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FIRST REPRINT

A.B. 221

ASSEMBLY BILL NO. 221—COMMITTEE ON EDUCATION

(ON BEHALF OF LEGISLATIVE COMMITTEE ON EDUCATION)

FEBRUARY 22, 2001

Referred to Committee on Education

SUMMARY—Authorizes expenditures from state distributive school account for certain remedial and tutoring programs. (BDR S-216)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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

AN ACT relating to education; authorizing the Department of Education to spend from the state distributive school account money for programs of remedial study and tutoring for allocation to certain schools and school districts; and providing other matters properly relating thereto.

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

- 1 **Section 1.** 1. The Department of Education is hereby authorized to
2 spend the following sums from the state distributive school account for
3 programs of remedial study for schools that have been designated as
4 demonstrating need for improvement and certain other schools:
5 For the fiscal year 2001-2002..... \$7,075,629
6 For the fiscal year 2002-2003..... \$7,371,199
7 The money allocated pursuant to this section must be used to provide
8 programs of remedial study that have been approved by the Department of
9 Education as being effective in improving pupil achievement.
- 10 2. A school may submit an application to the Department of Education
11 for transmission to the State Board of Examiners for an allocation from the
12 amount authorized by subsection 1 if the school:
13 (a) Receives a designation as demonstrating need for improvement
14 pursuant to NRS 385.367.
15 (b) Did not receive a designation because the school had too few pupils
16 enrolled in a grade level that is tested pursuant to NRS 389.015, but the test
17 scores of the pupils indicate that the school would have received a
18 designation as demonstrating need for improvement.



1 (c) Receives a designation as demonstrating adequate achievement, but
2 more than 40 percent of the pupils enrolled in the school received an
3 average score below the 26th percentile on one or more of the four subjects
4 tested pursuant to NRS 389.015.

5 (d) Was designated as demonstrating need for improvement pursuant to
6 NRS 385.367 in the immediately preceding school year.

7 3. The Department of Education shall, in consultation with the Budget
8 Division of the Department of Administration and the Legislative Bureau
9 of Educational Accountability and Program Evaluation, develop a form for
10 such applications. The form must include, without limitation, a notice that
11 if money is authorized for programs of remedial study for the 2003-2005
12 biennium by the 72nd session of the Nevada Legislature, a school that:

13 (a) Receives a designation as demonstrating adequate achievement;

14 (b) Has received an allocation for programs of remedial study for the
15 immediately preceding 2 years; and

16 (c) Applies for an allocation for a third consecutive year,
17 may be required to match the allocation equally with other money available
18 to the school.

19 4. Upon receipt of an application submitted pursuant to subsection 2,
20 the Department of Education shall review the application jointly with the
21 Budget Division of the Department of Administration and the Legislative
22 Bureau of Educational Accountability and Program Evaluation. The
23 Department of Education shall transmit the application to the State Board
24 of Examiners with the recommendation of the Department of Education
25 concerning the allocation of money based upon each application so
26 received. The State Board of Examiners, or the Clerk of the Board if
27 authorized by the Board to act on its behalf, shall consider each such
28 application and, if it finds that an allocation should be made, recommend
29 the amount of the allocation to the Interim Finance Committee. The Interim
30 Finance Committee shall consider each such recommendation, but is not
31 bound to follow the recommendation of the State Board of Examiners
32 when determining the allocation to be received by a school.

33 5. In determining the amount of the allocation, the State Board of
34 Examiners and the Interim Finance Committee shall consider:

35 (a) The total number of pupils enrolled in the school who failed to
36 demonstrate at least adequate achievement on the examinations
37 administered pursuant to NRS 389.015;

38 (b) The number of subjects tested pursuant to NRS 389.015 on which
39 more than 40 percent of the pupils enrolled in the school received an
40 average score below the 26th percentile; and

41 (c) The financial need of the particular school.

42 6. In addition to the considerations set forth in subsection 5, in
43 determining whether to approve an application for a school that has
44 received an allocation in the immediately preceding year and in
45 determining the amount of the allocation for such a school, the State Board
46 of Examiners and the Interim Finance Committee shall consider whether
47 the school has carried out the program of remedial study for which it
48 received an allocation in a successful manner, as measured by the academic
49 achievement of the pupils enrolled in the school on the examinations



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1 administered pursuant to NRS 389.015 and any assessments related to the
2 program of remedial study.

3 7. A school that receives an allocation of money pursuant to this
4 section shall use the money to:

5 (a) Pay the costs incurred by the school in providing the program of
6 remedial study required by NRS 385.389. The money must first be applied
7 to those pupils who the school determines are performing at a level which
8 poses the highest risk of failure.

9 (b) Pay for the salaries, training or other compensation of teachers and
10 other educational personnel to provide the program of remedial study,
11 instructional materials required for the program of remedial study,
12 equipment necessary to offer the program of remedial study and all other
13 additional operating costs attributable to the program of remedial study.

14 (c) Supplement and not replace the money the school would otherwise
15 expend for programs of remedial study.

16 8. Before a school amends a plan for expenditure of an allocation of
17 money received pursuant to this section, the school district in which the
18 school is located must submit the proposed amendment to the Department
19 of Education to receive approval from the Department of Education, the
20 Budget Division of the Department of Administration and the Legislative
21 Bureau of Educational Accountability and Program Evaluation, or the
22 Interim Finance Committee.

23 9. The sums authorized for expenditure in subsection 1 are available
24 for either fiscal year. Any remaining balance of those sums must not be
25 committed for expenditure after June 30, 2003, and reverts to the state
26 distributive school account as soon as all payments of money committed
27 have been made.

28 **Sec. 2.** 1. The Department of Education is hereby authorized to
29 allocate from the state distributive school account the following sums for
30 programs of remedial education or tutoring for pupils who need additional
31 instructional time to pass or to reach a level considered proficient:

32 For the fiscal year 2001-2002..... \$1,000,000

33 For the fiscal year 2002-2003..... \$1,000,000

34 Programs funded under this section must be conducted before or after
35 school, on weekends, during the summer or between sessions in schools
36 with year-round school calendars.

37 2. To receive an allocation from the amounts authorized in subsection
38 1, a school district must submit an application containing a written plan for
39 providing a program of remedial education or tutoring. The written plan
40 must include:

41 (a) The estimated number of pupils that will participate in the program;

42 (b) The curriculum that will be taught;

43 (c) A schedule of the course work or tutoring to be conducted under the
44 program;

45 (d) A plan for evaluating the effectiveness of the program; and

46 (e) A budget for the program.

47 3. Upon receipt of an application submitted pursuant to subsection 2,
48 the Department of Education shall review the application jointly with the
49 Budget Division of the Department of Administration and the Legislative



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1 Bureau of Educational Accountability and Program Evaluation. The
2 Department of Education shall transmit the application to the State Board
3 of Examiners with the recommendation of the Department of Education
4 concerning the allocation of money based upon each application so
5 received. The State Board of Examiners, or the Clerk of the Board if
6 authorized by the Board to act on its behalf, shall consider each such
7 application and, if it finds that an allocation should be made, recommend
8 the amount of the allocation to the Interim Finance Committee. The Interim
9 Finance Committee shall consider each such recommendation, but is not
10 bound to follow the recommendation of the State Board of Examiners
11 when determining the allocation to be received by a school district.

12 4. A school district that receives an allocation of money pursuant to
13 this section shall use the money to:

14 (a) Provide a program of remedial education or tutoring that has been
15 approved by the Department of Education as being effective in improving
16 pupil achievement.

17 (b) Pay the costs incurred by the school district in providing the
18 program of remedial education or tutoring. The money must first be
19 applied to those pupils who the school district determines are performing at
20 a level which poses the highest risk of failure.

21 (c) Pay for the salaries, training or other compensation of teachers and
22 other educational personnel to provide the program of remedial education
23 or tutoring, instructional materials required for the program, equipment
24 necessary to offer the program and all other additional operating costs
25 attributable to the program.

26 (d) Supplement and not replace the money the school would otherwise
27 expend for programs of remedial education or tutoring.

28 5. Before a school district amends a plan for expenditure of an
29 allocation of money received pursuant to this section, the school district
30 must submit the proposed amendment to the Department of Education to
31 receive approval from the Department of Education, the Budget Division
32 of the Department of Administration and the Legislative Bureau of
33 Educational Accountability and Program Evaluation, or the Interim
34 Finance Committee.

35 6. The sums authorized for expenditure in subsection 1 are available
36 for either fiscal year. Any remaining balance of those sums must not be
37 committed for expenditure after June 30, 2003, and reverts to the state
38 distributive school account as soon as all payments of money committed
39 have been made.

40 **Sec. 3.** This act becomes effective on July 1, 2001.

