersigned, subscribed, and executed with the manual or facsimile signature of the County Treasurer; shall be authenticated with the manual or facsimile impression of the official seal of the District; and each Bond shall be signed, executed, and attested with such a manual or facsimile of the signature of the Clerk.

C. **Authentication.** No Bond shall be valid or obligatory for any purpose unless the certificate of authentication thereon, substantially in the form hereinafter provided, has been duly manually executed by the Registrar. The Registrar's certificate of authentication shall be deemed to have been duly executed by it if manually signed by an authorized officer of the Registrar, but it shall not be necessary that the same officer sign the certificate of authentication on all of the Bonds issued hereunder. By authenticating any of the Bonds delivered pursuant to this Resolution, the Registrar shall be deemed to have assented to all of the provisions of this Resolution.

Section 18. **Use of Predecessor's Signature.** The Bonds bearing the signatures of the officers in office at the time of the signing thereof shall be the valid and binding obligations of the District, notwithstanding that before the delivery thereof and payment therefore any or all of the

persons whose signatures appear thereon shall have ceased to occupy their respective offices. The President, the Clerk and the Treasurer, at the time of the execution of a signature certificate pertaining to the Bonds by each of those officers, may adopt as and for his or her own facsimile signature the facsimile signature of his or her predecessor in office if such facsimile signature appears upon any of the Bonds.

Section 19. **Incontestable Recital.** Pursuant to NRS ' 350.628, the Bonds shall contain a recital that they are issued pursuant to NRS 387.335 and the Bond Act, which recital shall be conclusive evidence of the validity of the Bonds and the regularity of their issuance.

Section 20. **State Tax Exemption.** Pursuant to NRS ' 350.710, the Bonds, their transfer and the income therefrom shall forever be and remain free and exempt from taxation by the State or any subdivision thereof, except for the tax on estates imposed pursuant to the provisions of Chapter 375A of NRS and the tax on generation-skipping transfers imposed pursuant to the provisions of Chapter 375B of NRS.

Section 21. **Bond Execution.** The President, the Clerk and the County Treasurer are hereby authorized and directed to prepare and to execute the Bonds as herein provided.

Section 22. **Registration.**

A. Before any Bonds are delivered, they shall be registered by the Registrar. The register shall show:

- (1) The aggregate principal amount of the Bonds and the denomination of each Bond;
- (2) The time of payment of each of the Bonds; and
- (3) The rate of interest which each of the Bonds bears.

B. In addition, the Registrar shall maintain the registration records of the District for the Bonds showing the name and address of the registered owner of each Bond authenticated and delivered, the date of authentication, the maturity of the Bond and its interest rate, principal amount and number.

Section 23. **Bond Delivery.** After such registration, in accordance with the terms of this Resolution, the Registrar shall cause the Bonds to be delivered to the Purchaser, upon due payment being made.

Section 24. **Bond Form.** Subject to the provisions of this Resolution, each Bond shall be, respectively, in substantially the following form, with such omissions, insertions, endorsements, and variations as to any recitals of fact or other provisions as may be required by the circumstances, be required by this Resolution, or be consistent with this Resolution and necessary or appropriate to conform to the rules and requirements of any governmental authority or any usage or requirement of law with respect thereto:

(Form of Bond)

TRANSFER OF THIS BOND OTHER THAN BY REGISTRATION IS NOT EFFECTIVE

**NYE COUNTY SCHOOL DISTRICT  
GENERAL OBLIGATION (LIMITED TAX)  
SCHOOL BUILDING AND REFUNDING BOND  
[(PSF GUARANTEED) SERIES 2005A]  
[SERIES 2005B]**

NO. \_\_\_\_\_ \$ \_\_\_\_\_

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Dated As Of</u>	<u>CUSIP</u>
_____ % per annum	May 1, _____	_____, 2005	

**REGISTERED OWNER: CEDE & CO.**

**PRINCIPAL AMOUNT: \_\_\_\_\_ DOLLARS**

The Nye County School District in the County of Nye and State of Nevada (the "District", the "County", and the "State", respectively), hereby acknowledges itself indebted and for value received hereby promises to pay the Registered Owner above specified, the Principal Amount specified above, on the Maturity Date specified above and to pay interest thereon on May 1 and November 1 of each year commencing on November 1, 2005, at the Interest Rate per annum specified above, until the principal sum is paid or payment has been provided therefore. This Bond will bear interest from the most recent interest payment date to which interest has been paid or provided for, or, if no interest has been paid, from the date of this Bond. The principal of this Bond is payable upon presentation and surrender hereof at the corporate trust office of the District's registrar and paying agent (the "Registrar" or the "Paying Agent"), presently Wells Fargo Bank, N.A., or at such other office as designated by the Paying Agent. Interest on this Bond will be paid on each interest payment date (or, if such interest payment date is not a business day, on the next succeeding business day), by check or draft mailed to the person in whose name this Bond is registered (the "registered owner") in the registration records of the District maintained by the Registrar and at the address appearing thereon at the close of business on the fifteenth day of the calendar month next preceding such interest payment date (the "Regular Record Date"). Any such interest not so timely paid or duly provided for shall cease to be payable to the person who is the registered owner hereof at the close of business on the Regular Record Date and shall be payable to the person who is the registered owner hereof at the close of business on a Special Record Date for the payment of any defaulted interest. Such Special Record Date shall be fixed by the Registrar whenever moneys become available for payment of the defaulted interest, and notice of the Special Record Date shall be given to the registered owners of the Bonds of the series of which this is one (the "Bonds") not

less than ten days prior thereto. If, upon representation at maturity, payment of this Bond is not made as herein provided, interest shall continue at the same rate specified above until the principal hereof is paid in full. All such payments shall be made in lawful money of the United States of America without deduction for the services of the Paying Agent or Registrar.

\*The Bonds are issuable solely as fully registered Bonds in denominations of \$5,000 each or any integral multiple thereof and are exchangeable for fully registered Bonds of the same maturity in equal aggregate principal amounts and in authorized denominations at the aforesaid office of the Registrar (and Paying Agent), but only in the manner, subject to the limitations, and on payment of the charges provided in the resolution of the Board of Trustees of the Nye County School District (the "Board") adopted and approved on July 29, 2005 authorizing the issuance of the Bonds (the "Resolution").\*

\*\*This Bond may not be exchanged or transferred except in circumstances specified in Section 16 of the resolution of the Board of Trustees of the Nye County School District (the "Board") adopted and approved on July 29, 2005, authorizing the issuance of the Bonds (the "Resolution") and only at the times subject to payment of the charges specified in the Resolution.\*\*

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to Issuer or its agent for registration of transfer, exchange, or payment, and any certificate issued is registered in the name of Cede & Co., or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

The Bonds maturing on and after the date set forth in the Certificate of the Chief Financial Officer are subject to prior redemption on and after the date set forth in the Certificate of the Chief Financial Officer in whole or in part at any time, from such maturities as are selected by the District, and if less than all of the Bonds of a maturity are to be redeemed, the Bonds of such maturity are to be redeemed by lot within a maturity, in integral multiples of \$5,000, at the option of the District, at a price equal to the principal amount of each Bond or portion thereof so redeemed, accrued interest thereon to the redemption date, and a premium, if any, as set forth in the Certificate of the Chief Financial Officer.

[Certain of the Bonds are subject to mandatory sinking fund redemption as provided in the Certificate of the Chief Financial Officer.]

This Bond must be registered in the name of the owner as to both principal and interest on the registration records kept by the Registrar in conformity with the provisions stated herein and endorsed hereon and subject to the terms and conditions set forth in the Resolution. No transfer of this Bond shall be valid unless made on the registration records maintained at the principal office of the Registrar by the registered owner or his attorney duly authorized in writing.

\*This Bond is fully transferable by the registered owner hereof in person or by his duly authorized attorney on the registration records kept by the Registrar upon surrender of this Bond together with a duly executed written instrument of transfer satisfactory to the Registrar. Upon such transfer a new fully registered Bond of authorized denomination or denominations of the same aggregate principal amount and maturity will be issued to the transferee in exchange for this Bond, subject to such terms and conditions as set forth in the Resolution.\*

The District and the Registrar and Paying Agent may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of making payment (except to the extent otherwise provided herein and in the Resolution with respect to the Regular and Special Record Dates for the payment of interest) and for all other purposes and neither the District nor the Registrar and Paying Agent shall be affected by notice to the contrary.

This Bond is issued by the Board in the name of and on behalf of the District and upon the credit thereof, for the purpose of acquiring, constructing, improving and equipping school facilities and refunding certain outstanding bonds of the District under the authority of and in full conformity with the Constitution and statutes of the State and pursuant to the Resolution duly adopted by the Board prior to the issuance of this Bond.

It is hereby certified, recited and warranted that all the requirements of law have been fully complied with by the proper officers of the District in the issuance of this Bond; that the total indebtedness of the District, including that of this Bond, does not exceed any limit of indebtedness prescribed by the Constitution or laws of the State of Nevada; and that provision has been made for the levy and collection of annual general (ad valorem) taxes sufficient to pay the principal and interest (the "Bond Requirements") of this Bond when the same become due (except to the extent any other funds are available therefore), subject to the limitations imposed by the Constitution and statutes of the State of Nevada.

This Bond is issued pursuant to sections 350.500 through 350.720, Nevada Revised Statutes, and all laws amendatory thereof (designated in section 350.500 as the Local Government Securities Law); and pursuant to sections 350.628, Local Government Securities Law, this recital is conclusive evidence of the validity of this Bond and the regularity of its issuance; and, pursuant to Section 350.710 of such law, this Bond, its transfer and the income therefrom shall forever be and remain free and exempt from taxation by the State or any subdivision thereof, except for the tax on estates imposed pursuant to the provisions of Chapter 375A of NRS and the tax on generation-skipping transfers imposed pursuant to the provisions of Chapter 375B of NRS.

No recourse shall be had for the payment of the Bond Requirements of this Bond or for any claim based thereon or otherwise in respect to the Resolution, against any individual member of the Board, or any officer or other agent of the District, past, present or future, either directly or indirectly through the Board, or otherwise, whether by virtue of any constitution, statute or rule of law, or by the enforcement of any penalty or otherwise, all such liability, if any, being by the acceptance of this Bond and as a part of the consideration of its issuance specially waived and released.

The full faith and credit of the District are hereby pledged for the punctual payment of the Bond Requirements of this Bond.

This Bond shall not be valid or obligatory for any purpose until an authorized officer of the Registrar shall have manually signed the certificate of authentication hereon.

IN WITNESS WHEREOF, the Board of Trustees of the Nye County School District, in the County of Nye and State of Nevada, has caused this Bond to be executed in the name and on behalf of the District with the manual or facsimile signature of the President of its Board of Trustees, and to be attested and executed by the manual or facsimile signature of the Clerk of the Board of Trustees, has caused the manual or facsimile of the corporate seal of the District to be affixed hereon, has caused this Bond to be countersigned with the manual or facsimile signature of the County Treasurer of Nye County, Nevada, all as of \_\_\_\_\_, 2005.

NYE COUNTY SCHOOL DISTRICT

\_\_\_\_\_  
(Manual or Facsimile Signature)  
President, Board of Trustees

Countersigned:

(SEAL)

Attest: \_\_\_\_\_  
(Manual or Facsimile Signature)  
Nye County Treasurer

\_\_\_\_\_  
(Manual or Facsimile Signature)  
Clerk  
Board of Trustees

\*delete in Bonds initially delivered to purchaser, and in new Bonds issued under clauses (1) or (2) of 16A of the Resolution.

\*\*delete if new Bonds are delivered after a determination made pursuant to clause (3) of ' 16A of Resolution.

(End of Form of Bond)

(Form of Registrar's Certificate of Authentication for Bonds)

Date of authentication  
and registration: \_\_\_\_\_

This is one of the Bonds described in the within-mentioned Resolution, and this Bond has been duly registered on the registration records kept by the undersigned as Registrar for such Bonds.

WELLS FARGO BANK, N.A.  
as Registrar

By (Manual Signature)  
Authorized Officer

(End of Form of Registrar's Certificate of Authentication for Bonds)

(Form of Assignment for Bonds)

For value received, the undersigned hereby sells, assigns and transfers unto \_\_\_\_\_ the within Bond and hereby irrevocably constitutes and appoints \_\_\_\_\_ attorney, to transfer the same on the records kept for registration of the within Bond, with full power of substitution in the premises.

\_\_\_\_\_

Dated: \_\_\_\_\_

Signature Guarantee:  
\_\_\_\_\_

Name and address of transferee:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Social Security or other tax  
identification number of  
transferee:  
\_\_\_\_\_

Note: The signature to this Assignment must correspond with the name as written on the face of the within Bond in every particular, without alteration or enlargement or any change whatsoever. Signature(s) must be guaranteed by an eligible guarantor institution as defined in 17 CFR ' 240.17Ad-15(a)(2).

(End of Form of Assignment for Bonds)



Section 25. **Use of Bond Proceeds.** Upon the issuance of the Bonds, the District shall cause the proceeds of the Bonds to be applied as follows:

A. First, pursuant to NRS 350.020(5), an amount equal to not greater than 10 percent of the proceeds of each series of the Bonds (to the extent not funded out of other legally available monies of the District) shall be deposited in an account heretofore created and designated as the "Nye County School District, Nevada, General Obligation (Limited Tax) School Building Bonds Debt Service Reserve Account" (the "Reserve Account") to be held within the District's debt service fund, together with other available monies of the District, to be maintained as provided in NRS 350.020(5) in an amount at least equal to the lesser of the amount of principal and interest payments due on all of the outstanding bonds of the District in the next fiscal year or 10 percent of the outstanding principal amount of all of the outstanding bonds of the District, or such other lesser amount as the Nevada Legislature may hereafter allow (the "Minimum Reserve Amount"). Monies in the Reserve Account shall be used for payment of outstanding bonds of the District; and, when legally permissible to do so, monies in the Reserve Account in excess of the Minimum Reserve Amount may be used for the cost of the Improvement Project.

B. Second, there shall be deposited into a special account hereby created and designated as the "Nye County School District, Nevada, General Obligation (Limited Tax) Building and Refunding Bonds, Series 2005A&B Escrow Account" (the "Escrow Account") to be held by the Escrow Bank an amount fully sufficient to establish, together with any other moneys therein (including any monies deposited therein from the debt service fund for the Refunded Bonds), any initial cash balance remaining uninvested and to buy the Federal Securities designated in the Escrow Agreement for credit to the Escrow Account, to be used solely for the purpose of paying the Bond Requirements of the Refunded Bonds as provided in the Escrow Agreement.

C. Third, the amount necessary to pay the costs of issuance of the Bonds shall be set aside in a special account designated as the "Nye County School District, Nevada 2005A&B Building and Refunding Bonds Costs of Issuance Account" (the "Expense Account"), to be used to pay the incidental costs of issuance of the Bonds.

D. Fourth, the balance remaining after the deposits required by subsections A, B and C as provided above shall be set aside in a special account designated as the

"Nye County School District, Nevada 2005A&B Construction Account" (the "Construction Account"), to be used to pay the costs of the Improvement Project.

After the completion of the Project or after adequate provision therefore is made, pursuant to NRS ' 350.650, any unexpended balance of Bond proceeds (or, unless otherwise required by law, any other moneys) remaining in the Construction Account, Expense Account and the Reserve Account (if not needed to comply with the provisions of NRS 350.020(5)) shall be deposited into the Principal Account or Interest Account hereinafter created for the payment of the principal of or interest on the Bonds as the same become due. The annual General Taxes for the payment of the interest on and principal of the Bonds and levied after the deposit into the Interest Account of any accrued interest on the Bonds and after the deposit into the Principal Account of any such unexpended Bond proceeds, may be diminished to the extent of the availability of such deposits for the payment of such Bond interest and such Bond principal, as the case may be.

Section 26. **Use of Investment Gain.** Pursuant to NRS ' 350.658, any gain from any investment and any reinvestment of any proceeds of the Bonds (other than proceeds in the Escrow Account) shall be deposited promptly upon the receipt of such gain at any time or from time to time into the Construction Account to defray, in part, the costs of the Improvement Project, or if adequate provision therefore has been made, into the Principal Account or Interest Account for the respective payment of the principal of or interest on the Bonds, or any combination thereof. The annual General Taxes for the payment of the principal of or interest on the Bonds levied after such deposits of any such investment or reinvestment gain, may be diminished to the extent of the availability of such deposits for the payment of such Bond principal or interest.

Section 27. **Completion of the Improvement Project.** The District, with the proceeds of the Bonds deposited in the Construction Account, shall proceed to complete the Improvement Project without delay and with due diligence to the best of the District's ability, as hereinabove provided. A contract or contracts for the Improvement Project shall be let as soon as practicable after the delivery of any Bonds except to the extent theretofore let, if theretofore let.

Section 28. **Tax Covenant.** The District covenants for the benefit of the registered owners of the Bonds that it will not take any action or omit to take any action with respect to the Bonds, the proceeds thereof, any other funds of the District or any facilities financed or refinanced with the proceeds of the Bonds if such action or omission (i) would cause the interest on the Bonds to lose its exclusion from gross income from federal income tax purposes under ' 103 of the Code, or (ii) would cause interest on the Bonds to lose its exclusion from alternative minimum taxable income as defined in ' 55(b)(2) of the Code except to the extent such interest is required to be included in the adjusted current earnings adjustment applicable to corporations under ' 56 of the Code in calculating corporate alternative minimum taxable income. The foregoing covenant shall remain in full force and effect notwithstanding the payment in full or defeasance of the Bonds until the date on which all obligations of the District in fulfilling the above covenant under the Code have been met.

Section 29. **Prevention of Bond Default.** Subject to the provisions of Sections 25, 31 and 34 hereof, the Treasurer shall use any Bond proceeds credited to the Construction Account, Expense Account and the Reserve Account, without further order or warrant, to pay the Bond Requirements of the Bonds as the same become due whenever and to the extent moneys otherwise available therefore are insufficient for that purpose, unless such Bond proceeds shall be needed to defray obligations accrued and to accrue under any contracts then existing and relating to the Improvement Project. The Treasurer shall promptly notify the Board of any such use.

Section 30. **Purchaser Not Responsible.** The validity of the Bonds shall not be dependent on or be affected by the validity or regularity of any proceedings relating to the Project. The Purchaser of the Bonds, any associate thereof, and any subsequent registered owner of any Bond shall in no manner be responsible for the application or disposal by the District or by any of its officers, agents and employees of the moneys derived from the sale of the Bonds or of any other moneys herein designated.

Section 31. **General Tax Levies.** As authorized by NRS ' 350.596, the interest falling due on the Bonds at any time when there are not on hand from tax levies sufficient funds to pay the same shall promptly be paid out of the general fund of the District or out of any other funds that may be available for such purpose, including, without limitation, any proceeds of General Taxes.

For the purpose of repaying any moneys so paid from any such fund or funds (other than any moneys available without replacement for the payment of such Bond Requirements on other than a temporary basis), and for the purpose of creating funds for the payment of the Bonds and the interest thereon, there are hereby created separate accounts designated respectively as the "Nye County School District, Nevada, General Obligation (Limited Tax) School Building and Refunding Bonds, Series 2005A&B Interest Account" (the "Interest Account") and the "Nye County School District, Nevada, General Obligation (Limited Tax) School Building and Refunding Bonds, Series 2005A&B Principal Account" (the "Principal Account") (the Interest Account and the Principal Account are collectively referred to as the "Bond Fund"). Pursuant to NRS ' ' 350.592 and 350.594, there shall be levied in the calendar year 2005, and annually thereafter, until all of the Bond Requirements of the Bonds shall have been fully paid, satisfied and discharged, a General Tax on all property, both real and personal, subject to taxation within the boundaries of the District, including the net proceeds of mines, fully sufficient to reimburse such fund or funds for such installments of interest, to pay the interest on the Bonds, and to pay and retire the same as hereinabove provided, after there are made due allowances for probable delinquencies. The proceeds of such annual levies shall be duly credited to such separate accounts for the payment of the Bond Requirements. In the preparation of the annual budget or appropriation resolution for the District, the Board shall first make proper provisions through the levy of sufficient General Taxes for the payment of the interest on and the retirement of the principal of the bonded indebtedness of the District, including, without limitation, the Bonds, subject to the limitation imposed by NRS 361.453 and ' 2, art. 10, State Constitution, and the amount of money necessary for this purpose shall be a first charge against all the revenues received by the District.

Section 32. **Priorities for Bonds.** As provided in NRS 361.463, in any year in which the total General Taxes levied against the property in the District by all overlapping units within the boundaries of the District may exceed the limitation of \$3.64 on each \$100 of assessed valuation imposed by NRS 361.453, or a lesser or greater amount fixed by the State board of examiners in any fiscal year, and it shall become necessary by reason thereof to reduce the levies made by any and all such units, the reduction so made shall be in General Taxes levied by such unit or units (including, without limitation, the District and the State) for purposes other than the payment

of their bonded indebtedness, including interest thereon. The General Taxes levied for the payment of such bonded indebtedness and the interest thereon shall always enjoy a priority over General Taxes levied by each such unit (including, without limitation, the District and the State) for all other purposes where reduction is necessary in order to comply with the limitation of NRS 361.453.

Section 33. **Correlation of Levies.** Such General Taxes shall be levied and collected in the same manner and at the same time as other taxes are levied and collected, and the proceeds thereof for the Bonds herein authorized shall be kept by the Treasurer in the Bond Fund, which account shall be used for no other purpose than the payment of principal and interest, respectively, as the same fall due.

Section 34. **Use of General Fund.** Any sums becoming due on the Bonds at any time when there are on hand from such tax levy or levies (and any other available moneys) insufficient funds to pay the same shall be promptly paid when due from general funds on hand belonging to the District, reimbursement to be made for such general funds in the amounts so advanced than the taxes herein provided for have been collected, pursuant to NRS ' 350.596.

Section 35. **Use of Other Funds.** Nothing in this Resolution prevents the District from applying any funds (other than General Taxes) that may be available for that purpose to the payment of such interest or principal as the same, respectively, mature, and upon such payments, the levy or levies herein provided may thereupon to that extent be diminished, pursuant to NRS ' 350.598.

Section 36. **Legislative Duties.** In accordance with NRS ' ' 350.592 and 361.463, it shall be the duty of the Board annually, at the time and in the manner provided by law for levying other General Taxes of the District, if such action shall be necessary to effectuate the provisions of this Resolution, to ratify and carry out the provisions hereof with reference to the levy and collection of General Taxes; and the Board shall require the officers of the County to levy, extend and collect such taxes in the manner provided by law for the purpose of creating funds for the payment of the principal of the Bonds and the interest thereon. Such taxes, when collected shall be kept for and applied only to the payment of the principal of and the interest on the Bonds as hereinabove specified.

Section 37. **Appropriation of General Taxes.** In accordance with NRS ' 350.602, there is hereby specially appropriated the proceeds of such General Taxes to the payment of such principal and interest; and neither such appropriations shall be repealed nor the General Taxes postponed or diminished (except as herein otherwise expressly provided) until the principal of and the interest on the Bonds have been wholly paid.

Section 38. **Defeasance.** When all Bond Requirements of any Bond have been duly paid, the pledge and lien and all obligations hereunder as to that Bond shall thereby be discharged and the Bond shall no longer be deemed to be outstanding within the meaning of this Resolution. There shall be deemed to be such due payment when the District has placed in escrow or in trust with a trust bank located within or without the State, an amount sufficient (including the known minimum yield available for such purpose from Federal Securities in which such amount wholly or in part may be initially invested) to meet all Bond Requirements of the Bond, as the same become due to the final maturity of the Bond or upon any redemption date as of which the District shall have exercised or shall have obligated itself to exercise its prior redemption option by a call of the Bond for payment. The Federal Securities shall become due before the respective times on which the proceeds thereof shall be needed, in accordance with a schedule established and agreed upon between the District and the Bank at the time of the creation of the escrow or trust, or the Federal Securities shall be subject to redemption at the option of the owners thereof to assure availability as so needed to meet the schedule. For the purpose of this Section, the term "Federal Securities" shall be as defined in NRS ' 350.522, and shall include only Federal Securities which are not callable for redemption prior to their maturities except at the option of the holder thereof. The District shall immediately give written notice of any such defeasance to the State Treasurer and the insurer of any of the Bonds.

Section 39. **Replacement of Registrar or Paying Agent.** If the Registrar and Paying Agent hereunder shall resign, or if the Board shall reasonably determine that said Registrar or Paying Agent has become incapable of performing its duties hereunder or that it would be in the best interests of the District to appoint a new Registrar or Paying Agent hereunder, the Board may, upon the consent of the State Treasurer in the case of the 2005A Bonds and in the case of the 2005B Bonds, the insurer if any, and notice mailed to each registered owner of any Bond at his address last

shown on the registration records, appoint a successor Registrar or Paying Agent, or both. No resignation or dismissal of the Registrar or Paying Agent may take effect until a successor is appointed. Every such successor Registrar or Paying Agent shall be an officer or employee of the District or a commercial bank authorized to exercise trust powers. It shall not be required that the same institution serve as both a Registrar and Paying Agent hereunder, but the Board shall have the right to have the same person or institution serve as both Registrar and Paying Agent hereunder. Any corporation or association into which the Registrar or Paying Agent may be converted or merged, or with which they may be consolidated, or to which they may sell or transfer their corporate trust business and assets as a whole or substantially as a whole, or any corporation or association resulting from any such conversion, sale, merger, consolidation or transfer, to which they are a party, shall be and become the successor Registrar or Paying Agent under this resolution, without the execution or filing of any instrument or any further act, deed, or conveyance on the part of any of the parties hereto, anything in this resolution to the contrary notwithstanding.

Section 40. **Continuing Disclosure Undertaking.** The District covenants for the benefit of the holders and beneficial owners of the Bonds to comply with the provisions of the final Continuing Disclosure Certificate in substantially the form now on file with the Clerk, to be executed by the Chief Financial Officer and delivered in connection with the delivery of the Bonds.

Section 41. **Amendments.** A. This Resolution may be amended by the Board:

(1) Without the consent of or notice to the holders of the Bonds for the purpose of curing any ambiguity or formal defect or omission herein; and

(2) With the consent of the State Treasurer in the case of the 2005A Bonds and in the case of the 2005B Bonds, the insurer if any, in connection with any other amendment.

B. No such amendment, unless consented to by the Bondholder adversely affected thereby, shall permit:

(1) A change in the maturity or in the terms of redemption of the principal of any outstanding Bond or any installment of interest thereon;

(2) A reduction in the principal amount of any Bond, the rate of interest thereon, or any prior redemption premium payable in connection therewith; or

(3) The establishment of priorities as between Bonds issued and outstanding under the provisions of this Resolution.

C. Copies of any amendments to this Resolution consented to by the State Treasurer or the insurer of any of the Bonds must be sent to Moody's Investors Service and Standard & Poor's Rating Services.

Section 42. **Maintenance of Escrow Account.**

A. The Escrow Account shall be maintained by the District in an amount at the time of those initial deposits therein and at all times subsequently at least sufficient, together with the known minimum yield to be derived from the initial investment and any temporary reinvestment of the deposits therein or any part thereof in Federal Securities, to pay the interest due in connection with the Refunded Bonds, both accrued and not accrued, as the same become due up to and including the applicable redemption date for the Refunded Bonds; and to redeem, on such date the Refunded Bonds then outstanding, in accordance with the resolutions of the Board authorizing the issuance of the Refunded Bonds.

B. Moneys shall be withdrawn by the Escrow Bank from the Escrow Account in sufficient amounts and at such times to permit the payment without default of interest due in connection with the Refunded Bonds, and in accordance with the provisions of the Escrow Agreement, shall cause the notices of call for prior redemption of the then outstanding Refunded Bonds to be effected. Any moneys remaining in the Escrow Account after provision shall have been made for the redemption in full of the Refunded Bonds shall be applied to any lawful purpose of the District as the Board may hereafter determine.

C. If for any reason the amount in the Escrow Account shall at any time be insufficient for its purpose, the District shall forthwith from the first moneys available therefore deposit in such account such additional moneys as shall be necessary to permit the payment in full of the principal, interest and any redemption premiums due in connection with the Refunded Bonds as herein provided.

Section 43. **Redemption of Refunded Bonds.** The District hereby irrevocably elects to call for prior redemption the Refunded Bonds set forth in the Certificate of the Chief Financial Officer on the redemption date as provided in the Escrow Agreement, at the price equal to

the principal amount of each Refunded Bond, or portion thereof, so redeemed, and premium, if any, as set forth in the Escrow Agreement and in accordance with the Certificate of the Chief Financial Officer. The registrar for the Refunded Bonds is authorized to give notices of prior redemption and defeasance of the Refunded Bonds in accordance with the terms of the Escrow Agreement, this Resolution and the resolution authorizing the issuance of the Refunded Bonds.

Section 44. **Guarantee Agreement.** The Board hereby approves and authorizes the President and Clerk to execute the State Permanent School Fund Guarantee Agreement between the District and the State Treasurer in substantially the form on file with the Superintendent with such changes, amendments or modifications as are approved by the State Treasurer and the Superintendent.

Section 45. **Delegated Powers.** The officers of the District are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution, including, without limitation:

A. The printing of the Bonds.

B. The execution and delivery of a representation letter to The Depository Trust Company concerning the depository arrangements specified in Section 16 hereof and the mechanical details of that arrangement.

C. The printing, deeming "final", distribution and execution of the Preliminary Official Statement for the Bonds and the printing, distribution and execution of a Final Official Statement, in substantially the form now before the Board, but with such amendments, additions and deletions as are in accordance with the facts and not inconsistent herewith.

D. The execution of such certificates as may be reasonably required by the Purchaser, relating, inter alia, to:

(1) The signing of the Bonds, or a single Bond for each maturity,

(2) The tenure and identity of the officials of the Board and of the District,

(3) The assessed valuation of the taxable property in and the indebtedness of the District,

(4) The completeness and accuracy of the Final Official Statement as of the date of the delivery of the Bonds,

(5) The exemption of interest on the Bonds from federal income taxation,

(6) The delivery of the Bonds and the receipt of the purchase price,

(7) If it is in accordance with the fact, the absence of litigation, pending or threatened, affecting the validity of the Bonds or affecting the completeness or accuracy of the Final Official Statement, and

(8) The assembly and dissemination of financial and other information concerning the District and the Bonds.

E. The completion and execution of the Certificate of the Chief Financial Officer, the Guarantee Agreement, the Escrow Agreement and the Continuing Disclosure Certificate.

Section 46. **Parties Interested Herein.** Nothing in this Resolution expressed or implied is intended or shall be construed to confer upon, or to give to, any person or entity, other than the District, the State Treasurer, the insurer of any of the Bonds, and the registered owners of the Bonds, any right, remedy or claim under or by reason of this Resolution or any covenant, condition or stipulation hereof, and all covenants, stipulations, promises and agreements in the Resolution contained by and on behalf of the District shall be for the sole and exclusive benefit of the District, the State Treasurer, the insurer of any of the Bonds, and the registered owners of the Bonds.

Section 47. **Resolution Irrepealable; Repealer.** After any of the Bonds are issued, this Resolution shall constitute an irrevocable contract between the District and the registered owner or owners of the Bonds; and this Resolution, if any Bonds are in fact issued, shall be and shall remain irrepealable until the Bonds, as to all Bond Requirements, shall be fully paid, canceled and discharged, as herein provided. All resolutions, bylaws, and orders, or parts thereof, inconsistent

herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution, bylaw or order, or part thereof, heretofore repealed.

Section 48. **Severability.** If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 49. **Effective Date.** This Resolution shall be in effect from and after its adoption.

ADOPTED on this July 29, 2005.

(SEAL)

Attest:

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President, Board of Trustees  
Nye County School District

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Clerk, Board of Trustees  
Nye County School District

**STATE OF NEVADA**                    )  
                                                   )  
**COUNTY OF NYE**                    ) **ss.**  
                                                   )  
**NYE COUNTY SCHOOL**                )  
**DISTRICT**                                )

I am the duly chosen and qualified Clerk of Nye County School District (herein "District"), Nevada, and in the performance of my duties as Clerk do hereby certify:

1. The foregoing pages constitute a true, correct and compared copy of a resolution of the Board of Trustees (the "Board") adopted at a meeting held on July 29, 2005; and the original of such resolution has been approved and authenticated by the signature of the President of the Board and myself as Clerk, and has been recorded in the minute book of the Board kept for that purpose in the office of the District, which record has been duly signed by such officers and properly sealed.

2. The members of the Board were present at such meeting and voted on the passage of such resolution as follows:

Ayes:	Shawn Hall Dennis Keating Cindy Marcotte Dawn Murphy Nicole Genet Tracie Ward Deborah Wescoatt
Nays:	_____ _____
Absent:	_____ _____

3. All members of the Board were given due and proper notice of such meeting.

4. Public notice of such meeting was given and such meeting was held and conducted in full compliance with the provisions of NRS ' 241.020. A copy of the notice of meeting containing the time, place, location and an excerpt from the agenda for the meeting relating to the resolutions, as posted at least 3 working days in advance of the meeting on the District's website, at the Board's office and at:

- (i) Nye County School District Office  
Tonopah, Nevada
- (ii) Nye County School District Office  
Pahrump, Nevada
- (iii) U.S. Post Office  
Tonopah, Nevada
- (iv) Office of The Central Nevada Newspaper  
Tonopah, Nevada
- (v) Nye County Courthouse  
Tonopah, Nevada

is attached as Exhibit "A".

5. At least 3 working days before such meeting, such notice was mailed to each member of the Board and to each person, if any, who has requested notice of meetings of the Board in the same manner in which notice is required to be mailed to a member of the Board.

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the District  
this July 29, 2005.

(SEAL)

\_\_\_\_\_  
Clerk

EXHIBIT A

(Attach Copy of Notice of Meeting)



## Johnson Consulting Group

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DATE: July 6, 2005

TO: Interested Parties

FROM: Johnson Consulting Group

RE: \$17,550,000\* Nye County School District, Nevada General Obligation (Limited Tax) School Improvement and Refunding Bonds (Permanent School Fund Guarantee) Series 2005A  
and  
\$4,130,000\* Nye County School District, Nevada General Obligation (Limited Tax) School Improvement and Refunding Bonds Series 2005B

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Attached is the tentative schedule for the above captioned bond issue. If you have any corrections or additions, please contact Reagan Cannon or Maria Heaton at (702) 294-5100 or reagan@muniFA.biz or maria@muniFA.biz

\*Preliminary, subject to change.

**\$17,550,000\***  
**Nye County School District, Nevada**  
**General Obligation (Limited Tax)**  
**School Improvement and Refunding Bonds**  
**(Permanent School Fund Guarantee)**  
**Series 2005A**  
**and**  
**\$4,130,000\***  
**Nye County School District, Nevada**  
**General Obligation (Limited Tax)**  
**School Improvement and Refunding Bonds**  
**Series 2005B**

JULY 2005						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

AUGUST 2005						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

**Tentative Issuance Schedule**

Date	Activity	Responsible Party(ies)
07/13/05	Distribute draft Preliminary Official Statement ("POS")	FA
07/19/05	Board of Finance adopts Guaranty Agreement (11:00 a.m.)	BC, FA, SD
07/20/05	Due Diligence Meeting to review draft POS (9:00 a.m.)	SD, FA, BC
07/25/05	Rating Agency Presentation	FA, SD
07/26/05	Distribute POS	FA
07/28/05	Rating received	FA
07/29/05	Board adopts Bond Resolution	SD, BC, FA
08/03/05	Bond Sale	SD, FA, BC
08/04/05	Distribute changed pages from POS	FA
08/05/05	Comments due on Official Statement Print and mail Official Statement	FA, BC, SD
08/24/05	Bond Closing	All

\$17,550,000\*  
Nye County School District, Nevada  
General Obligation (Limited Tax)  
School Improvement and Refunding Bonds  
(Permanent School Fund Guarantee)  
Series 2005A  
and  
\$4,130,000\*  
Nye County School District, Nevada  
General Obligation (Limited Tax)  
School Improvement and Refunding Bonds  
Series 2005B

**Distribution List**

Issuer - SD

**Nye County School District** (775) 727-7743  
484 S. West Street, Pahrump, NV 89048 fax (775) 727-7768  
Dr. William Roberts, Superintendent  
Ray Ritchie, Chief Financial Officer rritchier@nye.k12.nv.us  
Kerry Paniagua, kpaniagua@nye.k12.nv.us (800) 796-6273

State PSF Guaranty

**State of Nevada Treasurer's Office**  
101 North Carson Street, Suite 4, Carson City, NV 89701 (775) 684-5757  
Robin V. Reedy, Director of Debt Management fax (775) 6684-5781  
Lori Chatwood, lkchatwood@nvtreasurer.com (775) 684-5797

Rating Agencies - RA

**Moody's Investors Service** (415) 274-1716  
1 Front Street, Suite 1900, San Francisco, CA 94111 fax (415) 274-1726  
Dan Steed, dan.steed@moodys.com

Escrow Bank/Paying Agent - PA

**Wells Fargo Bank West** (602) 378-2344  
Corporate and Municipal Market Group fax (602) 378-2333  
MAC S4101-080, 100 West Washington Street, 8<sup>th</sup> Floor, Phoenix, Arizona 85003  
Tim Coker, tim.coker@wellsfargo.com  
Candi Goehring, Candice.M.Goehring@wellsfargo.com (612) 667-4852

Bond Counsel - BC

**Swendseid and Stern** (775) 323-1980  
50 W. Liberty, Suite 660, Reno, NV 89501 fax (775) 323-2339  
Jennifer Stern, jstern@sah.com

Financial Advisor - FA

**Johnson Consulting Group**

1400 Wyoming Street, Suite 3, Boulder City, NV 89005

Martin Johnson, marty@muniFA.biz

Reagan Cannon, reagan@muniFA.biz

(702) 294-5100

fax (702) 294-5145

# Nevada-Elect

PO Box 4245  
Pahrump, NV, 89041  
(775) 751-2788  
Fax (775) 727-0438

June 24, 2005

President Debbie Wescoatt  
C/O Nye County School District  
484 S. West Street  
Pahrump, NV 89048

Dear President Wescoatt,

Please find attached a list of the educational bills that passed in the 73<sup>rd</sup> session of the Nevada Legislature. The bill number, a short description of the bill, the date it passed the final house and whether it contained an appropriation is also included.

On the pages following the list is a more in-depth description of each bill, and the complete text of each appropriations bill. We understand that the tax cap now in place has shorted the NCSD budget approximately \$18 a student. Two of these appropriations bills are in grant form. SB 404 allows for the request for money to cover the cost of innovative programs. Applying for this grant may help to make up for the shortage.

As the Nye County School Board is aware, Speaker Perkins requested a bill in the last week of the session, AB 567. This bill, had it passed, would have helped Nye County with repairs in its northern schools. Because of the lack of time, the bill failed in the senate. However, we are now in possession of the language of this bill, and believe it would be beneficial to the Nye County School District to request this in the 74<sup>th</sup> session beginning in 2007.

The NCSD needs to begin a legislative plan for the 74<sup>th</sup> session. If the NCSD were to have a plan in place it would become pro-active, as opposed to reactive. Requesting the language of AB 567 as a new BDR could be part of that plan. It would be helpful if the NCSD Board of Trustees could make a list of their concerns and ideas. Please keep in mind that a change in the law is always easier than an appropriation, and that the State of Nevada maintains a policy to not build schools.

We look forward to working with you in the future.

Sincerely,  
Laura Billman  
Nevada-Elect

CC: Rob Roberts  
Tracy Ward  
Dawn Murphy  
Shawn Hall  
Cindy Marcotte  
Nicole Genet  
Dennis Keating

<b>BILL #</b>	<b>DESCRIPTION</b>	<b>PASSED</b>	<b>APPROPRIATION</b>
<b>AB76</b>	accommodate medical absences	May 09, 2005	NO
<b>AB108</b>	appointment of hearing officers	May 24, 2005	NO
<b>AB109</b>	Revises provisions of accountability/regional training programs	Jun 04, 2005	NO
<b>AB154</b>	Revises provisions governing statewide system of accountability for school districts and public schools	Jun 05, 2005	NO
<b>AB162</b>	Revises provisions governing charter schools and educational personnel.	Jun 01, 2005	NO
<b>AB168</b>	Revises provisions governing charter schools.	Jun 03, 2005	NO
<b>AB180</b>	Revises provisions governing charter schools and automated system of accountability information for public schools	Jun 17, 2005	NO
<b>AB182</b>	allow pupils to self-administer prescribed medications	May 09, 2005	NO
<b>AB202</b>	Revises provisions governing safe and respectful learning environment	Jun 01, 2005	NO
<b>AB206</b>	issuance of special license for persons with certain graduate degrees and work experience to teach pupils	May 09, 2005	NO
<b>AB231</b>	Requires local and regional governmental entities to conduct study of safe walking routes in certain area near schools	May 24, 2005	NO (DOES NOT APPLY)
<b>AB388</b>	Revises provisions regarding occupational education.	Jun 04, 2005	GRANTS
<b>AB411</b>	Requires Nevada Association of School Boards to study feasibility and necessity of safety restraints on school buses	Jun 06, 2005	NO
<b>AB518</b>	Authorizes school districts to prescribe minimum attendance requirements for pupils in kindergarten and first grade and for pupils in certain remedial programs	May 24, 2005	ENABLING
<b>AB526</b>	Revises provisions governing class-size reduction program and National School Lunch Program	Jun 04, 2005	NO
<b>AB575</b>	Makes appropriations to State Distributive School Account for class-size reduction	Jun 15, 2005	YES
<b>SB56</b>	Makes various changes concerning charter schools and distance education programs.	Jun 15, 2005	NO
<b>SB202</b>	Revises manner in which school districts schedule contingent school days.	May 12, 2005	NO
<b>SB367</b>	Revises provisions governing education of suspended and expelled pupils	Jun 13, 2005	NO
<b>SB368</b>	Revises provisions regarding professional development of teachers and administrators	Jun 01, 2005	NO
<b>SB404</b>	Creates Commission on Educational Excellence	Jun 15, 2005	GRANTS
<b>SB460</b>	Revises provisions governing class-size reduction	Jun 15, 2005	NO
<b>SB461</b>	Provides for enrollment of certain pupils in university school for profoundly gifted pupils	Jun 15, 2005	NO
<b>SB511</b>	Makes supplemental appropriation to Department of Education for signing bonuses for teachers	Jun 06, 2005	YES
<b>SB525</b>	Apportions State Distributive School Account in State General Fund for 2005-2007 biennium	Jun 15, 2005	YES DSA
<b>AB4</b>	Make appropriation for full-day kindergarten in certain schools	Jun 07, 2005 ENROLLED	YES

### **AB 76**

Existing law requires the board of trustees of each school district to prescribe the minimum number of days that a pupil must be in attendance in order to obtain credit or be promoted to the next higher grade. Existing law allows a pupil to be absent for up to 10 days within a school year without jeopardizing credit or promotion if he has the approval of his teacher or principal and has completed all course-work requirements. (NRS 392.122) This bill allows the board of trustees of a school district to adopt a policy to exempt pupils who are physically or mentally unable to attend school from the 10-day limitation on absences. If the board of trustees of a school district adopts such a policy, a pupil is still required to comply with the minimum number of days of attendance, however, the days on which the pupil is absent because the pupil is physically or mentally unable to attend school must be credited towards the required days of attendance if the pupil has completed course-work requirements.

### **AB 108**

Existing law prescribes the process for the appointment of hearing officers to preside over disciplinary proceedings involving licensed school district employees. Under existing law, the Department of Education must maintain a list of hearing officers composed of attorneys. The State Board of Education creates the list after receiving nominations from the State Bar of Nevada and the Nevada Trial Lawyers Association. (NRS 391.3161) Existing law requires hearing officers in disciplinary proceedings and license revocation proceedings to be selected from a list provided by the American Arbitration Association. (NRS 391.3161, 391.322) Existing law also allows an employee and a superintendent to mutually agree upon a hearing officer who is an attorney in this State for the disciplinary proceedings. (NRS 391.3161) This bill removes the requirement that hearing officers be appointed from a list provided by the American Arbitration Association. This bill requires that appointments be made by the Hearings Division of the Department of Administration. In addition to allowing the parties to select an attorney to serve as a hearing officer in disciplinary proceedings, this bill allows the employee and the superintendent to mutually agree upon an arbitrator provided by the American Arbitration Association or a representative of an agency or organization that provides alternative dispute resolution services.

### **AB 109**

Existing law establishes the statewide system of accountability for public schools. (NRS 385.3455-385.391) This bill amends existing law to revise provisions governing the accountability measures for schools that have been designated as demonstrating need for improvement. Existing law provides for the establishment and operation of regional training programs for the professional development of teachers and administrators by the boards of trustees of four school districts. (NRS 391.512) This bill redesignates the four regional training programs to reflect the geographic regions served by each program. In addition, this bill provides that the four school districts which receive money for the programs serve as the fiscal agents for the maintenance and support of the programs.

### **AB 154**

Under existing law, the State Board of Education and the board of trustees of each school district must prepare and distribute an annual report of accountability. (NRS 385.3469, 385.347) Existing law allows a school or school district to appeal a designation of the school or district as demonstrating need for improvement. (NRS 385.366, 385.3771) Existing law requires certain portions of proficiency exams to be administered to pupils in certain grades. (Section 107 of Chapter 1, Statutes of Nevada 2003, 19th Special Session, page 89) This bill changes the requirements for the annual report of accountability and expands the school designations that may be appealed. This bill also makes changes to the proficiency exam requirements, including the grade levels for administering the writing and science proficiency exams. Under existing law,

fees collected pursuant to the Private Elementary and Secondary Education Authorization Act are deposited in the State General Fund. This bill requires those fees to be deposited in the appropriate account of the Department of Education.

### **AB 162**

Existing law provides that the board of trustees of a school district and the State Board of Education may serve as sponsors of charter schools. (NRS 386.515) This bill authorizes a charter school to request a change in the sponsorship of the charter school in accordance with objective criteria adopted by the State Board of Education. This bill also provides that upon the first renewal of a written charter and each renewal thereafter, the sponsor of the charter school may not prescribe additional requirements or terms for the charter school unless the additional requirements or terms are specifically authorized by statute, regulation or the written charter. Under existing law, a charter school must accept applications for enrollment in the order in which applications are received. If the number of eligible children who apply for enrollment is greater than the available spaces in the charter school, the charter school must enroll pupils on the basis of a lottery system. (NRS 386.580) This bill authorizes a charter school that is dedicated to providing educational programs and opportunities to at-risk pupils to give preference in enrollment to: (1) a sibling of a pupil who is currently enrolled in the charter school; or (2) a pupil who resides within 2 miles of the charter school if the charter school is located in an area with a high percentage of at-risk pupils. Existing law provides that the employees of a charter school who are on leaves of absence from the school district are governed by the collective bargaining agreement of the district for the first 3 years of employment with the charter school. (NRS 386.595) This bill removes those provisions and provides specific authority for the governing body of a charter school to make decisions concerning the terms and conditions of employment of the employees of the charter school. The collective bargaining agreement of the school district continues to apply to an employee who is on approved leave of absence only with respect to matters relating to his status and employment with the school district. Under existing law, the Commission on Professional Standards in Education prescribes the requirements for the issuance of a license to teach by the Superintendent of Public Instruction. (NRS 391.019) This bill requires the Commission to adopt regulations providing for the issuance of a license to teach to a person who: (1) holds a graduate degree from an accredited college or university in the field for which he will be providing instruction; (2) is not licensed to teach in another state; (3) has at least 5 years of experience teaching with satisfactory evaluations at an accredited private school; and (4) has participated in a program of student teaching or mentoring or agrees to participate in a program of mentoring.

### **AB 168**

Existing law governs the submission of applications to form charter schools for sponsorship by the board of trustees of a school district or the State Board of Education. The board of trustees has discretion whether to approve or deny an application. Applications denied by the board of trustees may be submitted to the State Board, which is required to approve an application if it meets the requirements of the law. (NRS 386.525) This bill amends existing law to grant the State Board discretion whether to approve or deny an application, similar to the discretion that is currently granted to the board of trustees of a school district. This bill provides that if the State Board denies an application, it must include in the written notice of denial the reasons for the denial and must also provide the committee to form the charter school an opportunity to correct the deficiencies. This bill requires the Superintendent of Public Instruction to provide a report to each session of the Legislature that includes certain information concerning the applications to form charter schools that were submitted during the preceding biennium.

### **AB 180**

Existing law governs the employment of charter school personnel. (NRS 386.590, 386.595) This bill provides that a person who holds a valid license to teach with an administrative endorsement may be employed as an administrator at the charter school. This bill also reduces the period during which a licensed teacher who is on a leave of absence from a school district to work at a charter school may return to a guaranteed comparable teaching position in the district from 6 years to 3 years. Existing law requires a school district to be responsible for the accountability reports of all charter schools located in the district. (NRS 385.347) This bill requires the Department to collect and report accountability information for the charter schools sponsored by the State Board.

### **AB 182**

Existing law provides various requirements concerning pupils who attend public schools in this State, including requirements concerning the health and safety of pupils. (Chapter 392 of NRS) The federal Asthmatic Schoolchildren's Treatment and Health Management Act of 2004 identifies the need for school districts to develop medication policies that allow a pupil who has asthma or anaphylaxis to have immediate use of appropriate medication. The Act also gives preference for the awarding of certain federal grants relating to health care to states that allow pupils to self-administer medication to treat asthma and anaphylaxis. (Public Law 108-377, 108th Congress; 42 U.S.C. § 280g) This bill allows a parent or legal guardian of a pupil who has asthma or anaphylaxis to request authorization from the principal or if applicable, the school nurse of the public school in which the pupil is enrolled to allow the pupil to self-administer medication for the treatment of asthma or anaphylaxis while the pupil is on the grounds of a public school, at an activity sponsored by a public school or on a school bus. If the request contains certain specified information, the principal or if applicable, the school nurse is required to approve the request. This bill further provides that authorization by a principal or school nurse for a pupil to self-administer medication does not create any additional duties of the board of trustees, the school district or the public school, or an employee or agent of any of them. In addition, those entities and persons are immune from liability for an injury or death that is the result of the self-administration or failure to self-administer a drug pursuant to the bill.

### **AB 202**

Existing law includes a declaration by the Legislature that a safe and respectful learning environment is essential for pupils in public schools. (NRS 388.132) Existing law prohibits a member of the board of trustees of a school district, an employee of a school district or a pupil from engaging in harassment or intimidation on the premises of any public school, at an activity sponsored by a public school or on a school bus. (NRS 388.135) This bill requires the Department of Education to adopt a policy for all school districts and public schools to provide a safe and respectful learning environment. The policy must include requirements and methods for reporting harassment or intimidation, as well as a policy for training school personnel. This bill requires each school district to adopt the policy prescribed by the Department or to adopt an expanded policy that complies with the Department's policy. Each school district must provide training to school personnel in accordance with the policy. This bill prohibits a member of the board of trustees of a school district or an employee of a school district from using his official authority or influence to interfere with or prevent the disclosure of harassment or intimidation. In addition, this bill limits the authority of a person to bring a cause of action against a pupil, school employee or school volunteer who reports harassment or intimidation.

### **AB 206**

Existing law establishes the kinds of licenses required for teachers and other educational personnel. The existing licenses are a license to teach elementary education, a license to teach middle school or junior high school, a license to teach secondary school and a special license. (NRS 391.031) The Commission on Professional Standards in Education is required to prescribe the qualifications and requirements for licensure. (NRS 391.019) This bill establishes a new special license designated as a special qualifications license for an applicant with a master's degree or doctoral degree and work experience in the field for which the applicant will provide instruction. The new license must designate the grades and subject areas in which the person may teach. The Commission is required to adopt regulations providing for the issuance and renewal of the special qualifications license.

### **AB 231**

An act relating to public schools; requiring local and regional governmental entities to conduct a study of safe walking routes for pupils in a certain area near schools; and providing other matters properly relating thereto.

### **AB 388**

An act relating to education; changing the name of the State Board for Occupational Education to the State Board for Career and Technical Education; changing the term "occupational education" to "career and technical education"; requiring under certain circumstances that an advisory technical skills committee be appointed for a program of career and technical education in a school district; authorizing the Department of Education to provide grants, to the extent money is available, for distribution to school districts and charter schools for career and technical education; requiring a subcommittee of the Legislative Committee on Education to study career and technical high schools; requiring the Department of Education to conduct a public awareness campaign regarding career and technical high schools; and providing other matters properly relating thereto.

### **AB 411**

An act relating to the transportation of pupils; requiring the Nevada Association of School Boards to study the feasibility and necessity of safety restraints for use by pupils on school buses; and providing other matters properly relating thereto.

### **AB 518**

An act relating to education; authorizing the boards of trustees of school districts to apply to the Superintendent of Public Instruction for additional days or minutes of instruction for certain programs of remedial education; authorizing the board of trustees of a school district to prescribe the minimum attendance requirements for pupils who are enrolled in kindergarten or the first grade and for pupils who are enrolled in certain programs of remedial education; revising related provisions governing the attendance and truancy of pupils; and providing other matters properly relating thereto.

### **AB 526**

An act relating to education; revises provisions governing the appropriation and apportionment of money for school districts that participate in the National School Lunch Program; prescribing the circumstances under which a school district is required to request a variance from the requirements of the class-size reduction program; expressing the intent of the Legislature

concerning the elimination of team-teaching in connection with the class-size reduction program; and providing other matters properly relating thereto.

#### **AB 575**

An act relating to education; making appropriations to the State Distributive School Account for purposes relating to class size reduction; and providing other matters properly relating thereto.

#### **SB 56**

An act relating to education; requiring the governing body of a charter school sponsored by the board of trustees of a school district to enroll pupils who reside in the district before enrolling pupils who reside outside the district; making various changes concerning the employment practices of charter schools; revising provisions governing an application to form a charter school and the revocation of the written charter of a charter school; revising the provisions governing apportionments from the State Distributive School Account to charter schools sponsored by the State Board of Education; revising the provisions governing programs of distance education; requiring a charter school to pay for an additional administration of achievement and proficiency examinations under certain circumstances; and providing other matters properly relating thereto.

#### **SB 202**

Existing law requires a school district to provide a minimum of 180 school days in each school year for public schools. Each school district is also required to schedule at least 3 contingent school days to be used if a natural disaster, inclement weather or an accident necessitates the closing of a majority of the facilities within the school district. (NRS 388.090) This bill provides a school district with various methods for scheduling the contingent school days. The school district may schedule the 3 contingent school days as full school days, an equivalent number of minutes of instruction added to any school day or any combination of school days and minutes of instruction as long as the total minutes of instruction equal at least 3 school days. If minutes of instruction are added to a school day, at least 30 minutes must be added to the school day.

#### **SB 367**

An act relating to pupils; revising provisions governing the formation of charter schools designed exclusively for pupils with disciplinary problems; providing that a pupil who is suspended or expelled from a public school may enroll in a program of independent study, in a program of distance education or in a charter school under certain circumstances; and providing other matters properly relating thereto.

#### **SB368**

An act relating to education; requiring the plans to improve the achievement of pupils to include strategies for the professional development of teachers and administrators that directly address the needs of pupils; revising provisions governing the professional development provided to teachers and administrators; requiring the governing body of each regional training program for the professional development of teachers and administrators to review certain plans to improve the achievement of pupils; and providing other matters properly relating thereto.

**SB 404**

An act relating to education; creating the Commission on Educational Excellence; prescribing the membership and duties of the Commission; creating the Account for Programs for Innovation and the Prevention of Remediation; authorizing school districts and public schools to apply for grants of money from the Account; revising the provisions governing the statewide system of accountability; making appropriations; and providing other matters properly relating thereto.

**SB 460**

An act relating to education; authorizing certain school districts to develop plans for alternative pupil-teacher ratios for grades 1 to 6, inclusive; and providing other matters properly relating thereto.

**SB 461**

An act relating to education; providing for the enrollment of certain pupils in a university school for profoundly gifted pupils in lieu of enrolling in the schools that such pupils are otherwise scheduled to attend; and providing other matters properly relating thereto.

**SB 511**

An act making a supplemental appropriation to the Department of Education for signing bonuses for teachers; and providing other matters properly relating thereto.

**SB 525**

AN ACT relating to public schools; apportioning the State Distributive School Account in the State General Fund for the 2005-2007 biennium; authorizing certain expenditures; making appropriations; and providing other matters properly relating thereto.

**AB 4**

AN ACT relating to education; making an appropriation for certain schools to provide full-day kindergarten; and providing other matters properly relating thereto.

CHAPTER.....

AN ACT relating to education; making an appropriation for certain schools to provide full-day kindergarten; and providing other matters properly relating thereto.

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

**Section 1.** 1. There is hereby appropriated from the State General Fund to the Department of Education for the Fiscal Year 2006-2007 the sum of \$22,000,000 for school districts to provide full-day kindergarten at certain schools. The sum must be included in the Account for Programs for Innovation and the Prevention of Remediation.

2. The Department of Education shall distribute the allocation made by subsection 1 to school districts that elect to provide full-day kindergarten during the 2006-2007 school year at certain schools within the school district. In no event is a school district required to submit an application for an allocation of money or otherwise required to provide full-day kindergarten.

3. Except as otherwise provided in subsection 4, a school district that elects to receive an allocation of money pursuant to this section shall use the money to provide full-day kindergarten in each school within the school district that is prioritized for full-day kindergarten based upon the percentage of pupils enrolled in the school who are eligible for free or reduced price lunches pursuant to 42 U.S.C. §§ 1751 et seq. A school district shall allocate the money by assigning first priority to those schools within the school district that have the highest percentage of pupils who are eligible for free or reduced price lunches. If a school within a school district that is required to provide full-day kindergarten pursuant to this section currently provides full-day kindergarten with money that it receives from the Federal Government or other funding allocations, the school may redirect that money, to the extent authorized by applicable federal law, for other programs of remediation at the school and use the money provided by the Department of Education from the allocation to provide full-day kindergarten during the 2006-2007 school year.

4. A school that is otherwise required to provide full-day kindergarten pursuant to subsection 3 may opt out of providing full-day kindergarten.

5. A parent or legal guardian of a pupil who is otherwise zoned to attend a public school that provides full-day kindergarten pursuant to this section may request that the pupil not be enrolled in full-day kindergarten. The school district in which the pupil is

enrolled shall grant the request and ensure that the pupil is allowed to attend kindergarten, whether at the zoned school or another school, for less than a full day.

**Sec. 2.** This act becomes effective on July 1, 2005.

CHAPTER.....

AN ACT relating to education; changing the name of the State Board for Occupational Education to the State Board for Career and Technical Education; changing the term “occupational education” to “career and technical education”; requiring under certain circumstances that an advisory technical skills committee be appointed for a program of career and technical education in a school district; authorizing the Department of Education to provide grants, to the extent money is available, for distribution to school districts and charter schools for career and technical education; requiring a subcommittee of the Legislative Committee on Education to study career and technical high schools; requiring the Department of Education to conduct a public awareness campaign regarding career and technical high schools; and providing other matters properly relating thereto.

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

**Section 1.** NRS 385.010 is hereby amended to read as follows:  
385.010 1. A Department of Education is hereby created.

2. The Department consists of the State Board of Education, the State Board for ~~Occupational~~ *Career and Technical* Education and the Superintendent of Public Instruction.

3. The Superintendent of Public Instruction is the executive head of the Department.

**Sec. 2.** NRS 387.050 is hereby amended to read as follows:

387.050 1. The State of Nevada accepts the provisions of, and all of the money provided by, the Vocational Education Act of 1963, and any amendments thereof or supplements thereto.

2. In addition to the provisions of subsection 1, the State Board for ~~Occupational~~ *Career and Technical* Education may accept, and adopt regulations or establish policies for the disbursement of, money appropriated by any Act of Congress and apportioned to the State of Nevada for use in connection with the program for ~~occupational~~ *career and technical* education.

3. In accepting the benefits of the Acts of Congress referred to in subsections 1 and 2, the State of Nevada agrees to comply with all of their provisions and to observe all of their requirements.

4. The State Treasurer is designated custodian of all money received by the State of Nevada from the appropriations made by the Acts of Congress referred to in subsections 1 and 2, and he may receive and provide for the proper custody thereof and make

disbursements therefrom in the manner provided in the Acts and for the purposes therein specified on warrants of the State Controller issued upon the order of the Executive Officer of the State Board for **[Occupational] Career and Technical** Education.

5. On warrants of the State Controller issued upon the order of the Executive Officer of the State Board for **[Occupational] Career and Technical** Education pursuant to regulations or policies of the Board, the State Treasurer shall also pay out any money appropriated by the State of Nevada to carry out the provisions of this section.

**Sec. 3.** Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. If the board of trustees of a school district has established a program of career and technical education pursuant to NRS 388.380 and to the extent that money is available from this State or the Federal Government, the superintendent of schools of the school district shall appoint an advisory technical skills committee consisting of:*

*(a) Representatives of businesses and industries in the community;*

*(b) Employees of the school district who possess knowledge and experience in career and technical education;*

*(c) Pupils enrolled in public schools in the school district;*

*(d) Parents and legal guardians of pupils enrolled in public schools in the school district;*

*(e) To the extent practicable, representatives of postsecondary educational institutions that provide career and technical education; and*

*(f) Other interested persons.*

*2. An advisory technical skills committee established pursuant to subsection 1 shall:*

*(a) Review the curriculum, design, content and operation of the program of career and technical education to determine its effectiveness in:*

*(1) Preparing pupils enrolled in the program to enter the workforce and meeting the needs of supplying an appropriately trained workforce to businesses and industries in the community; and*

*(2) Complying with the provisions of NRS 388.330 to 388.400, inclusive, and any regulations adopted pursuant thereto.*

*(b) Advise the school district regarding the curriculum, design, content, operation and effectiveness of the program of career and technical education.*

*(c) Provide technical assistance to the school district in designing and revising as necessary the curriculum for the program of career and technical education.*

*(d) In cooperation with businesses, industries, employer associations and employee organizations in the community, develop work-based experiences for pupils enrolled in the program of career and technical education. The work-based experiences must:*

*(1) Be designed:*

*(I) For pupils enrolled in grades 11 and 12, but may be offered to pupils enrolled in grades 9 and 10 upon the approval of the principal of the school where the program is offered.*

*(II) To prepare and train pupils to work as apprentices in business settings.*

*(2) Allow a pupil to earn academic credit for the work-based experience.*

*(e) Meet at least three times each calendar year.*

*(f) Provide to the superintendent of schools of the school district any recommendations regarding the program of career and technical education and any actions of the committee.*

*(g) Comply with the provisions of chapter 241 of NRS.*

*3. The members of an advisory technical skills committee serve without compensation.*

**Sec. 4.** NRS 388.330 is hereby amended to read as follows:

388.330 The State Board for ~~Occupational~~ *Career and Technical* Education consists of the members of the State Board of Education.

**Sec. 5.** NRS 388.340 is hereby amended to read as follows:

388.340 1. The Superintendent of Public Instruction shall serve as Executive Officer of the State Board for ~~Occupational~~ *Career and Technical* Education.

2. The Executive Officer shall:

(a) Employ personnel for such positions as are approved by the State Board for ~~Occupational~~ *Career and Technical* Education and necessary to carry out properly the provisions of this title relating to ~~occupational~~ *career and technical* education.

(b) Carry into effect the regulations of the State Board for ~~Occupational~~ *Career and Technical* Education.

(c) Maintain an office for the Board.

(d) Keep all records of the Board in the office of the Board.

**Sec. 6.** NRS 388.350 is hereby amended to read as follows:

388.350 The State Board for ~~Occupational~~ *Career and Technical* Education may hold at least four meetings regularly in each year at the State Capital, coincident with the meetings of the State Board of Education.

**Sec. 7.** NRS 388.360 is hereby amended to read as follows:

388.360 The State Board for ~~Occupational~~ *Career and Technical* Education may:

1. Cooperate with any federal agency, board or department designated to administer the Acts of Congress apportioning federal money to the State of Nevada for ~~occupational~~ *career and technical* education.

2. Establish policies and adopt regulations for the administration of any legislation enacted pursuant thereto by the State of Nevada.

3. Establish policies and adopt regulations for the administration of money provided by the Federal Government and the State of Nevada for the promotion, extension and improvement of ~~occupational~~ *career and technical* education in Nevada.

4. Establish policies or regulations and formulate plans for the promotion of ~~occupational~~ *career and technical* education in such subjects as are an essential and integral part of the system of public education in the State of Nevada.

5. Establish policies to provide for the preparation of teachers of such programs and subjects.

6. Approve positions for such persons as may be necessary to administer the federal act and provisions of this title enacted pursuant thereto for the State of Nevada.

7. Direct its Executive Officer to make studies and investigations relating to ~~occupational~~ *career and technical* education.

8. Establish policies to promote and aid in the establishment by local communities of schools, departments or classes giving training in ~~occupational~~ *career and technical* subjects.

9. Cooperate with local communities in the maintenance of such schools, departments or classes.

10. Prescribe qualifications for the teachers, directors and supervisors of ~~occupational~~ *career and technical* subjects.

11. Provide for the certification of such teachers, directors and supervisors.

12. Establish policies or regulations to cooperate in the maintenance of classes supported and controlled by the public for the preparation of the teachers, directors and supervisors of ~~occupational~~ *career and technical* subjects, or maintain such classes under its own direction and control.

13. Establish by regulation the qualifications required for persons engaged in the training of ~~occupational teachers.~~ *teachers for career and technical education.*

**Sec. 8.** NRS 388.365 is hereby amended to read as follows:

388.365 1. All gifts of money which the State Board for ~~Occupational~~ *Career and Technical* Education is authorized to accept must be deposited in a permanent trust fund in the State Treasury designated as the Gift Fund for ~~Occupational~~ *Career and Technical* Education.

2. The money available in the Fund must be used only for the purpose specified by the donor, within the scope of the Board's powers and duties. The Board may adopt regulations or establish policies for the disbursement of money from the Fund in accordance with the terms of the gift or bequest on warrants of the State Controller issued upon the orders of the Executive Officer of the State Board for ~~[Occupational]~~ *Career and Technical* Education. Any expenditures pursuant to this section may include matching state and federal money available for ~~[occupational]~~ *career and technical* education.

3. If all or part of the money accepted by the Board from a donor is not expended before the end of the fiscal year in which the gift was accepted, the remaining balance of the amount donated must remain in the Fund until needed for the purpose specified by the donor.

**Sec. 9.** NRS 388.370 is hereby amended to read as follows:

388.370 The Executive Officer of the State Board for ~~[Occupational]~~ *Career and Technical* Education shall make a report biennially to the Governor.

**Sec. 10.** NRS 388.380 is hereby amended to read as follows:

388.380 1. Except as otherwise provided in subsection ~~[2,]~~ **3**, the board of trustees of a school district in a county whose population is 100,000 or more shall and any other board of trustees of a school district may:

(a) Establish and maintain ~~[occupational schools or classes.]~~ *a program of career and technical education* giving instruction in the subjects approved by the State Board for ~~[Occupational]~~ *Career and Technical* Education.

(b) Raise and expend money for the establishment and maintenance of ~~[occupational schools or classes.]~~ *a program of career and technical education.*

2. *A pupil who successfully completes a program of career and technical education and who otherwise satisfies the requirements for graduation from high school must be awarded a high school diploma with an endorsement indicating that the pupil has successfully completed the program of career and technical education. The provisions of this subsection do not preclude a pupil from receiving more than one endorsement on his diploma, if applicable.*

3. The board of trustees of each school district shall incorporate into the curriculum:

(a) ~~[Occupational guidance]~~ *Guidance* and counseling *in career and technical education* in accordance with NRS 389.180; and

(b) Technology.

**4. The State Board for Career and Technical Education shall adopt regulations prescribing the endorsement of career and technical education for a high school diploma.**

**Sec. 11.** NRS 388.390 is hereby amended to read as follows:

388.390 If the board of trustees of a school district or the governing body of a charter school organizes a ~~school or classes for occupational~~ **program of career and technical** education in accordance with the regulations adopted by the State Board for ~~Occupational~~ **Career and Technical** Education and the ~~school or classes have~~ **program has** been approved by the Executive Officer of the ~~State Board for Occupational Education,~~ **Board**, the school district or the charter school is entitled to share in federal and state money available for the promotion of ~~occupational~~ **career and technical** education in the amount determined by the Executive Officer of the ~~State Board for Occupational Education,~~ **Board**, in accordance with the regulations and policies of the Board.

**Sec. 12.** NRS 388.400 is hereby amended to read as follows:

388.400 1. The money for ~~occupational~~ **career and technical** education must be provided for and raised in the manner specified in NRS 387.050 and 388.330 to 388.400, inclusive ~~]~~ , **and section 3 of this act**

2. The State Treasurer is the custodian of the money and shall make disbursements therefrom on warrants of the State Controller issued upon the order of the Executive Officer of the State Board for ~~Occupational~~ **Career and Technical** Education.

**Sec. 13.** NRS 388.537 is hereby amended to read as follows:

388.537 1. The board of trustees of a school district may, subject to the approval of the State Board, operate an alternative program for the education of pupils at risk of dropping out of high school, including pupils who:

(a) Because of extenuating circumstances, such as their being pregnant, parents, chronically ill or self-supporting, are not able to attend the classes of instruction regularly provided in high school;

(b) Are deficient in the amount of academic credit necessary to graduate with pupils their same age;

(c) Are chronically absent from high school; or

(d) Require instruction on a more personal basis than that regularly provided in high school.

2. An alternative program may include:

(a) A shorter school day, and an opportunity for pupils to attend a longer school day, than that regularly provided in high school.

(b) An opportunity for pupils to attend classes of instruction during any part of the calendar year.

(c) A comprehensive curriculum that includes elective classes of instruction and ~~occupational~~ **career and technical** education.

(d) An opportunity for pupils to obtain academic credit through experience gained at work or while engaged in other activities.

(e) An opportunity for pupils to satisfy either:

- (1) The requirements for a regular high school diploma; or
- (2) The requirements for a high school diploma for adults.

(f) The provision of child care for the children of pupils.

(g) The transportation of pupils to and from classes of instruction.

(h) The temporary placement of pupils for independent study, if there are extenuating circumstances which prevent those pupils from attending the alternative program on a daily basis.

3. The board of trustees of a school district may operate an alternative program pursuant to this section through a program of distance education pursuant to NRS 388.820 to 388.874, inclusive.

**Sec. 14.** NRS 388.575 is hereby amended to read as follows:

388.575 1. The Department of Education, after consulting with the Department of Corrections, shall:

(a) Adopt regulations that establish a statewide program of education for incarcerated persons; and

(b) Coordinate with and assist school districts in operating programs of education for incarcerated persons.

2. The statewide program may include courses of study for:

- (a) A high school diploma;
- (b) Basic literacy;
- (c) English as a second language;
- (d) General educational development;
- (e) Life skills;
- (f) ~~Occupational~~ *Career and technical* education; and
- (g) Postsecondary education.

3. The statewide program does not include the programs of general education, vocational education and training established by the Board of State Prison Commissioners pursuant to NRS 209.389.

4. The statewide program must establish:

(a) Standards for each course of study that set forth the:

- (1) Curriculum;
- (2) Qualifications for entry; and
- (3) Evaluation of incarcerated persons for placement; and

(b) Procedures to ensure that an incarcerated person who earns credits in a program of education for incarcerated persons operated by a school district at a facility or institution shall, if transferred to a different facility or institution, transfer those credits to the program operated by a school district at that facility or institution.

5. As used in this section, "general educational development" means preparation for and administration of the standardized examinations that enable persons who have not graduated from high school to demonstrate that they have achieved an educational level

which denotes competency in core curriculum. The term includes programs for obtaining a general educational development certificate.

**Sec. 15.** NRS 388.635 is hereby amended to read as follows:

388.635 Each center shall provide:

1. Counseling services specifically designed for the counseling of a displaced homemaker with respect to appropriate employment, including:

- (a) Assessment of his skills;
- (b) Clarification of his employment goals and information regarding the availability of various types of employment;
- (c) The development of a personal plan for a career; and
- (d) Referrals to public and private programs of training and placement.

2. Courses of instruction to assist a displaced homemaker in seeking and retaining employment, including instruction in:

- (a) The initial steps in seeking employment;
- (b) Skills for contacting employers;
- (c) The proper completion of applications for employment;
- (d) Writing resumes;
- (e) Skills for effective interviewing;
- (f) The importance of a positive attitude and appropriate work habits;
- (g) Skills for effective communication;
- (h) Appropriate conduct in an office; and
- (i) Resolving conflicts involving work and family.

3. Weekly meetings to allow the displaced homemakers it serves to share information regarding employment and to discuss their concerns regarding seeking and retaining employment.

4. Educational and counseling services relating to health and health care, including education about obtaining and paying for health care and related services, particularly about selecting physicians and others who provide the services, including health maintenance organizations and health insurance.

5. Services relating to financial management, including information about insurance, taxes, estates and probate, mortgages, loans and other related financial matters.

6. Referrals of displaced homemakers to appropriate agencies in the community which provide:

- (a) Assistance to persons addicted to alcohol or drugs;
- (b) Personal counseling;
- (c) Legal assistance;
- (d) Child care; and
- (e) Programs of secondary and postsecondary education, including programs for ~~occupational~~ *career and technical*

education, English as a second language and improving reading ability.

**Sec. 16.** NRS 392.455 is hereby amended to read as follows:

392.455 1. If a school district or a charter school has established ~~[classes in occupational]~~ *a program in career and technical* education, the teachers and pupils in ~~[those]~~ *provided pursuant to the program* must wear devices provided by the school district or the charter school which are designed to protect their eyes while they are using power tools, torches or other dangerous equipment or machinery.

2. The teachers and pupils in classes in science must wear devices provided by the school district which are designed to protect their eyes when chemicals or toxic substances are used in those classes.

**Sec. 17.** NRS 277.065 is hereby amended to read as follows:

277.065 1. Within the limits of legislative appropriations, the Department of Education, the county school districts of the various counties of the State, the Nevada Youth Training Center Bureau and the Caliente Youth Center Bureau of the Division of Child and Family Services of the Department of Human Resources and any other state facility for the detention of children that is operated pursuant to title 5 of NRS may enter into cooperative arrangements for improving the quality of the academic and ~~[occupational]~~ *career and technical* education provided at the Nevada Youth Training Center, the Caliente Youth Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS.

2. This authorization includes the right to pay over money appropriated to the Nevada Youth Training Center, the Caliente Youth Center or any other state facility for the detention of children that is operated pursuant to title 5 of NRS to the Department of Education or to a county school district when necessary to accomplish the purpose of this section.

**Sec. 18.** NRS 435.300 is hereby amended to read as follows:

435.300 1. No center may receive aid under the provisions of NRS 435.130 to 435.320, inclusive, for persons enrolled who would otherwise qualify for care or training under a program offered to the mentally or functionally retarded in the school district in which that person lives or by the county where he lives.

2. The provisions of subsection 1 do not preclude aid on account of persons who are receiving ~~[occupational]~~ *career and technical* education at any center in conjunction with a school's program of special education.

**Sec. 19.** NRS 563.030 is hereby amended to read as follows:

563.030 1. One member of the Board must be a member of the teaching staff of the College of Agriculture of the University of Nevada, Reno;

2. One member of the Board must be a member of the staff of the Agricultural Extension Department of the Public Service Division of the University and Community College System of Nevada;

3. One member of the Board must be a member of the staff of the State Board for ~~{Occupational}~~ *Career and Technical* Education; and

4. Four members of the Board must be persons concerned with the raising and improving of livestock in the State of Nevada, not necessarily stock raisers, selected as follows:

(a) Two persons whose interest is in cattle and sheep;

(b) One person whose interest is in horses; and

(c) One person whose interest is in dairying.

↳ All members must be residents of the State of Nevada.

**Sec. 20.** NRS 610.030 is hereby amended to read as follows:

610.030 1. A State Apprenticeship Council composed of seven members is hereby created.

2. The Labor Commissioner shall appoint:

(a) Three members who are representatives from employer associations and have knowledge concerning occupations in which a person may be apprenticed.

(b) Three members who are representatives from employee organizations and have knowledge concerning occupations in which a person may be apprenticed.

(c) One member who is a representative of the general public and who, before his appointment, must first receive the unanimous approval of the members appointed under the provisions of paragraphs (a) and (b).

3. The state official who has been designated by the State Board for ~~{Occupational}~~ *Career and Technical* Education as being in charge of trade and industrial education is an ex officio member of the State Apprenticeship Council but may not vote.

**Sec. 21.** NRS 632.2856 is hereby amended to read as follows:

632.2856 1. The training program required for certification as a nursing assistant must consist of 75 hours of instruction. The program must include no less than 60 hours of theory and learning skills in a laboratory setting.

2. Except as otherwise provided in this subsection, the instructor of the program must be a registered nurse with:

(a) Three years of nursing experience which includes direct care of patients and supervision and education of members of the staff; and

(b) Proof of successful completion of training for instructors which has been approved by the Board.

↳ The Board may approve a licensed practical nurse as an instructor if the Board determines that requiring instruction by a registered nurse would create a hardship.

3. Upon completion of the program, a nursing assistant trainee must pass a test in theory with an overall score of 80 percent and a test of skills on a pass or fail basis. The test of skills must be given by a registered nurse. If the nursing assistant trainee fails either of the tests, he must repeat the training in the areas in which he was deficient before taking the certification examination.

4. In a program which is based in a facility, a nursing assistant trainee may only perform those tasks he has successfully completed in the training program, and must perform those tasks under the direct supervision of a registered nurse or a licensed practical nurse.

5. The Board shall adopt regulations not inconsistent with law:

(a) Specifying the scope of the training program and the required components of the program;

(b) Establishing standards for the approval of programs and instructors; and

(c) Designating the basic nursing services which a nursing assistant may provide upon certification.

6. Any medical facility, educational institution or other organization may provide a training program if the program meets the requirements set forth in this chapter and in the regulations of the Board, and is approved by the Board. Such a program must be administered through:

(a) The University and Community College System of Nevada;

(b) A program for ~~occupational~~ *career and technical* education approved by the State Board for ~~Occupational~~ *Career and Technical* Education;

(c) A public school in this State; or

(d) Any other nationally recognized body or agency authorized by law to accredit or approve such programs.

7. An educational institution or agency that administers a training program shall:

(a) Develop or approve the curriculum for training provided in its service district;

(b) Manage the training program; and

(c) Work with medical and other facilities to carry out the requirements of paragraphs (a) and (b).

**Sec. 22.** 1. To the extent that money is available from this State or the Federal Government, the Department of Education may provide grants of money to school districts and charter schools to establish advisory technical skills committees and to establish, maintain and expand programs of career and technical education. If the Department provides grants of money pursuant to this section, the Department shall:

(a) Establish criteria for grants of money to school districts and charter schools pursuant to this section;

(b) Make determinations regarding the grants of money based upon recommendations of the advisory technical skills committee established by the school district or charter school, if applicable; and

(c) Allocate available money to school districts and charter schools based upon the total unduplicated enrollment of pupils in all career and technical education classes in that school district or charter school during the immediately preceding school year. Notwithstanding the provisions of this paragraph, the Department may establish a minimum allocation for a school district located in a county whose population is less than 50,000.

2. To the extent that money is available for grants of money pursuant to this section, the board of trustees of a school district or the governing body of a charter school may submit an application to the Department of Education on a form provided by the Department.

3. Upon receipt of such an application, the Department of Education shall review the application to determine whether it is complete and meets the criteria established pursuant to paragraph (a) of subsection 1 and provide a grant of money to the board of trustees of the school district or the governing body of the charter school, as applicable.

4. The board of trustees of a school district or the governing body of a charter school that receives a grant of money pursuant to this section shall:

(a) Use the money to establish an advisory technical skills committee and to establish, maintain and expand programs of career and technical education;

(b) Use the money to supplement and not replace the money that the school district or charter school would otherwise expend for the establishment of an advisory technical skills committee and for the establishment, maintenance and expansion of programs of career and technical education.

(c) Evaluate the effectiveness of the advisory technical skills committee and the program of career and technical education and submit a report to the Department of Education on or before December 1, 2006.

5. The Department of Education shall compile the reports received pursuant to paragraph (c) of subsection 4 and submit the compilation to the Director of the Legislative Counsel Bureau for transmission to the 74th Session of the Legislature.

**Sec. 23** 1. The Chairman of the Legislative Committee on Education shall appoint a subcommittee of the members of the Committee to study the effectiveness of career and technical high schools in this State.

2. The subcommittee appointed pursuant to subsection 1 shall:

(a) Determine the number of school districts in this State that include at least one high school designated as a career and technical high school that provides a program of career and technical education for pupils enrolled in grades 9 to 12, inclusive.

(b) Determine the number of pupils enrolled in each career and technical high school, identified by school district.

(c) Determine the success of each career and technical high school in this State, including, without limitation, a determination of whether each career and technical high school operated by a school district increases within the school district:

(1) The graduation rate from high school; and

(2) The percentage of pupils who remain enrolled in high school.

(d) Identify effective practices carried out by school districts regarding the development, enrollment and operation of career and technical high schools and the feasibility of carrying out those practices statewide.

(e) Identify the need, if any, for expanding the availability of career and technical high schools in this State.

3. The subcommittee appointed pursuant to subsection 1 shall submit a report of its findings and any recommendations for legislation to the Legislative Committee on Education on or before August 1, 2006. The Legislative Committee on Education shall consider the recommendations of the subcommittee and on or before February 1, 2007, submit the report of the subcommittee to the Director of the Legislative Counsel Bureau for transmission to the 74th Session of the Nevada Legislature.

**Sec. 24.** The Department of Education shall develop and carry out a public awareness campaign that is designed to increase the public's awareness and knowledge of the availability and success of career and technical high schools within this State.

**Sec. 25.** The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, with respect to any section that is not amended by this act or is further amended by another act, appropriately change any reference to:

(a) "State Board for Occupational Education" to "State Board for Career and Technical Education"; and

(b) Any other agency or any officer whose name is changed or whose responsibilities have been transferred pursuant to the provisions of this act refer to the appropriate agency or officer.

2. In preparing supplements to the Nevada Administrative Code, appropriately change any reference to:

(a) "State Board for Occupational Education" to "State Board for Career and Technical Education"; and

(b) Any other agency or any officer whose name is changed or whose responsibilities have been transferred pursuant to the provisions of this act refer to the appropriate agency or officer.

**Sec. 26.** This act becomes effective on July 1, 2005.





CHAPTER.....

AN ACT relating to education; making appropriations to the State Distributive School Account for purposes relating to class-size reduction; and providing other matters properly relating thereto.

WHEREAS, The intended goal of the Legislature is to achieve a pupil-teacher ratio of not more than 15 pupils per teacher or 30 pupils per two teachers in kindergarten and grades 1, 2 and 3 where core curriculum is taught; and

WHEREAS, Available money is estimated to provide a sufficient number of teachers to achieve in each school district pupil-teacher ratios of 16 pupils per teacher in selected kindergarten classrooms in which pupils are most at risk of failure and in grades 1 and 2 in Fiscal Years 2005-2006 and 2006-2007, and to achieve a pupil-teacher ratio in grade 3 of 19 pupils per teacher in Fiscal Years 2005-2006 and 2006-2007; and

WHEREAS, Certain school districts do not have a sufficient number of classrooms available to permit an average class size of 19 pupils per teacher in grade 3; and

WHEREAS, It is unreasonable to assign two teachers to classrooms of 38 pupils to attain a district-wide pupil-teacher ratio of 19 pupils per teacher in grade 3; and

WHEREAS, School districts may, instead, attain the desired pupil-teacher ratio in classes where core curriculum is taught by using alternative methods of reducing the ratio, such as employing teachers to provide remedial instruction; and

WHEREAS, School districts may wish to use money for class-size reduction to carry out programs that have been found to be effective in improving academic achievement; and

WHEREAS, The Legislature has specifically designed the laws relating to class-size reduction to allow the local school districts the necessary discretion to effectuate the reduction in the manner appropriate in their respective districts; and

WHEREAS, School districts are encouraged, to the extent possible, to further reduce the pupil-teacher ratio in each classroom in the district for grades 1, 2 and 3 for which additional funding is provided; and

WHEREAS, With this act, the Legislature intends to continue the reduced pupil-teacher ratio for selected kindergarten classrooms in which pupils are most at risk of failure and for grades 1 and 2 throughout the State and to continue reducing the pupil-teacher ratio in grade 3; and

WHEREAS, Thereafter, the intended goal of the Legislature is to reduce the pupil-teacher ratio per class in grade 3 to not more than

15 pupils per class, thereafter to reduce the pupil-teacher ratio per class in grades 4, 5 and 6 to not more than 22 pupils per class and thereafter to reduce the pupil-teacher ratio per class in grades 7 to 12, inclusive, to not more than 25 pupils per class; now, therefore,

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

**Section 1.** 1. There is hereby appropriated from the State General Fund to the State Distributive School Account the sum of \$125,552,187 for distribution by the Superintendent of Public Instruction to the county school districts for Fiscal Year 2005-2006 which must, except as otherwise provided in sections 3 and 4 of this act, be used to employ teachers to comply with the required ratio of pupils to teachers, as set forth in NRS 388.700, in grades 1 and 2 and in selected kindergartens with pupils who are considered at risk of failure by the Superintendent of Public Instruction and to maintain the current ratio of pupils per teacher in grade 3. Expenditures for the class-size reduction program must be accounted for in a separate category of expenditure in the State Distributive School Account.

2. Except as otherwise provided in sections 3 and 4 of this act, the money appropriated by subsection 1 must be used to pay the salaries and benefits of not less than 2,107 teachers employed by school districts to meet the required pupil-teacher ratios in the 2005-2006 school year.

3. Any remaining balance of the sum appropriated by subsection 1 must not be committed for expenditure after June 30, 2006, and must be transferred and added to the money appropriated to the State Distributive School Account pursuant to section 2 of this act for the 2006-2007 Fiscal Year, and may be expended as that money is expended.

**Sec. 2.** 1. There is hereby appropriated from the State General Fund to the State Distributive School Account the sum of \$137,922,619 for distribution by the Superintendent of Public Instruction to the county school districts for Fiscal Year 2006-2007 which must, except as otherwise provided in sections 3 and 4 of this act, be used to employ teachers to comply with the required ratio of pupils to teachers, as set forth in NRS 388.700, in grades 1 and 2 and in selected kindergartens with pupils who are considered at risk of failure by the Superintendent of Public Instruction and to maintain the current ratio of pupils per teacher in grade 3. Expenditures for the class-size reduction program must be accounted for in a separate category of expenditure in the State Distributive School Account.

2. Except as otherwise provided in sections 3 and 4 of this act, the money appropriated by subsection 1 must be used to pay the salaries and benefits of not less than 2,197 teachers employed by school districts to meet the required pupil-teacher ratios in the 2006-2007 school year.

3. Any remaining balance of the sum appropriated by subsection 1, including any money added thereto pursuant to section 1 of this act, must not be committed for expenditure after June 30, 2007, and must be reverted to the State General Fund on or before September 21, 2007.

**Sec. 3.** The board of trustees of each county school district:

1. Shall file a plan with the Superintendent of Public Instruction describing how the money appropriated by sections 1 and 2 of this act will be used to comply with the required ratio of pupils to teachers in kindergarten and grades 1, 2 and 3; or

2. May, after receiving approval of the plan from the Superintendent of Public Instruction, use the money appropriated by sections 1 and 2 of this act to carry out:

(a) An alternative program for reducing the ratio of pupils per teacher, including, without limitation, any legislatively approved program of flexibility; or

(b) Programs of remedial education that have been found to be effective in improving pupil achievement in grades 1, 2 and 3, so long as the combined ratio of pupils per teacher in the aggregate of kindergarten and grades 1, 2 and 3 of the school district does not exceed the combined ratio of pupils per teacher in the aggregate of kindergarten and grades 1, 2 and 3 of the school district in the 2002-2003 school year.

➔ The plan approved by the Superintendent of Public Instruction must describe the method to be used by the school district to evaluate the effectiveness of the alternative program or remedial programs in improving pupil achievement.

**Sec. 4.** 1. The money appropriated for class-size reduction pursuant to sections 1 and 2 of this act:

(a) May be applied first to pupils considered most at risk of failure.

(b) Must not be used to settle or arbitrate disputes between a recognized organization representing employees of a school district and the school district, or to settle any negotiations.

(c) Must not be used to adjust the district-wide schedules of salaries and benefits of the employees of a school district.

2. The money appropriated for class-size reduction pursuant to sections 1 and 2 of this act must not be distributed to a school district unless that school district has:

(a) Filed with the Department of Education a plan for achieving the required ratio set forth in NRS 388.700; and

(b) Demonstrated that, from resources of the school district other than allocations received from the State Distributive School Account for class-size reduction, a sufficient number of classroom teachers have been employed to maintain the average pupil-teacher ratio that existed for each grade for grades 1, 2 and 3, in that school district for the 3 school years immediately preceding the start of the class-size reduction program in the 1990-1991 school year.

**Sec. 5.** 1. This section and sections 1, 3 and 4 of this act become effective on July 1, 2005.

2. Section 2 of this act becomes effective on July 1, 2006.

CHAPTER.....

AN ACT relating to education; creating the Commission on Educational Excellence; prescribing the membership and duties of the Commission; creating the Account for Programs for Innovation and the Prevention of Remediation; authorizing school districts and public schools to apply for grants of money from the Account; revising the provisions governing the statewide system of accountability; making appropriations; and providing other matters properly relating thereto.

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

**Section 1.** Chapter 385 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

**Sec. 2.** *As used in sections 2 to 9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

**Sec. 3.** *“Account” means the Account for Programs for Innovation and the Prevention of Remediation created by section 9 of this act.*

**Sec. 4.** *“Commission” means the Commission on Educational Excellence created by section 5 of this act.*

**Sec. 5. 1.** *The Commission on Educational Excellence, consisting of nine members is hereby created. The Superintendent of Public Instruction shall serve as an ex officio voting member of the Commission. The Governor shall appoint the following members to the Commission:*

*(a) Three teachers, two of whom have experience in providing instruction at public elementary schools and who have been successful in school improvement efforts and one of whom has experience in providing instruction at secondary schools and who has been successful in school improvement efforts;*

*(b) Two principals, one of whom has experience in administering successful school improvement efforts at an elementary school and one of whom has experience in administering successful school improvement efforts at a secondary school;*

*(c) Two school district administrators, one of whom is employed by a school district in a county whose population is less*

*than 100,000 and one of whom is employed by a school district in a county whose population is 100,000 or more; and*

*(d) One parent or legal guardian of a pupil enrolled in a public school in this State.*

*↳ One or more of the members appointed pursuant to subsection 1 may be retired from employment but those retired members that are appointed must have been employed with a public school in this State in the immediately preceding 5 years.*

*2. The Governor may solicit recommendations for appointments pursuant to this subsection from the Nevada State Education Association, the Nevada Association of School Administrators, a statewide organization for parents of pupils, the Statewide Council for the Coordination of the Regional Training Programs and other organizations and entities related to education in this State. The Governor may consider the recommendations submitted and may make appointments from those recommendations. The Governor shall appoint a Chairman from among the members he appoints.*

*3. After the initial terms, the term of each appointed member of the Commission is 2 years, commencing on January 1 of the year in which he is appointed and expiring on December 31 of the immediately following year. A member shall continue to serve on the Commission until his successor is appointed. Upon the expiration of a term of a member, he may be reappointed if he still possesses any requisite qualifications for appointment. There is no limit on the number of terms that a member may serve.*

*4. The Commission shall hold at least four regular meetings each year and may hold special meetings at the call of the Chairman.*

*5. Members of the Commission serve without compensation, except that for each day or portion of a day during which a member of the Commission attends a meeting of the Commission or is otherwise engaged in the business of the Commission, he is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally. The per diem allowances and travel expenses must be paid from the Account and accounted for separately in that Account. In addition, money in the Account may be used to pay compensation necessary for the employment of substitute teachers who are hired on those days when a member of the Commission attends a meeting of the Commission or is otherwise engaged in the business of the Commission.*

*6. The Department shall provide:*

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

↪ *as is necessary for the Commission to carry out its duties.*

**7. The Legislative Counsel Bureau:**

*(a) Must be provided with adequate notice of each meeting of the Commission; and*

*(b) Shall provide, as requested by the Committee, technical expertise and assistance to the Commission.*

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

*(a) Establish a program of educational excellence designed exclusively for pupils enrolled in kindergarten through grade 6 in public schools in this State based upon:*

*(1) The plan to improve the achievement of pupils prepared by the State Board pursuant to NRS 385.34691;*

*(2) The plan to improve the achievement of pupils prepared by the board of trustees of each school district pursuant to NRS 385.348;*

*(3) The plan to improve the achievement of pupils prepared by the principal of each school pursuant to NRS 385.357, which may include a program of innovation; and*

*(4) Any other information that the Commission considers relevant to the development of the program of educational excellence.*

*(b) Identify programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.*

*(c) Develop a concise application and simple procedures for the submission of applications by school districts and public schools, including, without limitation, charter schools, for participation in a program of educational excellence and for grants of money from the Account. Grants of money must be made for programs designed for the achievement of pupils that are linked to the plan to improve the achievement of pupils or for innovative programs, or both. All school districts and public schools, including, without limitation, charter schools, are eligible to submit such an application, regardless of whether the school district or school has made adequate yearly progress or failed to make adequate yearly progress. A school district or public school selected for participation may be approved by the Commission for participation for a period not to exceed 2 years, but may reapply.*

*(d) Prescribe a long-range timeline for the review, approval and evaluation of applications received from school districts and public schools that desire to participate in the program.*

*(e) Prescribe accountability measures to be carried out by a school district or public school that participates in the program if that school district or public school does not meet the annual measurable objectives established by the State Board pursuant to NRS 385.361, including, without limitation:*

*(1) The specific levels of achievement expected of school districts and schools that participate; and*

*(2) Conditions for school districts and schools that do not meet the grant criteria but desire to continue participation in the program and receive money from the Account, including, without limitation, a review of the leadership at the school and recommendations regarding changes to the appropriate body.*

*(f) Determine the amount of money that is available from the Account for those school districts and public schools that are selected to participate in the program.*

*(g) Allocate money to school districts and public schools from the Account. Allocations must be distributed not later than August 15 of each year.*

*(h) Establish criteria for school districts and public schools that participate in the program and receive an allocation of money from the Account to evaluate the effectiveness of the allocation in improving the achievement of pupils, including, without limitation, a detailed analysis of:*

*(1) The achievement of pupils enrolled at each school that received money from the allocation based upon measurable criteria identified in the plan to improve the achievement of pupils for the school prepared pursuant to NRS 385.357;*

*(2) If applicable, the achievement of pupils enrolled in the school district as a whole, based upon measurable criteria identified in the plan to improve the achievement of pupils for the school district prepared pursuant to NRS 385.348;*

*(3) If applicable, the effectiveness of the program of innovation on the achievement of pupils and the overall effectiveness for pupils and staff;*

*(4) The implementation of the applicable plans for improvement, including, without limitation, an analysis of whether the school district or the school is meeting the measurable objectives identified in the plan; and*

*(5) The attainment of measurable progress on the annual list of adequate yearly progress of school districts and schools.*

*2. To the extent money is available, the Commission shall make allocations of money to school districts and public schools for effective programs for grades 7 through 12 that are designed to improve the achievement of pupils and effective programs of innovation for pupils. In making such allocations, the Commission shall comply with the requirements of subsection 1.*

*3. If a school district or public school that receives money pursuant to subsection 1 or 2 does not meet the criteria for effectiveness as prescribed in paragraph (h) of subsection 1 over a 2-year period, the Commission may consider not awarding future allocations of money to that school district or public school.*

4. *On or before July 1 of each year, the Department shall provide a list of priorities of schools based upon the adequate yearly progress status of schools in the immediately preceding year for consideration by the Commission in its development of procedures for the applications.*

5. *In carrying out the requirements of this section, the Commission shall review and consider the programs of remedial study adopted by the Department pursuant to NRS 385.389, the list of approved providers of supplemental services maintained by the Department pursuant to NRS 385.384 and the recommendations submitted by the Committee pursuant to NRS 218.5354 concerning programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.*

**Sec. 7.** 1. *A school district or public school that receives an allocation of money from the Account shall:*

(a) *Account for the money separately;*

(b) *Use the money to supplement and not replace the money that would otherwise be expended by the school district or public school for the achievement of pupils in kindergarten through grade 6 or pupils in grades 7 through 12, as applicable; and*

(c) *Submit an evaluation of the effectiveness of the allocation in improving the achievement of pupils in kindergarten through grade 6 or pupils in grades 7 through 12, as applicable, in accordance with the criteria for evaluation established by the Commission pursuant to section 6 of this act.*

2. *A school district or public school that receives an allocation of money from the Account shall not:*

(a) *Use the money to settle or arbitrate disputes or negotiate settlements between an organization that represents licensed employees of the school district or public school and the school district or public school, as applicable.*

(b) *Use the money to adjust the schedules of salaries and benefits of the employees of the school district or public school, as applicable.*

**Sec. 8.** 1. *The Commission shall prepare an annual report that describes the distribution of money to the school districts and public schools and the programs for which money was allocated from the Account. The report must be submitted on or before September 1 of each year to the entities identified in subsection 3.*

2. *The Commission shall:*

(a) *Prepare an annual report that describes:*

(1) *The activities of the Commission;*

(2) *An analysis of the progress of the school districts and public schools in carrying out the plans to improve the achievement of pupils; and*

*(3) An analysis of the progress of the school district and public schools that received an allocation of money from the Account in improving the achievement of pupils.*

*(b) Submit the report on or before January 31 of each year to the entities identified in subsection 3.*

*3. The Commission shall submit the reports required by this section to the:*

*(a) State Board;*

*(b) Governor;*

*(c) Committee;*

*(d) Bureau;*

*(e) Interim Finance Committee; and*

*(f) Board of trustees of each school district.*

**Sec. 9. 1.** *The Account for Programs for Innovation and the Prevention of Remediation is hereby created in the State General Fund, to be administered by the Superintendent of Public Instruction. The Superintendent of Public Instruction may accept gifts and grants of money from any source for deposit in the Account. Any money from gifts and grants may be expended in accordance with the terms and conditions of the gift or grant, or in accordance with subsection 2. The interest and income earned on the money in the Account must be credited to the Account. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.*

*2. The money in the Account may only be used for the allocation of money to school districts and public schools whose applications are approved by the Commission pursuant to section 6 of this act.*

**Sec. 10.** NRS 385.3455 is hereby amended to read as follows:

385.3455 As used in NRS 385.3455 to 385.391, inclusive, *and sections 2 to 9, inclusive, of this act*, unless the context otherwise requires, the words and terms defined in NRS 385.346 to 385.34675, inclusive, have the meanings ascribed to them in those sections.

**Sec. 11.** NRS 385.34691 is hereby amended to read as follows:

385.34691 1. The State Board shall prepare a plan to improve the achievement of pupils enrolled in the public schools in this State. The plan:

(a) Must be prepared in consultation with:

(1) Employees of the Department;

(2) At least one employee of a school district in a county whose population is 100,000 or more, appointed by the Nevada Association of School Boards;

(3) At least one employee of a school district in a county whose population is less than 100,000, appointed by the Nevada Association of School Boards; and

(4) At least one representative of the Statewide Council for the Coordination of the Regional Training Programs created by NRS 391.516, appointed by the Council; and

(b) May be prepared in consultation with:

(1) Representatives of institutions of higher education;

(2) Representatives of regional educational laboratories;

(3) Representatives of outside consultant groups;

(4) Representatives of the regional training programs for the professional development of teachers and administrators established pursuant to NRS 391.512;

(5) The Bureau; and

(6) Other persons who the State Board determines are appropriate.

2. A plan to improve the achievement of pupils enrolled in public schools in this State must include:

(a) A review and analysis of the data upon which the report required pursuant to NRS 385.3469 is based and a review and analysis of any data that is more recent than the data upon which the report is based.

(b) The identification of any problems or factors common among the school districts or charter schools in this State, as revealed by the review and analysis.

(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as set forth in NRS 389.018.

(d) Strategies to improve the academic achievement of pupils enrolled in public schools in this State, including, without limitation, strategies to:

(1) Instruct pupils who are not achieving to their fullest potential;

(2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;

(3) Integrate technology into the instructional and administrative programs of the school districts;

(4) Manage effectively the discipline of pupils; and

(5) Enhance the professional development offered for the teachers and administrators employed at public schools in this State to include the activities set forth in 20 U.S.C. § 7801(34), as deemed appropriate by the State Board.

(e) Strategies designed to provide to the pupils enrolled in middle school, junior high school and high school, the teachers and counselors who provide instruction to those pupils, and the parents and guardians of those pupils information concerning:

(1) The requirements for admission to an institution of higher education and the opportunities for financial aid;

(2) The availability of millennium scholarships pursuant to NRS 396.911 to 396.938, inclusive; and

(3) The need for a pupil to make informed decisions about his curriculum in middle school, junior high school and high school in preparation for success after graduation.

(f) An identification, by category, of the employees of the Department who are responsible for ensuring that each provision of the plan is carried out effectively.

(g) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

(h) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

(i) Strategies to improve the allocation of resources from this State, by program and by school district, in a manner that will improve the academic achievement of pupils. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(j) Based upon the reallocation of resources set forth in paragraph (i), the resources available to the State Board and the Department to carry out the plan ~~§~~, ***including, without limitation, a budget for the overall cost of carrying out the plan.***

(k) A summary of the effectiveness of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

3. The State Board shall:

(a) Review the plan prepared pursuant to this section annually to evaluate the effectiveness of the plan; and

(b) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that the plan is designed to improve the academic achievement of pupils enrolled in public schools in this State.

4. On or before December 15 of each year, the State Board shall submit the plan or the revised plan, as applicable, to the:

(a) Governor;

(b) Committee;

- (c) Bureau;
- (d) Board of Regents of the University of Nevada;
- (e) Council to Establish Academic Standards for Public Schools created by NRS 389.510;
- (f) Board of trustees of each school district; and
- (g) Governing body of each charter school.

**Sec. 12.** NRS 385.348 is hereby amended to read as follows:

385.348 1. The board of trustees of each school district shall, in consultation with the employees of the school district, prepare a plan to improve the achievement of pupils enrolled in the school district, excluding pupils who are enrolled in charter schools located in the school district. If the school district is a Title I school district designated as demonstrating need for improvement pursuant to NRS 385.377, the plan must also be prepared in consultation with parents and guardians of pupils enrolled in the school district and other persons who the board of trustees determines are appropriate.

2. Except as otherwise provided in this subsection, the plan must include the items set forth in 20 U.S.C. § 6316(c)(7) and the regulations adopted pursuant thereto. If a school district has not been designated as demonstrating need for improvement pursuant to NRS 385.377, the board of trustees of the school district is not required to include those items set forth in 20 U.S.C. § 6316(c)(7) and the regulations adopted pursuant thereto that directly relate to the status of a school district as needing improvement.

3. In addition to the requirements of subsection 2, a plan to improve the achievement of pupils enrolled in a school district must include:

(a) A review and analysis of the data upon which the report required pursuant to subsection 2 of NRS 385.347 is based and a review and analysis of any data that is more recent than the data upon which the report is based.

(b) The identification of any problems or factors at individual schools that are revealed by the review and analysis.

(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as set forth in NRS 389.018.

(d) Strategies to improve the academic achievement of pupils enrolled in the school district , including, without limitation, strategies to:

(1) Instruct pupils who are not achieving to their fullest potential;

(2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;

(3) Integrate technology into the instructional and administrative programs of the school district;

(4) Manage effectively the discipline of pupils; and

(5) Enhance the professional development offered for the teachers and administrators employed by the school district to include the activities set forth in 20 U.S.C. § 7801(34), as deemed appropriate by the board of trustees of the school district.

(e) An identification, by category, of the employees of the school district who are responsible for ensuring that each provision of the plan is carried out effectively.

(f) In consultation with the Department, an identification, by category, of the employees of the Department, if any, who are responsible for overseeing and monitoring whether the plan is carried out effectively.

(g) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

(h) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

(i) Strategies to improve the allocation of resources from the school district, by program and by school, in a manner that will improve the academic achievement of pupils. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(j) Based upon the reallocation of resources set forth in paragraph (i), the resources available to the school district to carry out the plan **+**, *including, without limitation, a budget of the overall cost for carrying out the plan.*

(k) A summary of the effectiveness of appropriations made by the Legislature that are available to the school district or the schools within the school district to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

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

(a) Review the plan prepared pursuant to this section annually to evaluate the effectiveness of the plan; and

(b) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that the plan is designed to improve the academic achievement of pupils enrolled in the school district.

5. On or before December 15 of each year, the board of trustees of each school district shall submit the plan or the revised plan, as applicable, to the:

- (a) Superintendent of Public Instruction;
- (b) Governor;
- (c) State Board;
- (d) Department;
- (e) Committee; and
- (f) Bureau.

**Sec. 13.** NRS 385.357 is hereby amended to read as follows:

385.357 1. The principal of each school, including, without limitation, each charter school, shall, in consultation with the employees of the school, prepare a plan to improve the achievement of the pupils enrolled in the school.

2. The plan developed pursuant to subsection 1 must include:

(a) A review and analysis of the data pertaining to the school upon which the report required pursuant to subsection 2 of NRS 385.347 is based and a review and analysis of any data that is more recent than the data upon which the report is based.

(b) The identification of any problems or factors at the school that are revealed by the review and analysis.

(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as defined in NRS 389.018.

(d) Policies and practices concerning the core academic subjects which have the greatest likelihood of ensuring that each subgroup of pupils identified in paragraph (b) of subsection 1 of NRS 385.361 who are enrolled in the school will make adequate yearly progress and meet the minimum level of proficiency prescribed by the State Board.

(e) Annual measurable objectives, consistent with the annual measurable objectives established by the State Board pursuant to NRS 385.361, for the continuous and substantial progress by each subgroup of pupils identified in paragraph (b) of subsection 1 of that section who are enrolled in the school to ensure that each subgroup will make adequate yearly progress and meet the level of proficiency prescribed by the State Board.

(f) Strategies, consistent with the policy adopted pursuant to NRS 392.457 by the board of trustees of the school district in which the school is located, to promote effective involvement by parents and families of pupils enrolled in the school in the education of their children.

(g) As appropriate, programs of remedial education or tutoring to be offered before and after school, during the summer, or between sessions if the school operates on a year-round calendar for pupils enrolled in the school who need additional instructional time to pass or to reach a level considered proficient.

(h) Strategies to improve the academic achievement of pupils enrolled in the school, including, without limitation, strategies to:

(1) Instruct pupils who are not achieving to their fullest potential;

(2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;

(3) Integrate technology into the instructional and administrative programs of the school;

(4) Manage effectively the discipline of pupils; and

(5) Enhance the professional development offered for the teachers and administrators employed at the school to include the activities set forth in 20 U.S.C. § 7801(34), as deemed appropriate by the principal and other persons and entities responsible for the development of the plan.

(i) An identification, by category, of the employees of the school who are responsible for ensuring that the plan is carried out effectively.

(j) In consultation with the school district or governing body, as applicable, an identification, by category, of the employees of the school district or governing body, if any, who are responsible for ensuring that the plan is carried out effectively or for overseeing and monitoring whether the plan is carried out effectively.

(k) In consultation with the Department, an identification, by category, of the employees of the Department, if any, who are responsible for overseeing and monitoring whether the plan is carried out effectively.

(l) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

(m) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

(n) The resources available to the school to carry out the plan. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school shall use the financial analysis program used by the school district in which the school is located in complying with this paragraph.

(o) A summary of the effectiveness of appropriations made by the Legislature that are available to the school to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

***(p) A budget of the overall cost for carrying out the plan.***

3. In addition to the requirements of subsection 2, if a school has been designated as demonstrating need for improvement

pursuant to NRS 385.3623, the plan must comply with 20 U.S.C. § 6316(b)(3) and the regulations adopted pursuant thereto.

4. Except as otherwise provided in subsection 5, the principal of each school shall, in consultation with the employees of the school:

(a) Review the plan prepared pursuant to this section annually to evaluate the effectiveness of the plan; and

(b) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that the plan is designed to improve the academic achievement of pupils enrolled in the school.

5. If a school has been designated as demonstrating need for improvement pursuant to NRS 385.3623, the technical assistance partnership or the support team established for the school, as applicable, shall review the plan and make revisions to the most recent plan for improvement of the school pursuant to NRS 385.3692 or 385.3741, as applicable. If the school is a Title I school that has been designated as demonstrating need for improvement, the technical assistance partnership or support team established for the school, as applicable, shall, in making revisions to the plan, work in consultation with parents and guardians of pupils enrolled in the school and, to the extent deemed appropriate by the entity responsible for creating the partnership or support team, outside experts.

6. On or before November 1 of each year, the principal of each school, or the technical assistance partnership or support team established for the school, as applicable, shall submit the plan or the revised plan, as applicable, to:

(a) If the school is a public school of the school district, the superintendent of schools of the school district.

(b) If the school is a charter school, the governing body of the charter school.

7. If a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623, the superintendent of schools of the school district or the governing body, as applicable, shall carry out a process for peer review of the plan or the revised plan, as applicable, in accordance with 20 U.S.C. § 6316(b)(3)(E) and the regulations adopted pursuant thereto. Not later than 45 days after receipt of the plan, the superintendent of schools of the school district or the governing body, as applicable, shall approve the plan or the revised plan, as applicable, if it meets the requirements of 20 U.S.C. § 6316(b)(3) and the regulations adopted pursuant thereto and the requirements of this section. The superintendent of schools of the school district or the governing body, as applicable, may condition approval of the plan or the revised plan, as applicable, in the manner set forth in 20 U.S.C. § 6316(b)(3)(B) and the regulations adopted pursuant thereto. The State Board shall

prescribe the requirements for the process of peer review, including, without limitation, the qualifications of persons who may serve as peer reviewers.

8. If a school is designated as demonstrating exemplary achievement, high achievement or adequate achievement, or if a school that is not a Title I school is designated as demonstrating need for improvement, not later than 45 days after receipt of the plan or the revised plan, as applicable, the superintendent of schools of the school district or the governing body, as applicable, shall approve the plan or the revised plan if it meets the requirements of this section.

9. On or before December 15 of each year, the principal of each school, or the technical assistance partnership or support team established for the school, as applicable, shall submit the final plan or the final revised plan, as applicable, to the:

- (a) Superintendent of Public Instruction;
- (b) Governor;
- (c) State Board;
- (d) Department;
- (e) Committee;
- (f) Bureau; and

(g) Board of trustees of the school district in which the school is located.

10. A plan for the improvement of a school must be carried out expeditiously, but not later than January 1 after approval of the plan pursuant to subsection 7 or 8, as applicable.

**Sec. 14.** NRS 385.3622 is hereby amended to read as follows:

385.3622 If the Department determines that a public school has failed to make adequate yearly progress pursuant to subsection 3 of NRS 385.3613 ~~§~~

~~—1. The~~, *the* Department or its designee shall, to the extent money is available, monitor at the school the administration of the examinations that are required pursuant to NRS 389.550 and ensure that all eligible pupils who are in attendance on the day of the administration of the examinations are given an opportunity to take the examinations until the percentage of pupils who take the examinations is 95 percent or more of all pupils enrolled in the school who are required to take the examinations.

~~[2. The school is not required to adopt a program of remedial study pursuant to NRS 385.389 and is not eligible to receive money for remedial programs made available by legislative appropriation for the purposes of NRS 385.389.]~~

**Sec. 15.** NRS 385.389 is hereby amended to read as follows:

385.389 1. The Department shall adopt programs of remedial study for each subject tested on the examinations administered pursuant to NRS 389.015, including, without limitation, programs

that are designed for pupils who are limited English proficient. The programs adopted for pupils who are limited English proficient must be designed to:

- (a) Improve the academic achievement of those pupils; or
- (b) Assist those pupils with attaining proficiency in the English language.

↳ In adopting these programs of remedial study, the Department shall consider the recommendations submitted by the Committee pursuant to NRS 218.5354 and programs of remedial study that have proven to be successful in improving the academic achievement of pupils.

2. ~~Except as otherwise provided in NRS 385.3622, if~~ If a school fails to make adequate yearly progress or if less than 60 percent of the pupils enrolled in a school who took the examinations administered pursuant to NRS 389.015 received an average score on those examinations that is at least equal to the 26th percentile of the national reference group of pupils to which the examinations were compared, the school shall adopt a program of remedial study that has been adopted by the Department pursuant to subsection 1 ~~f~~.

~~3. Except as otherwise provided in NRS 385.3622, a~~ *or a program, practice or strategy recommended by the Commission on Educational Excellence pursuant to section 6 of this act, or any combination thereof, as applicable.*

3. A school district that includes a school described in subsection 2 shall ensure that each of the pupils enrolled in the school who failed to demonstrate at least adequate achievement on the examinations administered pursuant to NRS 389.015 completes, in accordance with the requirements set forth in subsection 4 of NRS 389.015, remedial study that is determined to be appropriate for the pupil.

**Sec. 16.** NRS 218.5354 is hereby amended to read as follows:  
218.5354 1. The Committee may:

(a) Evaluate, review and comment upon issues related to education within this State, including, but not limited to:

- (1) Programs to enhance accountability in education;
- (2) Legislative measures regarding education;
- (3) The progress made by this State, the school districts and the public schools in this State in satisfying the goals and objectives of the federal No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq., and the annual measurable objectives established by the State Board of Education pursuant to NRS 385.361;

(4) Methods of financing public education;

(5) The condition of public education in the elementary and secondary schools;

(6) The program to reduce the ratio of pupils per class per licensed teacher prescribed in NRS 388.700, 388.710 and 388.720;

(7) The development of any programs to automate the receipt, storage and retrieval of the educational records of pupils; and

(8) Any other matters that, in the determination of the Committee, affect the education of pupils within this State.

(b) Conduct investigations and hold hearings in connection with its duties pursuant to this section.

(c) Request that the Legislative Counsel Bureau assist in the research, investigations, hearings and reviews of the Committee.

(d) Make recommendations to the Legislature concerning the manner in which public education may be improved.

2. The Committee shall:

(a) In addition to any standards prescribed by the Department of Education, prescribe standards for the review and evaluation of the reports of the State Board of Education, school districts and public schools pursuant to paragraph (a) of subsection 1 of NRS 385.359.

(b) For the purposes set forth in NRS 385.389, recommend to the Department of Education programs of remedial study for each subject tested on the examinations administered pursuant to NRS 389.015. In recommending these programs of remedial study, the Committee shall consider programs of remedial study that have proven to be successful in improving the academic achievement of pupils.

(c) Recommend to the Department of Education providers of supplemental educational services for inclusion on the list of approved providers prepared by the Department pursuant to NRS 385.384. In recommending providers, the Committee shall consider providers with a demonstrated record of effectiveness in improving the academic achievement of pupils.

*(d) For the purposes set forth in section 6 of this act, recommend to the Commission on Educational Excellence created by section 5 of this act programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.*

**Sec. 16.3.** 1. There is hereby appropriated from the State General Fund to the Account for Programs for Innovation and the Prevention of Remediation created by section 9 of this act the following sums:

For the Fiscal Year 2005-2006.....	\$50,000,000
For the Fiscal Year 2006-2007.....	\$28,000,000

2. Except as otherwise provided in this section, the money appropriated by subsection 1 must be used first for kindergarten through grade 6 for programs for the achievement of pupils linked to the plan to improve the achievement of pupils or for innovative programs, or both.

3. If money is remaining from the appropriation made by subsection 1 after allocations for kindergarten through sixth grades are complete, school districts and schools may apply for allocations from the remainder of the appropriation for programs for grades 7 through 12.

**Sec. 16.7.** 1. The Department of Education shall transfer the following sums to the Account for Programs for Innovation and the Prevention of Remediation apportioned for the State Distributive School Account in the State General Fund for the 2005-2007 biennium:

For the Fiscal Year 2005-2006..... \$6,818,788  
For the Fiscal Year 2006-2007..... \$7,089,336

2. The sums transferred pursuant to subsection 1 must be used first for application to grades 7 through 12 for programs for the achievement of pupils linked to the plan to improve the achievement of pupils or for innovative programs, or both. If money is remaining from the transfer after allocations for grades 7 through 12 are complete, school districts and public schools may apply for allocations for kindergarten through grade 6 for programs for the achievement of pupils linked to the plan to improve the achievement of pupils or for innovative programs, or both.

**Sec. 17.** 1. The date for distribution of money prescribed in paragraph (g) of subsection 1 of section 6 of this act does not apply to the first fiscal year that money is made available for the purposes prescribed in that section.

2. The date for the submission of the report required by subsection 1 of section 8 of this act does not apply to the first year that distributions of money are made pursuant to section 6 of this act. For that year, the report must be submitted to the entities prescribed not later than 3 weeks after the final distributions are made.

**Sec. 18.** On or before September 1, 2005, the Governor shall appoint to the Commission on Educational Excellence created pursuant to section 5 of this act:

1. Two teachers, one principal, one school district administrator to terms commencing upon appointment and expiring on December 31, 2006.

2. One teacher, one principal, one school district administrator and one parent or legal guardian to terms commencing upon appointment and expiring on December 31, 2007.

**Sec. 19.** 1. This section and section 18 of this act become effective upon passage and approval.

2. Section 5 of this act becomes effective upon passage and approval for the purpose of appointing members to the Commission on Educational Excellence and on July 1, 2005, for all other purposes.

3. Sections 1 to 4, inclusive, and 6 to 17, inclusive, of this act become effective on July 1, 2005.

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CHAPTER.....

AN ACT making a supplemental appropriation to the Department of Education for signing bonuses for teachers; and providing other matters properly relating thereto.

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

**Section 1.** There is hereby appropriated from the State General Fund to the Department of Education the sum of \$436,000 for signing bonuses for teachers. This appropriation is supplemental to that made by section 15 of Chapter 327, Statutes of Nevada 2003, at page 1831.

**Sec. 2.** This act becomes effective upon passage and approval.

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CHAPTER.....

AN ACT relating to public schools; apportioning the State Distributive School Account in the State General Fund for the 2005-2007 biennium; authorizing certain expenditures; making appropriations; and providing other matters properly relating thereto.

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

**Section 1.** 1. Except as otherwise provided in subsections 5 and 6, the basic support guarantee for school districts for operating purposes for the 2005-2006 Fiscal Year is an estimated weighted average of \$4,486 per pupil.

2. For purposes of establishing the basic support guarantee, the estimated basic support guarantees per pupil for each school district for the 2005-2006 Fiscal Year for operating purposes are:

<u>School District</u>	<u>Basic Support Guarantee Before Adjustment</u>	<u>Estimated Ad Valorem Adjustment</u>	<u>Estimated Basic Support Guarantee as Adjusted</u>
Carson City	\$4,419	\$718	\$5,137
Churchill	\$5,079	\$572	\$5,651
Clark	\$3,343	\$960	\$4,303
Douglas	\$3,017	\$1,588	\$4,605
Elko	\$5,089	\$516	\$5,605
Esmeralda	\$6,450	\$3,278	\$9,728
Eureka	(\$3,204)	\$10,116	\$6,912
Humboldt	\$4,876	\$772	\$5,648
Lander	\$3,491	\$1,520	\$5,011
Lincoln	\$7,870	\$555	\$8,425
Lyon	\$5,168	\$631	\$5,799
Mineral	\$5,393	\$732	\$6,125
Nye	\$4,929	\$882	\$5,811
Pershing	\$5,792	\$1,027	\$6,819
Storey	\$5,263	\$2,066	\$7,329
Washoe	\$3,505	\$900	\$4,405
White Pine	\$6,056	\$456	\$6,512

3. For purposes of the 2005-2006 Fiscal Year apportionment due August 1, 2005, in accordance with NRS 387.124, the Superintendent of Public Instruction shall determine the amount to be apportioned to each school district based on the Basic Support

Guarantee as Adjusted set forth in subsection 2. For purposes of subsequent Fiscal Year 2005-2006 apportionments pursuant to NRS 387.124, the Superintendent of Public Instruction shall recalculate the basic support guarantee for each school district pursuant to subsections 5 and 6 and shall adjust the subsequent Fiscal Year 2005-2006 apportionments accordingly, so that the total apportionments for the 2005-2006 Fiscal Year are based on the basic support guarantee for each school district as recalculated pursuant to subsections 5 and 6.

4. On or before October 1, 2005, the Director of the Department of Taxation shall provide to the Superintendent of Public Instruction the certified total of that portion of the tax bills sent to all owners and mortgage holders pursuant to subsection 3 of NRS 361.480 representing the amount of ad valorem taxes to be received by each school district for Fiscal Year 2005-2006 pursuant to the levy imposed under subsection 1 of NRS 387.195 and credited to the county's school district fund pursuant to subsection 4 of NRS 387.195. In determining the certified total, the Director of the Department of Taxation shall take into account all relevant information including, without limitation, the assessed valuation of each parcel and taxing district and any partial abatements appertaining to the parcels in the district pursuant to Assembly Bill No. 489 of this Legislative Session affecting the amount of ad valorem taxes to be received by each school district.

5. On or before October 15, 2005, the Superintendent of Public Instruction shall recalculate the ad valorem adjustment and the basic support guarantee amount for each school district for the 2005-2006 Fiscal Year based on the certified total of ad valorem taxes provided by the Director of the Department of Taxation pursuant to subsection 4. The basic support guarantee amounts so recalculated for Fiscal Year 2005-2006 shall be used for the apportionments pursuant to NRS 387.124 due on or after November 1, 2005.

6. The ad valorem adjustment used in the recalculation required under subsection 5 shall provide for any shortfall between the June 6, 2005, ad valorem estimate for the 2005-2006 Fiscal Year of \$570,732,190 and the certified total provided pursuant to subsection 4.

**Sec. 2.** 1. Except as otherwise provided in subsections 5 and 6, the basic support guarantee for school districts for operating purposes for the 2006-2007 Fiscal Year is an estimated weighted average of \$4,696 per pupil.

2. On or before April 1, 2006, the Director of the Department of Taxation shall provide to the Superintendent of Public Instruction the certified total of the amount of ad valorem taxes to be received by each school district for Fiscal Year 2006-2007 pursuant to the levy imposed under subsection 1 of NRS 387.195 and credited to

the county's school district fund pursuant to subsection 4 of NRS 387.195. In determining the certified total, the Director of the Department of Taxation shall take into account all relevant information including, without limitation, the assessed valuation of each parcel and taxing district and any partial abatements appertaining to the parcels in the district pursuant to Assembly Bill No. 489 of this Legislative Session affecting the amount of ad valorem taxes to be received by each school district.

3. Pursuant to NRS 362.115, on or before April 25 of each year, the Department of Taxation shall provide an estimate of the net proceeds of minerals based upon the statements required of mine operators.

4. For purposes of establishing the basic support guarantee, the estimated basic support guarantees per pupil for each school district for the 2006-2007 Fiscal Year for operating purposes are:

<u>School District</u>	<u>Basic Support Guarantee Before Adjustment</u>	<u>Estimated Ad Valorem Adjustment</u>	<u>Estimated Basic Support Guarantee as Adjusted</u>
Carson City	\$4,566	\$776	\$5,342
Churchill	\$5,226	\$639	\$5,865
Clark	\$3,513	\$994	\$4,507
Douglas	\$2,997	\$1,738	\$4,735
Elko	\$5,364	\$516	\$5,880
Esmeralda	\$6,918	\$3,337	\$10,255
Eureka	\$881	\$8,457	\$9,338
Humboldt	\$5,190	\$760	\$5,950
Lander	\$3,585	\$1,620	\$5,205
Lincoln	\$8,266	\$559	\$8,825
Lyon	\$5,352	\$684	\$6,036
Mineral	\$5,069	\$1,049	\$6,118
Nye	\$5,229	\$883	\$6,112
Pershing	\$6,046	\$1,077	\$7,123
Storey	\$5,318	\$2,250	\$7,568
Washoe	\$3,728	\$909	\$4,637
White Pine	\$6,314	\$484	\$6,798

5. Upon receipt of the certified total of ad valorem taxes to be received by each school district for Fiscal Year 2006-2007 pursuant to subsection 2, the Superintendent of Public Instruction shall recalculate the ad valorem adjustment and the tentative basic support guarantee for operating purposes for each school district for the 2006-2007 Fiscal Year based on the certified total of ad valorem taxes provided by the Director of the Department of Taxation

pursuant to subsection 2. The final basic support guarantee for each school district for the 2006-2007 Fiscal Year is the amount, which is recalculated for the 2006-2007 Fiscal Year pursuant to this section, taking into consideration estimates of net proceeds of minerals received from the Department of Taxation on or before April, 25, 2006. The basic support guarantee recalculated pursuant to this section must be calculated before May 31, 2006.

6. The ad valorem adjustment used in the recalculation required under subsection 5 shall provide for any shortfall between the June 6, 2005, ad valorem estimate for the 2006-2007 Fiscal Year of \$614,597,171 and the certified total provided pursuant to subsection 2.

**Sec. 3.** 1. The basic support guarantee for each special education program unit that is maintained and operated for at least 9 months of a school year is \$34,433 in the 2005-2006 Fiscal Year and \$35,122 in the 2006-2007 Fiscal Year, except as limited by subsection 2.

2. The maximum number of units and amount of basic support for special education program units within each of the school districts, before any reallocation pursuant to NRS 387.1221, for the Fiscal Years 2005-2006 and 2006-2007 are:

<u>DISTRICT</u>	<u>Allocation of Special Education Units</u>			
	<u>2005-2006</u>		<u>2006-2007</u>	
	<u>Units</u>	<u>Amount</u>	<u>Units</u>	<u>Amount</u>
Carson City	82	\$2,823,506	82	\$2,880,004
Churchill County	48	\$1,652,784	48	\$1,685,856
Clark County	1,760	\$60,602,080	1,855	\$65,151,310
Douglas County	67	\$2,307,011	68	\$2,388,296
Elko County	81	\$2,789,073	81	\$2,844,882
Esmeralda County	1	\$34,433	1	\$35,122
Eureka County	3	\$103,299	3	\$105,366
Humboldt County	30	\$1,032,990	30	\$1,053,660
Lander County	13	\$447,629	13	\$456,586
Lincoln County	17	\$585,361	17	\$597,074
Lyon County	59	\$2,031,547	60	\$2,107,320
Mineral County	12	\$413,196	12	\$421,464
Nye County	54	\$1,859,382	56	\$1,966,832
Pershing County	15	\$516,495	16	\$561,952
Storey County	8	\$275,464	8	\$280,976
Washoe County	530	\$18,249,490	548	\$19,246,856
White Pine County	15	\$516,495	15	\$526,830
Subtotal	2,795	\$96,240,235	2,913	\$102,310,386
Reserved by State Board of Education	40	\$1,377,320	40	\$1,404,880
<b>TOTAL</b>	<b>2,835</b>	<b>\$97,617,555</b>	<b>2,953</b>	<b>\$103,715,266</b>

3. The State Board of Education shall reserve 40 special education program units in each fiscal year of the 2005-2007 biennium, to be allocated to school districts by the State Board of Education to meet additional needs that cannot be met by the allocations provided in subsection 2 to school districts for that fiscal year. In addition, charter schools in this State are authorized to apply directly to the Department of Education for the reserved special education program units, which may be allocated upon approval of the State Board of Education.

4. Notwithstanding the provisions of subsections 2 and 3, the State Board of Education is authorized to spend from the State Distributive School Account up to \$203,808 in the Fiscal Year 2005-2006 for 5.92 special education program units and \$216,132 in the Fiscal Year 2006-2007 for 6.15 special education program units for instructional programs incorporating educational technology for gifted and talented pupils. Any school district may submit a written application to the Department of Education requesting one or more of the units for gifted and talented pupils. For each fiscal year of the 2005-2007 biennium, the Department will award the units for gifted and talented pupils based on a review of applications received from school districts.

**Sec. 4.** 1. There is hereby appropriated from the State General Fund to the State Distributive School Account in the State General Fund created pursuant to NRS 387.030:

For the 2005-2006 Fiscal Year.....	\$724,135,261
For the 2006-2007 Fiscal Year.....	\$825,642,294

2. The money appropriated by subsection 1 must be:

(a) Expended in accordance with NRS 353.150 to 353.245, inclusive, concerning the allotment, transfer, work program and budget; and

(b) Work-programmed for the 2 separate Fiscal Years 2005-2006 and 2006-2007, as required by NRS 353.215. Work programs may be revised with the approval of the Governor upon the recommendation of the Chief of the Budget Division of the Department of Administration.

3. Transfers to and allotments from must be allowed and made in accordance with NRS 353.215 to 353.225, inclusive, after separate considerations of the merits of each request.

4. The sums appropriated by subsection 1 are available for either fiscal year and may be transferred from one fiscal year to the other with the approval of the Governor upon the recommendation of the Chief of the Budget Division of the Department of Administration.

5. Any remaining balance of the appropriation made by subsection 1 for the 2005-2006 Fiscal Year must be transferred and

added to the money appropriated for the 2006-2007 Fiscal Year and may be expended as that money is expended.

6. Any remaining balance of the appropriation made by subsection 1 for the 2006-2007 Fiscal Year, including any money added thereto pursuant to the provisions of subsections 3 and 5, must not be committed for expenditure after June 30, 2007, and must be reverted to the State General Fund on or before September 21, 2007.

**Sec. 5.** 1. Expenditure of \$132,567,820 by the Department of Education from money in the State Distributive School Account that was not appropriated from the State General Fund is hereby authorized during the fiscal year beginning July 1, 2005.

2. Expenditure of \$137,324,114 by the Department of Education from money in the State Distributive School Account that was not appropriated from the State General Fund is hereby authorized during the fiscal year beginning July 1, 2006.

3. For purposes of accounting and reporting, the sums authorized for expenditure by subsections 1 and 2 are considered to be expended before any appropriation is made to the State Distributive School Account from the State General Fund.

4. The money authorized to be expended by subsections 1 and 2 must be expended in accordance with NRS 353.150 to 353.245, inclusive, concerning the allotment, transfer, work program and budget. Transfers to and allotments from must be allowed and made in accordance with NRS 353.215 to 353.225, inclusive, after separate consideration of the merits of each request.

5. The Chief of the Budget Division of the Department of Administration may, with the approval of the Governor, authorize the augmentation of the amounts authorized for expenditure by the Department of Education, in subsections 1 and 2, for the purpose of meeting obligations of the State incurred under chapter 387 of NRS with amounts from any other state agency, from any agency of local government, from any agency of the Federal Government or from any other source that he determines is in excess of the amount taken into consideration by this act. The Chief of the Budget Division of the Department of Administration shall reduce any authorization whenever he determines that money to be received will be less than the amount authorized in subsections 1 and 2.

**Sec. 6.** During each of the Fiscal Years 2005-2006 and 2006-2007, whenever the State Controller finds that current claims against the State Distributive School Account in the State General Fund exceed the amount available in the Account to pay those claims, he may advance temporarily from the State General Fund to the State Distributive School Account the amount required to pay the claims, but not more than the amount expected to be received in the current fiscal year from any source authorized for the State Distributive

School Account. No amount may be transferred unless requested by the Chief of the Budget Division of the Department of Administration.

**Sec. 7.** The Department of Education is hereby authorized to spend from the State Distributive School Account the sums of \$18,435,662 for the 2005-2006 Fiscal Year and \$21,484,388 for the 2006-2007 Fiscal Year for the support of courses which are approved by the Department of Education as meeting the course of study for an adult standard high school diploma as approved by the State Board of Education. In each fiscal year of the 2005-2007 biennium, the sum authorized must be allocated among the various school districts in accordance with a plan or formula developed by the Department of Education to ensure that the money is distributed equitably and in a manner that permits accounting for the expenditures of school districts.

**Sec. 8.** The Department of Education is hereby authorized to provide from the State Distributive School Account the sum of \$50,000 to each of the 17 school districts in each fiscal year of the 2005-2007 biennium to support special counseling services for elementary school pupils at risk of failure.

**Sec. 9.** The amounts of the guarantees set forth in sections 1 and 2 of this act may be reduced to effectuate a reserve required pursuant to NRS 353.225.

**Sec. 10.** 1. The Department of Education shall transfer from the State Distributive School Account to the school districts specified in this section the following sums for Fiscal Years 2005-2006 and 2006-2007:

<u>School District</u>	<u>2005-2006</u>	<u>2006-2007</u>
Clark County School District	\$5,200,095	\$5,304,097
Douglas County School District	\$1,630,772	\$1,659,976
Elko County School District	\$1,321,114	\$1,296,536
Washoe County School District	\$1,980,440	\$2,049,755
TOTAL:	\$10,132,421	\$10,310,364

2. A school district that receives an allocation pursuant to subsection 1 shall serve as fiscal agent for the respective regional training program for the professional development of teachers and administrators. As fiscal agent, each school district is responsible for payment, collection and holding of all money received from this State for the maintenance and support of the regional training program and Nevada Early Literacy Intervention Program established and operated by the applicable governing body.

3. The Elko County School District is authorized to expend up to \$55,896 of the appropriation for Fiscal Year 2005-2006 to

purchase not more than four vehicles for the operation of the Northeastern Nevada Regional Training Program.

4. Any remaining balance of the transfers made by subsection 1 for the 2005-2006 Fiscal Year must be added to the money received by the school districts for the 2006-2007 Fiscal Year and may be expended as that money is expended. Any remaining balance of the transfers made by subsection 1 for the 2006-2007 Fiscal Year, including any money added from the transfer for the previous fiscal year, must not be committed for expenditure after June 30, 2007, and must be reverted to the State Distributive School Account on or before September 21, 2007.

**Sec. 11.** 1. The Legislative Bureau of Educational Accountability and Program Evaluation is hereby authorized to receive from the State Distributive School Account to spend for an evaluation of the regional training programs for the professional development of teachers and administrators established pursuant to NRS 391.512:

For the Fiscal Year 2005-2006.....	\$100,000
For the Fiscal Year 2006-2007.....	\$100,000

2. Any remaining balance of the sums authorized for expenditure by subsection 1 for the 2005-2006 Fiscal Year must be added to the money authorized for expenditure for the 2006-2007 Fiscal Year and may be expended as that money is expended. Any remaining balance of the sums authorized for expenditure pursuant to subsection 1 for the 2006-2007 Fiscal Year, including any money added from the authorization for the previous fiscal year, must not be committed for expenditure after June 30, 2007, and must be reverted to the State Distributive School Account on or before September 21, 2007.

**Sec. 12.** 1. The Department of Education shall transfer from the State Distributive School Account to the Statewide Council for the Coordination of the Regional Training Programs created by NRS 391.516 the sum of \$100,000 in each Fiscal Year 2005-2006 and 2006-2007 for additional training opportunities for educational administrators in Nevada.

2. The Statewide Council shall use the money:

(a) To disseminate research-based knowledge related to effective educational leadership behaviors and skills.

(b) To develop, support and maintain on-going activities, programs, training and networking opportunities.

(c) For purposes of providing additional training for educational administrators, including, without limitation, to pay:

(1) Travel expenses of administrators who attend the training program;

(2) Travel and per-diem expenses for any consultants contracted to provide additional training; and

(3) Any charges to obtain a conference room for the provision of the additional training.

(d) To supplement and not replace the money that the school district or the regional training program would otherwise expend for the training of administrators as described in this section.

3. Any remaining balance of the transfers made by subsection 1 for the 2005-2006 Fiscal Year must be added to the money received by the Statewide Council for the 2006-2007 Fiscal Year and may be expended as that money is expended. Any remaining balance of the transfers made by subsection 1 for the 2006-2007 Fiscal Year, including any money added from the transfer for the previous fiscal year, must not be committed for expenditure after June 30, 2007, and must be reverted to the State Distributive School Account on or before September 21, 2007.

**Sec. 13.** 1. The Department of Education shall transfer from the State Distributive School Account the following sums for remedial education programs for certain schools:

For the Fiscal Year 2005-2006.....	\$6,818,788
For the Fiscal Year 2006-2007.....	\$7,089,336

2. The sums transferred by subsection 1 are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2007, and must be reverted to the State Distributive School Account on or before September 21, 2007.

**Sec. 14.** 1. The Department of Education shall transfer from the State Distributive School Account the following sums for early childhood education:

For the Fiscal Year 2005-2006.....	\$3,032,172
For the Fiscal Year 2006-2007.....	\$3,152,479

2. The money transferred by subsection 1 must be used by the Department of Education for competitive state grants to school districts and community-based organizations for early childhood education programs.

3. To receive a grant of money pursuant to subsection 2, school districts and community-based organizations must submit a comprehensive plan to the Department of Education that includes, without limitation:

(a) A detailed description of the proposed early childhood education program;

(b) A description of the manner in which the money will be used, which must supplement and not replace the money that would otherwise be expended for early childhood education programs; and

(c) A plan for the longitudinal evaluation of the program to determine the effectiveness of the program on the academic achievement of children who participate in the program.

4. A school district or community-based organization that receives a grant of money shall:

(a) Use the money to initiate or expand prekindergarten educational programs that meet the criteria set forth in the publication of the Department of Education, entitled "August 2000 Public Support for Prekindergarten Education for School Readiness in Nevada."

(b) Use the money to supplement and not replace the money that the school district or community-based organization would otherwise expend for early childhood educational programs, as described in this section.

(c) Use the money to pay for the salaries and other items directly related to the instruction of pupils in the classroom.

(d) Submit a longitudinal evaluation of the program in accordance with the plan submitted pursuant to paragraph (c) of subsection 3.

↪ The money must not be used to remodel classrooms or facilities or for playground equipment.

5. The Department of Education shall develop statewide performance and outcome indicators to measure the effectiveness of the early childhood education programs for which grants of money were awarded pursuant to this section. In developing the indicators, the Department shall establish minimum performance levels and increase the expected performance rates on a yearly basis, based upon the performance results of the participants. The indicators must include, without limitation:

(a) Longitudinal measures of the developmental progress of children before and after their completion of the program;

(b) Longitudinal measures of parental involvement in the program before and after completion of the program; and

(c) The percentage of participants who drop out of the program before completion.

6. The Department of Education shall review the evaluations of the early childhood education programs submitted by each school district and community-based organization pursuant to paragraph (d) of subsection 4 and prepare a compilation of the evaluations for inclusion in the report submitted pursuant to subsection 7.

7. The Department of Education shall, on an annual basis, provide a written report to the Governor, Legislative Committee on Education and the Legislative Bureau of Educational Accountability and Program Evaluation regarding the effectiveness of the early childhood programs for which grants of money were received. The report must include, without limitation:

(a) The number of grants awarded;

(b) An identification of each school district and community-based organization that received a grant of money and the amount of each grant awarded;

(c) For each school district and community-based organization that received a grant of money:

(1) The number of children who received services through a program funded by the grant for each year that the program received funding from the State for early childhood programs; and

(2) The average per child expenditure for the program for each year the program received funding from the State for early childhood educational programs;

(d) A compilation of the evaluations reviewed pursuant to subsection 6 that includes, without limitation:

(1) A longitudinal comparison of the data showing the effectiveness of the different programs; and

(2) A description of the programs in this State that are the most effective;

(e) Based upon the performance of children in the program on established performance and outcome indicators, a description of revised performance and outcome indicators, including any revised minimum performance levels and performance rates; and

(f) Any recommendations for legislation.

8. The sums transferred by subsection 1 are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2007, and must be reverted to the State Distributive School Account on or before September 21, 2007.

**Sec. 15.** 1. The Department of Education shall transfer from the State Distributive School Account the following sums to purchase one-fifth of a year of service for certain teachers in accordance with subparagraph (1) of paragraph (d) of subsection 1 of NRS 391.165:

For the Fiscal Year 2005-2006.....	\$16,138,996
For the Fiscal Year 2006-2007.....	\$18,433,608

2. The Department of Education shall distribute the money appropriated by subsection 1 to the school districts to assist the school districts with paying for the retirement credit for certain teachers in accordance with subparagraph (1) of paragraph (d) of subsection 1 of NRS 391.165. The amount of money distributed to each school district must be proportionate to the total costs of paying for the retirement credit pursuant to subparagraph (1) of paragraph (d) of subsection 1 of NRS 391.165 for each fiscal year. If insufficient money is available from the appropriation to pay the total costs necessary to pay the retirement credit for each fiscal year, the school district shall pay the difference to comply with NRS 391.165.

3. The sums transferred by subsection 1 are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2007, and must be reverted to the State Distributive School Account on or before September 21, 2007.

**Sec. 16.** 1. The Department of Education shall transfer from the State Distributive School Account the following sums to purchase one-fifth of a year of service for certain licensed educational personnel in accordance with subparagraphs (2) and (3) of paragraph (d) of subsection 1 of NRS 391.165:

For the Fiscal Year 2005-2006.....	\$9,369,907
For the Fiscal Year 2006-2007.....	\$9,763,443

2. The Department of Education shall distribute the money appropriated by subsection 1 to the school districts to assist the school districts with paying for the retirement credit for certain licensed educational personnel in accordance with subparagraphs (2) and (3) of paragraph (d) of subsection 1 of NRS 391.165. The amount of money distributed to each school district must be proportionate to the total costs of paying for the retirement credit pursuant to subparagraphs (2) and (3) of paragraph (d) of subsection 1 of NRS 391.165 for each fiscal year. If insufficient money is available to pay the total costs necessary to pay the retirement credit for each fiscal year, the school district shall pay the difference to comply with NRS 391.165.

3. The sums transferred by subsection 1 are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2007, and must be reverted to the State Distributive School Account on or before September 21, 2007.

**Sec. 17.** Of the amounts included in the basic support guarantee amounts enumerated in sections 1 and 2 of this act, \$88,274,315 for Fiscal Year 2005-2006 and \$93,423,414 for Fiscal Year 2006-2007 must be expended for the purchase of textbooks, instructional supplies and instructional hardware as prescribed in section NRS 387.206.

**Sec. 18.** The sums appropriated or authorized in sections 10 to 16, inclusive, of this act:

1. Must be accounted for separately from any other money received by the school districts of this State and used only for the purposes specified in the applicable section of this act.

2. May not be used to settle or arbitrate disputes between a recognized organization representing employees of a school district and the school district, or to settle any negotiations.

3. May not be used to adjust the district-wide schedules of salaries and benefits of the employees of a school district.

**Sec. 19.** 1. The Department of Education shall transfer from the State Distributive School Account the following sums for special transportation costs to school districts:

- For the 2005-2006 school year..... \$81,663
- For the 2006-2007 school year..... \$81,663

2. Pursuant to NRS 392.015, the Department of Education shall use the money transferred in subsection 1 to reimburse school districts for the additional costs of transportation for any pupil to a school outside the school district in which his residence is located.

**Sec. 20.** NRS 387.1235 is hereby amended to read as follows:

387.1235 1. Except as otherwise provided in subsection 2, local funds available are the sum of:

(a) The amount ~~[computed by multiplying 0.0025 times the assessed valuation]~~ of *one-third of the tax collected pursuant to subsection 1 of NRS 387.195* for the school district as certified by the Department of Taxation for the concurrent school year; and

(b) The proceeds of the local school support tax imposed by chapter 374 of NRS, excluding any amounts required to be remitted pursuant to NRS 360.850. The Department of Taxation shall furnish an estimate of these proceeds to the Superintendent of Public Instruction on or before July 15 for the fiscal year then begun, and the Superintendent shall adjust the final apportionment of the current school year to reflect any difference between the estimate and actual receipts.

2. The amount computed under subsection 1 that is attributable to any assessed valuation attributable to the net proceeds of minerals must be held in reserve and may not be considered as local funds available until the succeeding fiscal year.

**Sec. 21.** 1. The Department of Education shall transfer from the State Distributive School Account the following sums for providing health insurance subsidies to retired school district employees pursuant to paragraph (b) of subsection 4 of NRS 287.023.

- For the Fiscal Year 2005-2006..... \$8,391,659
- For the Fiscal Year 2006-2007..... \$9,171,421

2. The Department of Education shall, from the money transferred pursuant to subsection 1, make an allocation to each school district in the proportion of its obligation to the total obligation for all school districts.

**Sec. 22.** 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of \$4,000,000 to provide allocations to school districts that incur unexpected expenses related to providing health insurance for their employees during the 2005-2007 biennium. No additional appropriation will be made for this purpose. The money

appropriated pursuant to this subsection must not be used to negotiate the salaries of educational personnel.

2. The State Board of Examiners shall adopt policies, procedures and criteria for the review of requests for allocations pursuant to this section. Upon the adoption of such policies, procedures and criteria, the State Board of Examiners shall transmit a copy of the policies, procedures and criteria to the Interim Finance Committee for approval. Upon approval of the policies, procedures and criteria, the Interim Finance Committee shall transmit a copy of the policies, procedures and criteria to the Department of Education. The policies, procedures and criteria adopted by the State Board of Examiners may not be used until they are approved by the Interim Finance Committee.

3. If a school district finds that it has unexpected expenses related to providing health insurance to its employees during the 2005-2007 biennium, the school district may submit a request to the Department of Education for an allocation from the appropriation made by subsection 1.

4. The Department of Education, the Budget Division of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau shall jointly review a request submitted pursuant to subsection 3, using the policies, procedures and criteria approved by the Interim Finance Committee pursuant to subsection 2. Upon completion of the review, a recommendation for or against an allocation to the requesting school district must be submitted by the Department of Education to the State Board of Examiners.

5. The State Board of Examiners shall consider each request and recommend the amount of the allocation, if any, to the Interim Finance Committee.

6. The Interim Finance Committee is not required to approve the entire amount of an allocation recommended pursuant to subsection 5 or to allocate the entire amount appropriated by subsection 1.

7. Any remaining balance of the sum appropriated by subsection 1 must not be allocated by the Interim Finance Committee after June 30, 2007, and must be reverted to the State General Fund on or before September 21, 2007.

**Sec. 23.** Each school district shall expend the revenue made available through this act, as well as other revenue from state, local and federal sources, in a manner that is consistent with NRS 288.150 and that is designed to attain the goals of the Legislature regarding educational reform in this State, especially with regard to assisting pupils in need of remediation and pupils who are not proficient in the English language. Materials and supplies for

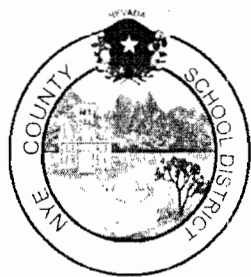
classrooms are subject to negotiation by employers with recognized employee organizations.

**Sec. 24.** This act becomes effective on July 1, 2005.



# Nye County School District

BOARD OF TRUSTEES



Office of the County Superintendent  
P.O. Box 113  
Tonopah, Nevada 89049  
Phone 775-482-6258  
Fax 775-482-8573

Deborah L. Wescoatt, President  
Tracie Ward, Vice President  
Dennis Keating, Clerk  
Edna Jean Forsgren  
Nicole Genet  
Cindy Marcotte  
Dawn Murphy

Ginger Olson  
Coordinator of Accountability  
and Testing

Southern Administration Office  
484 S. West Street  
Pahrump, Nevada 89048  
Phone 775-727-7743  
Fax 775-727-7768

Dr. William E. "Rob" Roberts  
Superintendent

## MEMORANDUM

TO: Board of Trustees

FROM: Ginger Olson, Coordinator of Accountability and Testing

SUBJECT: Adequate Yearly Progress (AYP) Appeals

DATE: July 21, 2005

On July 1, 2005 a preliminary designation of Adequate Yearly Progress was made for each school in Nye County. The designations were:

- High Achieving
- Adequate
- Failed AYP 1<sup>st</sup> year - Watch list
- Failed AYP 2<sup>nd</sup> year - Needs improvement year 1
- Failed AYP 4<sup>th</sup> year - Needs improvement year 4

Those schools who failed to make AYP as determined by Nevada Department of Education (NVDDE) were given the opportunity to review the data used to make the determination and to appeal the preliminary designation.

A summary sheet has been provided that shows the appeals and the decision regarding the appeal and the designation and status of each school for the 2004-2005 school year.

The Nye County School District Office of Accountability and Testing, after reviewing all of the data, recommended to the superintendent approval or denial of each appeal. Attached are the formal appeals made by the schools and submitted to the NVDDE.

NRS 385.366 requires that the "board of trustees of the school district shall make a final determination concerning the designation for the school on August 1."

The Board of Trustees is requested to approve the following appeals:

- Amargosa Elementary School [English Language Arts and Math participation]
- JG Johnson Elementary School [Math participation]
- Pahrump Valley High School [English Language Arts participation]
- Nye County School District [Math participation]

The President of the Board of Trustees will indicate approval or denial of each appeal by signing each appeal and marking approved or denied.



## Formal Appeal of 2005 Adequate Yearly Progress (AYP) Classification or Designation

In compliance with NCLB, Section 1116 (2)(A), "If the principal of a school proposed for identification...believes, or a majority of the parents of the students enrolled in such a school believe, that the proposed identification is in error for statistical or other substantive reasons, the principal may provide supporting evidence to the local educational agency, which shall consider that evidence before making a final determination."

**Preliminary designation being appealed:**

- No Appeal                     
  Watch List                     
  In Need of Improvement Year 4

**This appeal is based upon the following:**

- Extraordinary and unavoidable circumstances during testing that affected student's performances  
 Incorrect coding that impacts AYP status  
 Special Circumstance (Significant Medical Emergencies\*, Suspension/Expulsion\*\*)  
 Additional statistical analysis of the state-required assessment  
 Other significant factors producing statistical or substantive reason(s)  
 New Schools may appeal based on not having access to the safe harbor comparison

School Name: Amargosa Elementary School                      Location # 12106

School AYP Contact Ginger Olson                      Phone: (775)727-7743

**Please indicate area of concern by checking the appropriate boxes below**

Population	ELA Participation	ELA Status	ELA Safe Harbor	Math Participation	Math Status	Math Safe Harbor	Other Indicator
School				X			
American Indian / Alaskan Native							
Asian / Pacific Islander							
Hispanic	X			X			
Black							
White							
IEP							
LEP							
FRL				X			

Based on the analysis of the AYP data, we appeal the following (Please be specific!):  
**The n size used to determine participation in ELA, Math, & FRL should be reduced as follows to meet 95% participation. Two students had entry dates of 4/4/05 which was after NCSD testing window in reading and math. One student transferred out on 3/21/05 during NCSD testing window. Removing these 3 students would reduce Hispanic ELA Participation n size from 39 to 37; reduce Hispanic math participation n size from 27 to 25; reduce FRL math participation n size from 35 to 32; reduce School math participation n size from 42 to 39.**

Appeal represents a  full  partial appeal.                      Supporting documents must be attached.

Principal: Gaye Porche                      Date: 6/30/05

Approved                       Denied  
 Elementary/Secondary Superintendent: \_\_\_\_\_ Date: \_\_\_\_\_

Approved                       Denied  
 Superintendent: William E. Roberts                      Date: 6/30/05

Approved                       Denied  
 Board of Trustees: \_\_\_\_\_ Date: \_\_\_\_\_

**Do Not Write in This Space— Designation from Trustees or Other Notations:**

---





## AYP APPEALS Summary

SCHOOL	DESIGNATION	APPEAL
Amargosa Elementary	Watch: Math	Approved
JG Johnson Elementary	Watch: Math	Approved
Pahrump Valley High	Needs Improvement ELA	Approved
District	Needs Improvement Math	Approved

## AYP Summary

SCHOOL	DESIGNATION 2004-2005
Amargosa Elementary	Needs Improvement Year 4
Amargosa Middle	Adequate
Beatty Elementary	Adequate
Beatty Middle	Adequate
Beatty High	Adequate
Duckwater	Adequate
Gabbs Elementary	Adequate
Gabbs Middle	Adequate
Gabbs High	Adequate
Hafen Elementary	Watch
JG Johnson Elementary	Watch
Manse Elementary	Needs Improvement Year 4
Mt. Charleston Elementary	Adequate
Pahrump Valley High School	Needs Improvement Year 1
Pathways Middle	Needs Improvement Year 1
Pathways High	Watch
Rosemary Clarke Middle	Needs Improvement Year 1 (Hold)
Round Mountain Elementary	Adequate
Round Mountain Middle	Adequate
Round Mountain High	Adequate
Silver Rim Elementary	Adequate
Tonopah Elementary	Adequate
Tonopah Middle	High Achieving
Tonopah High	High Achieving
District Elementary	Needs Improvement Year 2
District Middle	Needs Improvement Year 2
District High	Needs Improvement Year 1



# Nye County School District

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Nicole Genet  
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**Dr. William E. "Rob" Roberts**  
Superintendent

**Raymond Ritchie**  
Chief Financial &  
Administrative Officer

Corr:095:05

July 8, 2005

## MEMORANDUM

**TO:** Board of Trustees  
**FROM:** Raymond Ritchie, Chief Financial & Administrative Officer  
**SUBJECT:** Additional Staffing Needs at Pahrump Valley High School

The following is a request for additional staffing at Pahrump Valley High School.

ESL Teacher	.5	PVHS
Teachers	2	PVHS (English, Art)

Average salary and benefits for teachers:  $\$66,468 \times 2.5 = \$166,170$

**This will leave our Ending Fund Balance at \$379,117.**

Should you have any questions, please don't hesitate to call me.

RR:ro

Cc: Dr. Roberts, Superintendent  
Rod Pekarek, Asst. Superintendent  
Kay Walker, Asst. Superintendent



# Nye County School District

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Dawn Murphy

## Rodney L. Pekarek

Assistant Superintendent  
For District Services

## Kay Walker

Assistant Superintendent  
For Student Services

**Dr. William E. "Rob" Roberts**  
Superintendent

## MEMORANDUM

**TO:** Dr. Roberts, Superintendent

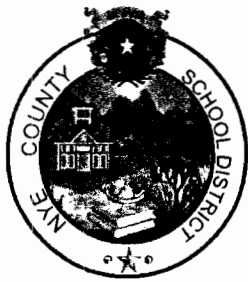
**FROM:** Rod Pekarek, Assistant Superintendent For District Services

**RE:** Approval of short school days for 2005/2006

**DATE:** June 22, 2005

As per the June 13, 2005 letter from Robin Loder from the Nevada Department of Education, it states that "the Board of Trustees may delegate in writing to the local superintendent the authority to schedule the five short school days in session." I would like to suggest that a request be submitted to the Board of Trustees as an agenda item for the purpose of receiving authority from the Board for these days. These five short days are scheduled for parent/teacher conferences and before Thanksgiving and Spring break, and the last day of school.

RP/ts



# Nye County School District

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**Dr. William E. "Rob" Roberts**  
Superintendent

**Rodney L. Pekarek**  
Assistant Superintendent  
For District Services

**Kay Walker**  
Assistant Superintendent  
For Student Services

## MEMORANDUM

**TO:** Dr. Roberts, Superintendent

**FROM:** Rod Pekarek, Assistant Superintendent For District Services

**RE:** Approval of short school days for 2005/2006

**DATE:** June 22, 2005

As per the June 13, 2005 letter from Robin Loder from the Nevada Department of Education, it states that "the Board of Trustees may delegate in writing to the local superintendent the authority to schedule the five short school days in session." I would like to suggest that a request be submitted to the Board of Trustees as an agenda item for the purpose of receiving authority from the Board for these days. These five short days are scheduled for parent/teacher conferences and before Thanksgiving and Spring break, and the last day of school.

RP/ts

The Nye County School District will not discriminate against any qualified handicapped person, on the basis of handicap, to be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination.  
NYE COUNTY SCHOOL DISTRICT IS AN EQUAL OPPORTUNITY EMPLOYER.

July 29, 2005

M E M O R A N D U M

TO: Board of Trustees

FROM: Robert Whimpey, Maintenance & Operations Supervisor

SUBJECT: Roofing Project CSS Building

The following are the bid results for Roofing Project CSS Building:

NO BIDS RECEIVED

RW:pb

July 29, 2005

M E M O R A N D U M

TO: Board of Trustees

FROM: Robert Whimpey, Maintenance & Operations Supervisor

SUBJECT: Bid Result For Grading, Paving & Overlay Work At J. G. Johnson, Mt. Charleston Elementary Schools and Early Childhood, Southern District Office Parking Lots

The following are the bid results for Grading, Paving & Overlay Work At J. G. Johnson, Mt. Charleston Elementary Schools and Early Childhood, Southern District Office Parking Lots:

Wulfenstein Construction	J.G. Johnson Elem.	\$45,255.00 +
\$5,465.00 Tack & Seal		
Total:	\$51,720.00	
	Mt. Charleston Elem.	\$21,840.00 + \$2,100.00
Tack & Seal		
		Total:
\$23,940.00		
	Early Childhood	\$52,380.00 + \$7,557.00
Tack & Seal		
		Total:
\$59,937.00		
	Southern Dist. Ofc.	\$8,160.00 + \$
1,425.00 Tack & Seal		
		Total:
9,585.00		\$

RW:pb

July 29, 2005

M E M O R A N D U M

TO: Board of Trustees

FROM: Robert Whimpey, Maintenance & Operations Supervisor

SUBJECT: Bid Result For Phase Five Remediation/Repair Work for Rosemary  
Clarke Middle School

The following are the bid results for Phase Five Remediation/Repair Work For  
Rosemary Clarke Middle School:

Mills Construction	\$235,173.00
Capriati Construction	\$503,889.00

RW:pb

TECHNICAL SPECIFICATIONS  
FOR THE PHASE FIVE REMEDIATION/REPAIR WORK FOR

ROSEMARY CLARKE  
MIDDLE SCHOOL  
PAHRUMP, NEVADA

For

NYE COUNTY SCHOOL DISTRICT  
P.O. Box 113  
Tonopah, Nevada 89049

June 20, 2005



PSWC Architects

ARCHITECTURE  
PLANNING  
INTERIOR DESIGN

3620 N. RANCHO  
SUITE 109  
LAS VEGAS, NV 89130  
702/259-0011  
FAX: 702/259-6380

*The complete bid package will be available at the District Office for review.*

ARCHITECT'S PROJECT NO. LV 320-06-05

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**00001**

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JOINT SEALERS.....		07900

Sealed bids for the construction of **Phase Five Remediation/Repair Work for the Rosemary Clarke Middle School**, 4201 North Blagg Road, Pahrump, Nevada will be received by the NYE COUNTY SCHOOL DISTRICT, at the Southern Nye County School District Offices, 484 South West Street, Pahrump, Nevada 89048, until ~~2:00~~ <sup>1:00</sup> p.m., P.D.T. on Thursday, July ~~7~~ <sup>19</sup>, 2005. No bids will be received after this time.

On or about June 23, 2005, the Construction Documents may be obtained at the office of PSWC Architects, 3620 North Rancho Drive Suite 109, Las Vegas, NV 89130, (702) 259-0011 and in the office of the Owner, Nye County School District, 601 E. Calvada, Pahrump, Nevada 89048.

The work must be completed within sixty (60) consecutive calendar days. The Labor Commission Public Works Identification Number for this project is PWP-NY-2005-353.

A non-refundable deposit of \$75.00 cashier's check made payable to PSWC Architects is required for each set of construction documents obtained (instructions and proposal forms included). Each Contractor shall be limited to a maximum of three (3) sets of construction documents.

Contractors desiring to bid on this work shall be contractors presently licensed under the Nevada State Law NRS 624.230.

Every proposal shall be accompanied by a Surety Company Bid Bond, cash, certified check or cashiers check made payable to Nye County School District in the amount of not less than five percent (5%) of the base bid proposal; said amount to be forfeited to Nye County School District should the bidder to whom the contract is awarded fail to furnish the required Bonds within ten (10) days after receipt of Notice of such award.

Each bidder shall comply with the requirements of Nevada State Law NRS Chapter 338 regarding bidding and award documentation and procedures.

Work is to commence within ten (10) days after the award of the Contract and receipt of Notice To Proceed.

The right is reserved to reject any and all proposals or accept the proposal, which is deemed by Nye County School District to be in the best interests of Nye County School District. The Nye County School District also reserves the right to waive any irregularities and / or informalities in the submitted Bid Forms and Bid Procedures.

**Bidders are encouraged to contact the Owner's representative, Bob Whimpey, Maintenance and Operations Supervisor for an appointment to visit the site prior to bid opening. Call for an appointment Monday thru Friday between 8:00am and 5:00pm at (775) 727-2459.**

1. PROPOSALS: to receive consideration, should be made in accordance with the following instructions:
  - 1.1 Proposals shall be made: on the form attached hereto. All items shall be filled out; numbers should be stated both in writing and in figures and signatures of all individuals must be in longhand. The completed form shall be without interlineations, alterations, or erasures.

Each bid must be submitted in a sealed envelope bearing on the outside the name of the bidder, his address, and the name of the project for which bid is submitted. If forwarded by mail, the sealed envelope containing the bid must be enclosed in another envelope addressed as specified in the Bid Form.
  - 1.2 Proposals may be withdrawn by the Bidder: prior to the time fixed for opening the proposals. He may not withdraw his bid after the time set for opening the proposals for a period of sixty (60) calendar days.

If awarded a contract, the Bidder shall maintain his alternate item bids without increase in price for a period of thirty (30) calendar days after the bid opening if Alternate items are not included in the Contract. The Owner shall have the option of reinstating by Change Order any Alternate item at the original bid price during this period and also until notified in writing by the Contractor that these prices will be valid for not longer than fifteen (15) days.
  - 1.3 Proposals may be modified: by a telegram or telephonic facsimile sent to the Owner at the place of bidding, provided such telegram or telephonic facsimile is received by the representative of the Owner prior to the bid time on the bid date. Such telegram or telephonic facsimile shall not reveal the bid price but shall provide the additional or subtraction to bid amounts or other modification so that the final bid amount or terms will not be known until the bid to be modified is opened.
  - 1.4 Proposals shall not contain: any recapitulation of the work to be done, and alternative proposals will not be considered unless called for.
  - 1.5 Opening of Proposals: Proposals will be opened and read at or about the time set in the Invitation To Bid. Bidders, or their representatives and other interested persons, may be present at the opening of Proposals.
2. DETERMINATION OF LOW BIDDER: The final determination of the Low Bidder for this project will be determined on the basis of the base bid plus (or minus in the case of deductive alternates) any alternates which are accepted.
3. BID SECURITY: Proposals must be accompanied by cash, a certified or cashier's check, or bidder's bond, for an amount not less than five percent (5%) of the Base Bid, made payable to the order of the Owner.

If a bidder's bond accompanies the proposal, said bond shall be secured by a Surety Company satisfactory to the Owner. Said cash, check or bond shall be given as a guarantee that the bidder will enter into a contract if awarded the work.

Such cash, checks or bid bonds will be returned promptly after the Owner and the accepted bidder have executed the contract, or, if no award has been made within 60 days after the day of the opening of bids, upon demand of the bidder at any time thereafter, so long as he has not been notified of the acceptance of this bid.

4. FORM OF CONTRACT: The Form of Contract which the successful bidder will be required to execute if awarded the work, is attached hereto and is made a part hereof.
5. LIQUIDATED DAMAGES FOR FAILURE TO ENTER INTO CONTRACT: The successful bidder, upon his failure or refusal to execute and delivery the contract and bonds required within 10 days after he has received notice of the acceptance of his bid, shall forfeit to the Owner the bid security deposited with his bid as liquidated damages for such failure or refusal.
6. SECURITY FOR FAITHFUL PERFORMANCE: Simultaneously with his delivery of the executed contract, the successful Contractor shall furnish Surety Bonds as security for faithful performance of this contract and for the payment of all persons performing labor on the project under this contract and furnishing materials in connection with this contract, as specified in the General Conditions included herein. The surety of such bonds shall be duly authorized Surety Company satisfactory to the Owner.

The bond shall consist of the following:

- 6.1 Performance Bond, A.I.A. Document A312, 1984, in the amount of 100% of the total Contract Sum, or as it may be adjusted by additions or deletions in the Contract Sum by approved Change Orders.
- 6.2 Payment Bond, A.I.A. Document A312, 1984, in the amount of 100% of the total Contract Sum, or as it may be adjusted by additions or deletions in the Contract Sum by approved Change Orders.

The bonds shall be in the exact forms included in the Contract forms herein attached. The Surety of Sureties agree to adjust the Bonds to the Contract price as it may be modified by approved Change Orders and hereby waive notice of such change.

7. TIME OF COMPLETION: Bidder must agree to fully complete the Project within the number of calendar days noted in the General Conditions.
8. QUALIFICATIONS OF BIDDERS: Bidders shall be properly licensed in accordance with the laws of the State of Nevada. Any individual, firm or corporation acting as prime contractor, making, filing or financially interested in

more than one bid for the same work, except for alternate bid(s) will be disqualified. This does not apply to material suppliers, or to subcontractors making proposals to General Contractors.

The Owner may make such investigations as he deems necessary to determine the ability of a bidder to perform the work, and the bidder shall furnish to the Owner all such information and data for this purpose that the Owner may request. The Owner reserves the right to reject any bid if the evidence submitted by, or investigation of, such bidder fails to satisfy the Owner that such bidder is properly qualified to carry out the obligations of the contract and to complete the work contemplated therein. Conditional bids will not be accepted.

Notice is also hereby given to all bidders that a sworn statement may be required to be furnished of their financial responsibility, technical ability and experience before award is made to any particular bidder.

9. EXAMINATION OF CONTRACT DOCUMENTS AND PROJECT SITE: Before submitting a proposal, bidders should examine the Drawings, the Technical Specifications, the Form of Agreement, and other Contract Documents. They should visit the Site of the proposed work, and determine all work to be done thereon (See The Invitation To Bid For Site Visitation Information). They should fully inform themselves of all conditions on, in, at, and about the site (including exact utility hook-up locations).
10. SHOULD THE BIDDER FIND DISCREPANCIES: in, or omissions from the drawings or documents or should he be in doubt as to their meaning, he should at once notify the Architect, who will send a written instruction to all bidders.
11. ADDENDA AND INTERPRETATIONS: No interpretation of the meaning of the Plans, Specifications or other pre-bid documents will be made to any bidder orally.

Every request for such interpretation should be in writing and addressed to: PSWC Architects, 3620 N. Rancho Dr., Suite 109, Las Vegas, Nevada 89130. To be given consideration requests must be received at least three (3) days prior to the date fixed for the opening of bids. Any and all such interpretations and any supplemental instructions will be in the form of written Addenda to the Specifications which, if issued, will be mailed by Certified Mail with Return Receipt Requested to all prospective bidders (at the respective addresses furnished for such purposes), not later than two (2) days prior to the date fixed for the opening of bids. Addendum may also be hand delivered with receipt or sent via any express mail service with receipt or may be sent by telephonic facsimile with acknowledgement. Failure of any bidder to receive any such Addendum or interpretations shall not relieve such bidder from any obligation under his bid as submitted. All Addenda so issued shall become part of the Contract Documents.

12. CONDITIONS OF WORK: Each bidder must inform himself fully of the conditions relating to the construction of the project and the employment of labor

thereon. Failure to do so will not relieve a successful bidder of his obligation to furnish all material and labor necessary to carry out the provision of this contract. Insofar as possible, the Contractor, in carrying out his work, must employ such methods or means as will not cause any interruption of or interference with the work of any other contractor.

13. WAGES:

13.1 The attention of the bidder is directed to the fact that the Prevailing Rates of Pay for each craft or type of workman needed to execute the work set forth in the Notice to Contractors, is pursuant to the provisions of the Labor and Industrial Relations Laws of the State of Nevada, which code requires the establishing of such rates for the locality in which the work is performed.

13.2 All bidders shall check the available source of labor supply and obtain information with reference to the length of the working day of various crafts and the actual rates of wages being paid in the immediate vicinity of the place where the work, contemplated by these specifications, is to be performed, particularly with reference to the rates of pay as set forth above.

14. LAWS AND REGULATIONS: The bidder's attention is directed to the fact that all applicable State laws, municipal ordinances, and the rules and regulations of all authorities having jurisdiction over the project shall apply to the Contract throughout, and they will be deemed to be included in the Contract the same as though herein written out in full. Refer to General Conditions, Modifications, and Supplemental General Conditions, and Special Conditions.

15. POWER OF ATTORNEY: Attorneys-in-fact who sign bid bonds or contract bonds must file with each bond a certified and effectively dated copy of their power of attorney.

16. OBLIGATION OF BIDDER: At the time of the opening of bids each bidder will be presumed to have inspected the site and to have read and to be thoroughly familiar with the Plans and Contract Documents (including all Addenda). The failure or omission of any bidder to examine any form, instrument or document shall in no way relieve any bidder from any obligation in request of his bid.

17. LISTING OF SUBCONTRACTORS: Bidders shall comply with the requirements set forth in NRS chapter 338.

Use enclosed form entitled "Subcontractors Exceeding 5% Listing" and the enclosed form "List of Subcontractors" for the required 1% listing where applicable.

18. PRE-BID CONFERENCE: There will not be a pre-bid conference held for this project.

**BID PROPOSAL FORM**

Rosemary Clarke Middle School, Phase Five Remediation/Repair Work

SEALED BIDS for the construction of Rosemary Clarke Middle School, Phase Five Remediation/Repair work will be received by the Nye County School District (Southern District Office) 484 South West Street, Pahrump, Nevada 89048, until 2:00 PM P.D.T. on July 7, 2005. NO BIDS WILL BE RECEIVED AFTER THIS TIME.

TO THE HONORABLE

NYE COUNTY SCHOOL DISTRICT

Gentlemen:

The undersigned hereby proposes and agrees to furnish any and all required labor, material, equipment, transportation, and services for the construction of Construction Defects Remediation/Repairs, Rosemary Clarke Middle School, in strict conformity with the Technical Specifications including the Instructions to Bidders, the General Conditions, Supplementary Conditions, and Drawings entitled "Phase Five Remediation/Repair work for Rosemary Clarke Middle School", and the Addenda numbered \_\_\_\_\_ as well as the premise and conditions effecting the Work, and any other related documents on file at the office of the Architect, PSWC Architects, 3620 N. Rancho Dr, Suite 109, Las Vegas, Nevada 89130.

BID SCHEDULE: BASE BID - Includes all work described in the Construction Documents, as listed hereinafter, for the sum of:

	DOLLARS (\$ )
<del>ALTERNATE "1" (ADDITIVE): New parking area at the northeast site corner.</del>	<del>_____</del>
	DOLLARS (\$ )
<del>ALTERNATE "2" (ADDITIVE): New flood control retaining wall.</del>	<del>_____</del>
	DOLLARS (\$ )

TIME OF COMPLETION: Bidder agrees to fully complete the Project within sixty (60) calendar days after receiving "Notice to Proceed" signed by the Owner as noted in the Supplementary Conditions.

The undersigned hereby agrees to sign said contract and furnish the necessary bonds within ten (10) days after the Notice of Award of said contract and begin work within ten (10) days after receiving "Notice to Proceed" signed by the Owner.

The undersigned has checked carefully all the above figures and understands that the Owner will not be responsible for any errors or omissions on the part of the undersigned in producing this bid.

**PLEASE ELIMINATE ALTERNATE “1” AND  
ALTERNATE “2” FROM THE BID PROPOSAL  
FORM, ONLY BID ON THE “BASE BID”.**

**BID PROPOSAL FORM**

The undersigned acknowledges receipt of Addenda Numbers \_\_\_\_\_ and the cost, if any, of such revisions has been included in the bid sum.

Accompanying this bid are all documents required by applicable Nevada Revised Statutes including NRS 338.144 and NRS 338.147.

Nevada Contractor's License Number:

BUILDING CONTRACTOR:

\_\_\_\_\_

\_\_\_\_\_  
*(Contractor Signature)*

\_\_\_\_\_  
*(Date)*

\_\_\_\_\_  
*(Printed Name and Title)*

\_\_\_\_\_  
*(Firm Name)*

\_\_\_\_\_  
*(Address)*

\_\_\_\_\_

## PART 1 - GENERAL

## 1.01 WORK INCLUDED:

- A. The Work under this Contract shall include Existing Site Work Demolition, Excavation, Compaction, Repair and Documentation of the Encountered Construction Defects all in accordance with the Drawings and Specifications.

## 1.02 SITE:

- A. 4201 North Blagg Road, Pahrump, Nevada 89048.

## 1.03 CONTRACT DOCUMENTS:

- A. The location of the Work, it's general nature and extent, and the form and general dimensions of the project and appurtenant work are shown on the Drawings under the title, Remediation/Repair Work for Rosemary Clarke Middle School for Items CDR-1 thru CDR-8.

## 1.04 CONTRACTOR'S DUTIES:

- A. Except as specifically noted, provide and pay for:
  - 1. Labor, materials and equipment.
  - 2. Tools, construction equipment and machinery.
  - 3. Other facilities and services necessary for proper execution and completion of Work.
- B. Give required notices.
- C. Obtain and pay for permits related to City and County, including Business Licenses and hauling and dumping permits, as applicable. Provisions of required permits and licenses, whether obtained by the Owner or the Contractor, shall be a part of the Contract requirements and shall be followed by the Contractor.
- D. Comply with codes, ordinances, rules, regulations, orders and other legal requirements of public authorities which bear on performance of Work.
- E. Attend job conference meetings weekly, or such special meetings as may be required by Architect or Owner.
- F. Carry on the Work as quietly as possible to prevent possible annoyance to adjacent properties. Avoid unnecessary noise at all times.
- G. Promptly submit written notice to Architect of any observed variance in Contract Documents from legal requirements. However, it is not Contractor's responsibility to make certain that Drawings and Specifications comply with codes and regulations. Appropriate Modifications to Contract Documents will be issued by the Architect to make the necessary changes.
- H. Enforce strict discipline and good order among employees. Do not employ on Work:
  - 1. Unfit persons.
  - 2. Persons not skilled in assigned task.

1.05 SCHEDULE:

- A. The sequence and scheduling of the work to be performed by the Contractor shall be subject to review by the Architect and Owner. Submit Progress Schedule in accordance with General Conditions.

1.06 CONTRACTOR'S USE OF PREMISES:

- A. Confine operations at site to area immediately adjacent to the proposed Project. Develop and utilize construction access as approved in advance by Owner.
- B. Do not unreasonably encumber site with materials or equipment.
- C. Do not load structure with weight that will endanger structure.
- D. Assume full responsibility for protection and safekeeping of products stored on premises and for the protection of existing construction not specifically scheduled for demolition and/or repair.

END OF SECTION

**NEVADA ASSOCIATION OF SCHOOL BOARDS  
BOARD OF DIRECTORS  
TELECONFERENCE  
JULY 11, 2005**

The meeting was called to order by President Curt Chapman at 7:30 p.m. Roll call was taken and the following members were present:

Curt Chapman, NASB President/Acting NASB Director – Storey  
Sheila Moulton, NASB Vice President/Acting NASB Director – Clark  
Dennis Keating, NASB Legislative Chair/Acting NASB Director – Nye  
Sheila Ward, NASB Director – Carson City  
\* Paul Hinz, NASB Director - Churchill  
Sherry Huelson-Wilks, NASB Director – Esmeralda  
John Seeliger, NASB Director -- Humboldt  
Rachel Clingan, NASB Director – Pershing  
Nancy Hollinger, NASB Director – Washoe  
Irene Chachas, NASB Director – White Pine  
Randy Robison, NASB Executive Director

\*Paul Hinz arrived at the meeting at approximately 7:45 p.m. Douglas, Elko, Eureka, Lander, Lincoln, Lyon and Mineral counties were not represented.

**NASB Membership and Participation in National School Boards Association**

Curt reported that the members of the Executive Committee met on June 25. They discussed the membership in NSBA further and the recommendation is that at this point they feel it is wisest to move forward and suspend membership and participation in NSBA and NSBA activities and to focus our resources here at home and on growing this organization, and then mature to a point that we can then rejoin NSBA at some point in the future. He stated that NASB did contact every school board member and asked them for input, but very little response was received. The Executive Committee also recommended that we immediately focus on hiring a full-time Executive Director first and then at that point put into place a strategic plan with a two to four year horizon that will outline how we are going to proceed. The strategic plan will focus on fund raising and increasing our non-dues based revenue and the other activities that we want to do. Curt reported that the Executive Committee will have a strategic plan ready for presentation at the annual conference in October.

**Sheila Moulton made a motion that the Association immediately suspend NSBA membership and participation in NSBA conferences and activities, seconded by Dennis Keating. Motion carried unanimously.** Curt stated that he and Randy will draft appropriate notification to the President and Executive Director of NSBA. Sheila also suggested that we acknowledge in the notification to NSBA that we hope this is a temporary suspension.

\* Paul Hinz joined the discussion at approximately 7:45 p.m.

**Sheila Moulton made a motion to hire a full-time Executive Director as soon as possible and that a strategic plan should be formalized and implemented to detail specific action items**

# CONSTITUTION & BYLAWS

## of the National School Boards Association

(As amended April 15, 2005, San Diego, California)



### Article I—Name

The name of the organization shall be the National School Boards Association, herein after referred to as the Association.

- To do such other things as the Delegate Assembly or the Board of Directors may deem appropriate for the accomplishment of these and other purposes which tend to improve public education.

### Article II—Purposes

The purposes of the Association shall be:

- To promote the general advancement of education.
- To encourage the most efficient and effective organization and administration of the public schools.
- To encourage the establishment and maintenance of high standards in the conduct and operation of the educational endeavor.
- To work for adequate and equitable school funding in order to assure full access to educational opportunities for all public school children.
- To study and interpret educational programs and to relate them to the needs of pupils.
- To promote public understanding of the role of school boards and school board members in the improvement of education.
- To act as a clearinghouse for the dissemination of pertinent data relating to all aspects of public education and to establish appropriate material and publications for such purpose.
- To conduct, independently or in cooperation with others, seminars, conferences, courses and research projects in the various aspects of education.
- To study and interpret legislation proposed in Congress that may affect education and to take appropriate means to disseminate such knowledge and information.
- To endeavor to implement the Policies, Beliefs, and Resolutions of the Association.

### Article III—Members and Affiliates

#### Section 1. Federation Members

Federation Members shall be state associations of school boards which have been approved for membership by the Delegate Assembly. State associations include associations of public school boards, the public board of education of those states which have only a single board of education, and the boards of the District of Columbia and of the offshore flag areas of the United States. As hereafter used in the Constitution and Bylaws, "school board" includes not only members of state associations, but also the public board of education of those states which have only a single board of education, and the boards of the District of Columbia and of the offshore flag areas of the United States.

#### Section 2. Classes of Affiliates

The Affiliates category shall consist of five classes:

- a) National Affiliates
- b) Organization Affiliates
- c) Sustaining Affiliates
- d) Foundation Affiliates
- e) Federal Affiliates

#### Section 3. National Affiliates

Any school board that is a member of a Federation Member and has paid current annual fees for specially designated legislative and information services from the National School Boards Association may apply to the Board of Directors

for classification as a National Affiliate. Subscriptions to said legislative and information services shall be made available only to school districts which are members in good standing of a Federation Member. Community college boards and other public boards of education may apply for classification as a National Affiliate or may subscribe to services where membership in a Federation Member is not available to the applicant.

#### **Section 4. Organization Affiliates**

Any corporation or organization which pays annual charges and meets such other conditions as may be determined by the Board of Directors may apply for classification as an Organization Affiliate.

#### **Section 5. Sustaining Affiliates**

Any person who pays annual charges and meets such other conditions as may be determined by the Board of Directors may apply for classification as a Sustaining Affiliate.

#### **Section 6. Foundation Affiliates**

Foundation Affiliate status may be conferred upon individuals, corporations and organizations upon such conditions as may be determined by the Board of Directors.

#### **Section 7. Federal Affiliates**

Any governing board, or any advisory board to the governing authority of a school or organized group of schools that has no governing board, may apply to the Board of Directors for Federal Affiliate status if the schools over which it has jurisdiction are operated as part of the federal government. Membership in good standing is a prerequisite for Federal Affiliate status provided that membership is open to the Board under the membership policies of the state association. Federal Affiliates cannot submit recommendations for nominations for NSBA officers and directors.

#### **Section 8. Application for Membership and Affiliation**

The following procedures for submitting applications for membership and Affiliate classification shall be followed:

(a) Applications for new or reinstated Federation Membership shall be submitted to the Board of Directors in such form and accompanied by such supporting documents as the Board of Directors may determine.

(b) Applications for Affiliate classification shall be submitted to the Board of Directors in such form and accompanied by such supporting documents as the Board of Directors may determine.

#### **Section 9. Suspension**

(a) Any Federation Member whose dues are 120 days past due shall be suspended and all privileges of membership suspended except as hereinafter provided. Members suspended for non-payment of dues may be reinstated by the Board of Directors at any time upon payment of the current year's dues.

(b) Any Affiliate whose fees or charges are sixty days past due shall be suspended and all privileges of affiliation suspended. Affiliates suspended for non-payment of fees or charges may be reinstated by the Board of Directors at any time upon payment of the current money due.

#### **Section 10. Termination**

(a) A Federation Membership may be terminated only upon the recommendation adopted by a two-thirds vote of the Board of Directors present at a Directors' meeting at which the reasons for termination are considered and when such recommendation is ratified by a majority of the Delegate Assembly present and voting.

(b) The Affiliate status of any individual or organization may be withdrawn for any reason which the Board of Directors deems adequate. Such withdrawal shall take effect upon a two-thirds vote of the Board of Directors present at a Directors' meeting at which the reasons for withdrawal are considered.

### **Article IV—Dues, Fees, and Charges**

#### **Section 1. Annual Dues.**

(a) Federation Members shall pay such annual dues as are approved by the Delegate Assembly.

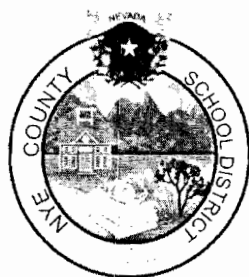
(b) The adoption of Federation Members dues shall be by affirmative vote of a majority of the delegates present and voting at the Delegate Assembly.

(c) Once adopted by the Delegate Assembly, the dues formula shall continue until such time as it may be changed by the Delegate Assembly.

# Nye County School District

BOARD OF TRUSTEES

Deborah Wescoatt, President  
Tracie Ward, Vice-President  
Dennis Keating, Clerk  
Edna Jean Forsgren  
Nicole Genet  
Cindy Marcotte  
Dawn Murphy



Raymond Ritchie  
Chief Financial &  
Administrative Officer

Office of the County Superintendent  
P.O. Box 113  
Tonopah, Nevada 89049  
Phone 775-482-6258  
Fax 775-482-8573

Southern Administration Office  
484 S. West St.  
Pahrump, Nevada 89048  
Phone 775-727-7743  
Fax 775-727-7768

William E. "Rob" Roberts, Ed.D  
Superintendent

July 21, 2005

## MEMORANDUM

TO: Board of Trustees

FROM: Raymond Ritchie, Chief Financial & Administrative Officer

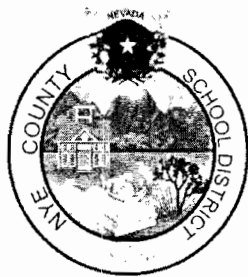
SUBJECT: Blackberry

Mrs. Wescoatt has requested the District purchase a Blackberry for use by the board president. The initial cost for the phone itself is \$399. The plan for 2000 minutes will be \$100 per month. In addition, there will be an annual cost of \$300 to interface with GroupWise to check email and her calendar. There is a two-year commitment.

RR/kp

# Nye County School District

Deborah Wescoatt, President  
Tracie Ward, Vice-President  
Dennis Keating, Clerk  
Edna Jean Forsgren  
Nicole Genet  
Cindy Marcotte  
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**William E. "Rob" Roberts, Ed.D**  
Superintendent

**Raymond Ritchie**  
Chief Financial &  
Administrative Officer

July 21, 2005

## MEMORANDUM

TO: Board of Trustees

FROM: Raymond Ritchie, Chief Financial & Administrative Officer

SUBJECT: Board Office Furniture

As soon as the testing department moves out, the room behind the board room will be made available as the board of trustees' office. Mrs. Wescoatt has requested the purchase of an executive desk, credenza, sofa table, conference table with chairs, bookcase, lateral file, two hutches and lamps. The approximate cost will be up to \$6,000.

RR/kp

**NECESSITY LEAVE OF ABSENCE WITHOUT PAY**

Bargaining unit members should refer to their negotiated agreement for provisions regarding absence without pay.

- A. A necessity leave of absence without pay may be granted to eligible employees who have identified and substantiated a non-medical personal or family emergency which will require a release from job responsibilities.
  - 1. A short-term absence, without pay, consisting of twenty (20) or fewer working days, must be approved by the employee's immediate supervisor. Employees eligible for annual leave or personal leave shall not be eligible for short-term necessity leave of absence until annual leave or personal leave has been exhausted. A maximum of twenty (20) days of short-term leave without pay may be requested and used within one twelve-month period of time. An employee who exhausts all earned leave and who, therefore, accesses short-term leave without pay without prior administrative approval may be subject to disciplinary action as employees cannot be absent without leave. A short-term necessity leave may not be used to extend a paid or non-paid family leave of absence beyond the time authorized for such leave.
  - 2. A long-term necessity leave of absence without pay shall consist of more than twenty (20) working days but no more than one calendar year and must be approved by the Superintendent/designee before the leave begins.
- B. The employee shall complete a Request for Leave form at least thirty (30) days prior to the effective date of the leave unless an emergency situation precludes such advance notice.
  - 1. If the necessity leave of absence is requested because of a hardship resulting from illness in the family, the request shall be accompanied by an attending physician's statement which outlines the need for the employee's absence. Such statement must detail the incapacitating condition, treatment and anticipated recovery time. The physician's statement will not be placed in the employee's personnel file. It will be kept in a separate file subject to review by only those individuals with a need to review this information. Once the employee's leave of absence has expired, the information obtained from the attending physician will be destroyed.
  - 2. The request for leave must be approved by the immediate supervisor and forwarded to the Superintendent for approval before leave begins.
- C. Employees granted necessity leave of absence without pay do not earn service credit toward retirement or advancement on the salary schedule while on non-paid leave status.

- D. Employees granted necessity leave of absence may continue to participate in the group medical plan through COBRA after accrued leave is exhausted. Employees interested in continuing coverage through COBRA must contact the Third Party Administrator for details and enrollment forms.
- E. An employee wishing to return to service upon expiration of the leave must file a written request for reassignment with the immediate supervisor prior to April 1 or at least sixty (60) days before the employee will be available for reassignment.
- F. The employee shall be returned to active service when a vacancy occurs for which the employee is qualified. The District is not obligated to return the employee to the original position held by the employee prior to the leave.
- G. An employee on approved necessity leave of absence who fails to request reinstatement or who fails to return to the assigned position following expiration of the leave of absence may be terminated at the conclusion of the leave since failure of an employee to report for duty is cause for dismissal.

Reviewed: May 9, 2005

Adopted:

Revised:

NEPN/NSBA Classification:

Legal Reference:

**SPECIFICATIONS FOR NEW BUILDING SITES**

In planning new school facilities, the following school groupings will be used:

- Pre-School
- Elementary Schools: K-5
- Middle Schools: 6-8
- High Schools: 9-12

Exceptions to this plan will be necessary in smaller attendance areas. The proximity of existing students, future potential students, and school capacities will be the prime consideration for school locations. In larger attendance areas, the recommended and desirable sizes of schools in student population shall be as follows:

- Pre-School: 5 - 200
- Elementary: 200 - 650
- Middle School: 300 - 1200
- High School: 500 - 2000

The following standards for school site areas are desirable:

- Pre-School: 1-5 acres
- Elementary: 12 - 15 acres
- Middle School: 15 - 20 acres
- High School: 40 - 50 acres

Reviewed: Sept. 13, 1995  
Adopted: Oct. 11, 1995  
Revised:

NEPN/NSBA Classification: FEA  
Legal Reference:

3341

**FREE ADMISSIONS**

**Any employee who has completed 30 years of service to the District will be recognized with a lifetime pass to all school sponsored activities within Nye County. A lifetime pass will also be given to school board members who have served at least two terms in office.**

**The Board may also grant a lifetime pass to any person who has made a significant contribution to the school district.**

**It is the practice of the school district to grant residents 65 years of age and older a lifetime pass upon request at the office of the Superintendent.**

Reviewed: June 30, 2005

Adopted: April 9, 1997

Revised:

NEPN/NSBA Classification: DFDA

Legal Reference:

5376

## SCHOOL CAMPS

The Board recognizes the value of sports camps and authorizes the use of district facilities for such purposes under the appropriate guidelines for the use of athletic facilities. The procedures for the operation of sports camps will be compatible with guidelines adopted by the high school activities association, and the programs will be available to students from grades four to twelve.

All funds received and/or disbursed will be handled according to district accounting procedures in order to eliminate the possibility of any conflict of interest on the part of district employees. **No student may be denied the right to participate in a camp based on his/her ability to pay.**

Reviewed: September 8, 1998

Adopted: October 13, 1998

Revised:

NEPN/NSBA Classification: IHCE

Legal Reference:

**INTERNET AND SCHOOL NETWORK ACCEPTABLE USE**

INTENT: The use of the Nye County School District (NCSD) networks and Internet access is intended to aid in education process and research.

The access, provided by the NCSD, to the Internet and school networks shall be used to facilitate the exchange of information consistent with the district educational objectives.

NCSD school network access shall not be used to transmit any communication where the meaning of the message, or its transmission or distribution, would violate any applicable law or regulation, or which is obscene, abusive, or otherwise likely to be offensive.

Users of NCSD Internet and school network access shall promote efficient use of the school networks to minimize and avoid, if possible, congestion of the networks and interference with the work of other users of the networks. Users of NCSD access to the Internet and school network services shall respect the rights and property of others and shall not improperly access, misappropriate, or misuse the information or files of other users. When using dial-in access from home, the user agrees not to be on-line during regular school hours for non-school business.

Access, beyond the NCSD networks, shall conform to acceptable use policies of those sources. This includes, but is not limited to, NCSD policies, administrative regulations, and procedures.

No individual will install home software, diskettes or other media from home on school district equipment due to licensing, virus and support issues.

Teachers will use **the current grading software approved by the District.**

No one may bring a copy of school district software home for use.

Reviewed: January 17, 1996  
Adopted: January 31, 1996  
Revised: May 21, 2003

NEPN/NSBA Classification: IJNDA  
Legal Reference: NRS Chapters 201, 388, 390 and 393

**6100**

**GENERAL PERSONNEL POLICIES**

Nye County School District recognizes the importance of meeting the educational needs of students by hiring highly qualified individuals who reflect the cultural diversity of our communities.

The Nye County School District Human Resources Department shall plan, organize and direct a program of recruitment and selection to obtain the best applicants to be considered for employment in positions within the District.

Reviewed:

Adopted:

Revised:

NEPN/NSBA Classification: GB

Legal Reference:

**6226**

**STAFF FRINGE BENEFITS**

Personnel subject to collective bargaining agreements will have and be limited to those benefits authorized by the agreement. The benefits of personnel not subject to collective bargaining agreements will be at least equal to those available to other personnel.

All employee benefits, except for those required by State or federal law, are subject to Board approval. The Superintendent/designee will provide for the interpretation and application of the Board's policies and decisions regarding benefits.

Reviewed: April 9, 1997  
Adopted: May 21, 1997  
Revised:

NEPN/NSBA Classification: GCBD

Legal Reference: NRS 287.010-287.040, 287.286, 287.288, 287.616, Federal Family Leave Act

**SICK LEAVE**

Sick leave is paid leave that is granted an employee who is unavoidably absent because of personal illness or accident, disability, maternity/childbirth, personal medical appointments, quarantine or communicable disease. Bargaining unit members will be governed by provisions in the negotiated agreement. An employee must report for duty in order to have sick leave credited. In the event an employee does not complete the number of days required by contract, the number of sick days used in excess of the number of prorated days earned will be deducted from the final paycheck.

Employees who work four (4) hours or more per day will earn sick leave at the following rate:

Four hour employees	5 hours per month
Five hour employees	6.25 hours per month
Six hour employees	7.5 hours per month
Seven hour employees	8.75 hours per month
Eight hour employees	10 hours per month
Partial months shall be pro-rated	
Nine month employees	11.25 days per year
Ten month employees	12.50 days per year
Eleventh month employees	13.75 days per year
Twelve month employees	15 days per year

Employees will accrue sick leave according to the number of hours worked as long as they are in active pay status. No sick leave benefits will be earned if an employee is in non-pay status or on worker's compensation. Absence due to sick leave will be compensated only to the extent the employee has earned or accrued sick leave.

The employee must notify the immediate supervisor when sick leave is required. Such notice should be given on the preceding day, if possible. In an emergency, notification shall be made as soon as possible. The employee shall provide written proof of the necessity of sick leave, if such proof is required by the superintendent.

If a review of sick leave usage indicates that an employee's use of sick leave is excessive, questionable or not in accordance with the provisions of this policy or the negotiated agreement, the District shall have the right to review such usage. The District, at its expense, may require an employee to have a physical examination from a physician of the District's choice from a list of qualified physicians licensed to practice in the State of Nevada or at the option of the District to submit a written certificate from a physician of the employee's choice, at the employee's expense, confirming the necessity of an absence due to illness. The District has the right to make any inquiries that would be applicable when abuse of sick leave is suspected.

Any employee who misuses sick leave shall be subject to disciplinary action. Sick leave includes family sick leave, parenting leave and bereavement leave.

Sick leave may be accumulated indefinitely; however, payment of unused sick leave upon termination of employment is limited (see Policy 6228). Continuous use of accumulated sick leave is limited to one contract year/calendar year from the beginning of such continuous use of sick leave.

#### Family Sick Leave

An employee may use up to ten (10) of the allotted sick days each year for the necessary care of ill or disabled immediate family members or domestic partner. Other serious family illness may be allowed only upon recommendation of the principal and approval of the superintendent (see FMLA policy).

Reviewed: June 30, 2005

Adopted:

Revised:

NEPN/NSBA Classification:

Legal Reference:

7222

**ATTENDANCE MONITORING/ACCOUNTING**

The Superintendent/designee shall establish the procedures for checking and reporting pupil attendance as prescribed by the laws of the State of Nevada and the regulations of the Nevada Department of Education.

Studies and experience show a strong relationship between poor attendance in the early grades and the likelihood that a student will later drop out of school. Conversely, it is well recognized that there is a high correlation between regular school attendance, school success, and achievement. Therefore, good attendance shall be emphasized at **all school levels**.

Reviewed: September 10, 1997

Adopted: December 10, 1997

Revised:

NEPN/NSBA Classification: JHBB

Legal Reference: NRS 392.040, 392.118 through 392.160, 392.170 through 392.220 & 392.470

**7363**

**STUDENT USE OF ELECTRONIC COMMUNICATION DEVICES SUCH AS CELLULAR TELEPHONES OR PAGERS**

The NCS D Board of Trustees considers bringing electronic communication devices such as cellular telephones or pagers to school or extra-curricular activities a privilege.

Reviewed: July 16, 2003

Adopted: July 22, 2003

Revised: June 2, 2004

NEPN/NSBA Classification: JICJ

Legal Reference: NRS 392.4637

7371

**PREGNANT STUDENTS**

Any pregnant student may continue regular classroom attendance or extra-curricular activity **unless written verification from the attending physician indicates otherwise.**

Any pregnant student **may be placed in an appropriate alternative program if special circumstances warrant such placement.**

Reviewed: September 10, 1997

Adopted: December 10, 1997

Revised:

NEPN/NSBA Classification: JIE

Legal Reference:

**STUDENT TRAVEL****Travel Outside the State**

The Superintendent/designee will develop and implement procedures outlining the requirements for student travel outside the state. These procedures may include a pre-approved list for activities. Favorable consideration may be given to those jurisdictions in which the potential liability exposure is no greater than that within the state. To protect the District's assets from liability claims which could exceed insurance coverage limits, the District may limit student travel or decline to approve or sponsor any student activities or trips outside the state. The District will not assume any liability for any student travel outside the state which was not pre-approved by the Superintendent/designee.

**Student Attendance at Events Outside of School**

Events in which students participate during school hours or as representatives of the school must be sponsored and supervised by school personnel. Rules of behavior will be the same as for any in-school activity or event.

Reviewed: September 10, 1997

Adopted: December 10, 1997

Revised:

NEPN/NSBA Classification: JJH

Legal Reference: NRS 392.330 & 392.340

**7500**

**STUDENT DISCIPLINE**

The Nye County Board of Trustees recognizes the educational and moral benefits of properly administered discipline wherein well adjusted and law-abiding young citizens are developed through cooperation of the home, the schools and the community.

Reviewed: October 12, 1999  
Adopted: November 30, 1999  
Revised: December 10, 2003

NEPN/NSBA Classification: JK  
Legal Reference: NRS 391.270 & 392.4644

**7510**

**CORPORAL PUNISHMENT**

The use of corporal punishment on any student by any staff member of the Nye County School District is expressly prohibited by the Board of Trustees and NRS 392.4633.

A violation of the NCSD behavior code by a student will be dealt with in accordance with the NCSD Student Behavior Handbook.

This policy does not prohibit a teacher or school official from defending himself/herself when attacked by a student.

Reviewed: October 22, 1997  
Adopted: December 10, 1997  
Revised: July 16, 2003

NEPN/NSBA Classification: JKA  
Legal Reference: NRS 392.4633

**7622**

**IMMUNIZATION OF STUDENTS**

A child may not be enrolled in a public school within this state unless his/her parents/guardians submit a certificate(s) stating the child has been immunized and has received proper boosters for that immunization or is complying with the schedules established pursuant to NRS 439.550.

Reviewed: September 10, 1997

Adopted: December 10, 1997

Revised: June 2, 2004

NEPN/NSBA Classification: JLCB

Legal Reference: NRS 432.100 through 432.130, Chapter 432B, 439.550, 392.435 through 392.448 & 394.192 through 394.199

**7623**

**COMMUNICABLE/INFECTIOUS DISEASES**

The principal or head teacher and school nurse will consult as needed with the local health department for specific measures in handling suspected cases of communicable disease. School officials will cooperate with the local health department, which has the discretion to institute appropriate measures to control or eliminate the spread of disease in the school population. This may include the recommendation made to the Superintendent for closure of school or exclusion of susceptible person(s) from school.

Reviewed: September 10, 1997

Adopted: December 10, 1997

Revised:

NEPN/NSBA Classification: JLCC

Legal Reference: NRS 392.446 & 441A.190

**STUDENTS AND STAFF WITH HIV/AIDS**General Principles

HIV is not spread by casual, everyday contact. Therefore, barring special circumstances, students who are infected with HIV shall attend the school and classroom to which they would be assigned if they were not infected. They are entitled to all rights, privileges, and services accorded to other students. Decisions about any changes in the education program of a student who is infected with HIV shall be made on a case-by-case basis, relying on the best available scientific evidence and medical advice.

There shall be no discrimination in employment based on having an HIV infection or AIDS. No school employee shall be terminated, non-renewed, demoted, suspended, transferred, or subjected to adverse action based solely on the fact that he/she is infected with HIV (or is perceived to be infected). School employees who are unable to perform their duties due to an illness, such as those related to HIV, shall retain eligibility for all benefits that are provided for other school employees with long-term diseases or disabling conditions.

All schools shall provide a sanitary environment and establish routines for handling body fluids that are recommended by the Centers for Disease Control.

Reviewed: September 10, 1997

Adopted: December 10, 1997

Revised:

NEPN/NSBA Classification: JLCCA

Legal Reference: NRS 389.065 & 441A.190

**7630**

**GUIDANCE AND COUNSELING**

The focus of the counseling and guidance program with NCS D is on the development needs of all students at the elementary and secondary levels. Counselors demonstrate respect for the dignity and worth of each individual and encourage each student to develop individual responsibility and decision-making skills.

Reviewed: September 10, 1997

Adopted: December 10, 1997

Revised:

NEPN/NSBA Classification: JLD

Legal Reference: NRS 391.095

7642

## **IDENTIFICATION, INTERVENTIONS, AND POSTVENTION PROCEDURES FOR STUDENT PROBLEMS**

The Board of Trustees, in its mission to provide care and support for each student, accepts as a major responsibility the provision of all possible support to its students through a qualified and competent cadre of staff members.

The Board of Trustees supports the following activities:

1. The establishment of procedures for dealing with trauma and loss of life within its schools;
2. Provision of resource materials on awareness of suicidal tendencies and responsible methods;
3. Provision of in-service training for staff in crisis intervention;
4. Encouragement of curriculum approaches for the student that will stress the development of positive self esteem and good mental health practices; and
5. Establishment of appropriate Crisis Management Teams at the school level and, where appropriate, at the district level.

Reviewed: September 10, 1997

Adopted: December 10, 1997

Revised:

NEPN/NSBA Classification: JLDBB

Legal Reference: NRS 389.063

**7720**

**EMPLOYMENT OF STUDENTS**

Students' school responsibilities are to take precedence over non-school related jobs. However, students who need or desire to work part time while attending school will be encouraged to do so, provided their work commitments do not interfere with their achievement in school.

Reviewed: September 10, 1997

Adopted: December 10, 1997

Revised:

NEPN/NSBA Classification: JO

Legal Reference: