

SENATE BILL NO. 490—COMMITTEE ON FINANCE

(ON BEHALF OF DEPARTMENT OF ADMINISTRATION—BUDGET DIVISION)

MARCH 26, 2001

Referred to Committee on Finance

SUMMARY—Revises provisions governing school accountability and authorizes expenditures from state distributive school account. (BDR 34-1310)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Executive Budget.

~

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

AN ACT relating to education; providing that certain public schools are not eligible to receive an exemption from the annual designation of public schools; revising provisions pursuant to which certain public schools must be designated as demonstrating need for improvement; revising related provisions governing the accountability of public schools; authorizing the department of education to spend from the state distributive school account money for programs of remedial study and tutoring; 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.** NRS 385.364 is hereby amended to read as follows:
2 385.364 1. ~~The~~ ***Except as otherwise provided in subsection 3, the***
3 department shall not designate a public school pursuant to NRS 385.363 if:
4 (a) The number of pupils who took the examinations administered
5 pursuant to NRS 389.015 is less than 90 percent of the pupils who were
6 required to take the examinations and were not exempt pursuant to the
7 regulations of the department; and
8 (b) At least 60 percent of the pupils enrolled in that school who took the
9 examinations administered pursuant to NRS 389.015 received an average
10 score on those examinations that is at least equal to the 26th percentile of
11 the national reference group of pupils to which the examinations were
12 compared.
13 2. If the department does not designate a public school pursuant to
14 NRS 385.363, the board of trustees of the school district in which the
15 school is located shall:



1 (a) Prepare a written statement explaining why the number of pupils
2 who took the examinations administered pursuant to NRS 389.015 is less
3 than 90 percent of the pupils who were required to take the examinations;

4 (b) Prepare a written plan to increase the number of pupils who take the
5 examinations administered pursuant to NRS 389.015; and

6 (c) On or before May 1 of the year in which the school receives notice
7 pursuant to NRS 385.369 that a designation will not be made for the
8 school, submit the written statement and plan to the:

9 (1) Governor;

10 (2) Department;

11 (3) Committee; and

12 (4) Bureau.

13 *3. If a public school received a designation as demonstrating need
14 for improvement in the immediately preceding school year, the
15 department shall designate that public school pursuant to NRS 385.363,
16 regardless of whether the circumstances set forth in subsection 1 apply to
17 that school. However, if the number of pupils enrolled in such a public
18 school who took the examinations administered pursuant to NRS
19 389.015 is less than 90 percent of the pupils who were required to take
20 the examinations and were not exempt pursuant to the regulations of the
21 department, the board of trustees of the school district in which that
22 public school is located shall prepare and submit a written statement and
23 written plan pursuant to subsection 2.*

24 **Sec. 2.** NRS 385.367 is hereby amended to read as follows:

25 385.367 The department shall designate a public school as
26 demonstrating need for improvement if:

27 1. Less than 60 percent of the pupils enrolled in that school who took
28 the examinations administered pursuant to NRS 389.015 received an
29 average score on those examinations that is at least equal to the 26th
30 percentile of the national reference group of pupils to which the
31 examinations were compared; ~~or~~

32 2. The average daily attendance of pupils who are enrolled in the
33 school is less than 90 percent for 3 or more consecutive years based upon
34 the yearly profile of information for the school maintained by the
35 department pursuant to subsection 4 of NRS 385.351 ~~or~~; or

36 *3. Except as otherwise provided in this subsection, the school was
37 designated as demonstrating need for improvement pursuant to
38 subsection 1 in the immediately preceding school year and the number of
39 pupils enrolled in the school in the current school year who took the
40 examinations administered pursuant to NRS 389.015 is less than 90
41 percent of the pupils who were required to take the examinations and
42 were not exempt pursuant to the regulations of the department. If the
43 provisions of subsection 1 apply to a school in which less than 90 percent
44 of the pupils took the examinations, the school must be designated
45 pursuant to subsection 1 and not pursuant to this subsection. If a school
46 is designated pursuant to this subsection:*

47 (a) *The provisions of NRS 385.373 or 385.375, as applicable, apply to*
48 *the school; and*



1 *(b) The school is eligible to continue to receive money for remedial*
2 *programs made available by legislative appropriation for the purposes of*
3 *NRS 385.389.*

4 **Sec. 3.** NRS 385.373 is hereby amended to read as follows:

5 385.373 If the department designates a school as demonstrating need
6 for improvement pursuant to NRS 385.367 for 2 consecutive years or
7 pursuant to NRS 385.368 for 1 year, the department shall:

8 1. Place the school on academic probation.

9 2. Prepare for that school a plan to:

10 (a) Improve the achievement of the pupils who are enrolled in the
11 school as measured by the examinations required pursuant to NRS
12 389.015.

13 (b) If the school received a designation pursuant to *subsection 3 of NRS*
14 *385.367 or* NRS 385.368, increase the number of pupils who take the
15 examinations required pursuant to NRS 389.015 and ensure that all eligible
16 pupils who are in attendance on the day that the examinations are
17 administered are given an opportunity to take the examinations.

18 3. On or before May 1 of the year in which the second designation was
19 made pursuant to NRS 385.367 or the first designation was made pursuant
20 to NRS 385.368, submit the plan to the:

21 (a) Board of trustees of the school district in which the school is
22 located;

23 (b) Governor;

24 (c) State board;

25 (d) Committee; and

26 (e) Bureau.

27 **Sec. 4.** NRS 385.375 is hereby amended to read as follows:

28 385.375 If the department designates a school as demonstrating need
29 for improvement pursuant to NRS 385.367 for 3 or more consecutive years
30 or pursuant to NRS 385.368 for 2 or more consecutive years:

31 1. The department shall:

32 (a) Continue the academic probation of the school;

33 (b) Prepare for that school a plan to:

34 (1) Improve the achievement of the school's pupils as measured by
35 the examinations required pursuant to NRS 389.015;

36 (2) If the school received a designation pursuant to *subsection 3 of*
37 *NRS 385.367 or* NRS 385.368, increase the number of pupils who take the
38 examinations required pursuant to NRS 389.015; and

39 (c) On or before May 1 of the year in which the third or subsequent
40 designation was made pursuant to NRS 385.367 or the second or
41 subsequent designation was made pursuant to NRS 385.368, submit the
42 plan to the:

43 (1) Board of trustees of the school district in which the school is
44 located;

45 (2) Governor;

46 (3) State board;

47 (4) Committee; and

48 (5) Bureau.



1 A plan prepared and submitted by the department pursuant to this
2 subsection must contain specific information about the school, including,
3 but not limited to, information concerning the administrative operation of
4 the school, the curriculum of the school and the financial and other
5 resources of the school.

6 2. The board of trustees of the school district in which the school is
7 located shall, until such time as the school is designated as demonstrating
8 exemplary achievement, high achievement or adequate achievement
9 pursuant to NRS 385.365, make two reports per year, one at the end of
10 each semester, to the department, the committee, the bureau and the
11 governor concerning the progress of the school in carrying out the plan
12 prepared pursuant to subsection 1.

13 **Sec. 5.** NRS 385.381 is hereby amended to read as follows:

14 385.381 1. A panel established pursuant to NRS 385.378 shall:

15 (a) Review the most recent plan prepared by the department for the
16 school pursuant to NRS 385.373 or 385.375 or the plan prepared by the
17 board of trustees of the school district pursuant to NRS 385.364 or
18 385.371;

19 (b) Identify and investigate the problems and factors at the school that
20 contributed to the designation of the school as demonstrating need for
21 improvement;

22 (c) Hold a public meeting to discuss the actions that the school will
23 need to take to warrant receiving a designation of demonstrating exemplary
24 achievement, high achievement or adequate achievement;

25 (d) On or before December 1, prepare a written report that includes an
26 analysis of the problems and factors at the school which contributed to the
27 designation of the school as demonstrating need for improvement,
28 including, without limitation, issues relating to:

- 29 (1) The financial resources of the school;
30 (2) The administrative and educational personnel of the school;
31 (3) The curriculum of the school;
32 (4) The facilities available at the school, including the availability
33 and accessibility of educational technology; ~~and~~

34 (5) *If applicable to the school, the number of pupils who took the*
35 *examinations administered pursuant to NRS 389.015 in comparison to*
36 *the number of pupils who were required to take the examinations and*
37 *who were not exempt pursuant to the regulations of the department; and*

38 (6) Any other factors that the panel believes contributed to the
39 designation of the school as demonstrating need for improvement;

40 (e) Submit a copy of the written report to the:

- 41 (1) Principal of the school;
42 (2) Board of trustees of the school district in which the school is
43 located;
44 (3) Superintendent of schools of the school district in which the
45 school is located;
46 (4) Superintendent of public instruction;
47 (5) Governor;
48 (6) State board;
49 (7) Department;



- 1 (8) Committee; and
- 2 (9) Bureau;

3 (f) Make the written report available, upon request, to each parent or
4 legal guardian of a pupil who is enrolled in the school; and

5 (g) In accordance with its findings pursuant to this subsection, adopt
6 revisions to the most recent plan prepared by the department for the school
7 pursuant to NRS 385.373 or 385.375.

8 2. The department shall, not more than 1 month after receiving the
9 written report submitted by the panel:

10 (a) Amend the most recent plan prepared by the department for the
11 school pursuant to NRS 385.373 or 385.375. In amending the plan, the
12 department shall incorporate the revisions adopted by the panel pursuant to
13 paragraph (g) of subsection 1.

14 (b) Submit to the panel a copy of an amended plan for the school which
15 demonstrates to the satisfaction of the panel that the department
16 incorporated the revisions adopted by the panel pursuant to paragraph (g)
17 of subsection 1.

18 3. The department shall submit to the panel a copy of the designation
19 that it gives to the school pursuant to NRS 385.363 or NRS 385.368 for the
20 school year immediately succeeding the establishment of the panel. If the
21 school does not earn a designation as demonstrating exemplary
22 achievement, high achievement or adequate achievement for the school
23 year immediately succeeding the establishment of the panel, the panel shall
24 take such action pursuant to subsection 1 and NRS 385.383 as it deems
25 necessary to ensure that the school takes action to improve its designation.

26 **Sec. 6.** NRS 385.386 is hereby amended to read as follows:

27 385.386 1. If a panel established pursuant to NRS 385.378
28 determines that an administrator must be appointed to oversee the
29 operation of a school, the superintendent of public instruction shall, on or
30 before January 15, appoint a licensed administrator to do so. The
31 administrator must:

32 (a) Possess knowledge and experience concerning the administration of
33 public schools.

34 (b) Be appointed from a list of three qualified persons submitted to the
35 superintendent of public instruction by the panel.

36 2. An administrator appointed pursuant to this section:

37 (a) Shall:

38 (1) Establish and carry out a policy for the management of the school
39 to ensure that the plan prepared by the department pursuant to NRS
40 385.375 and revised by the panel pursuant to NRS 385.381 is followed.
41 This subparagraph does not prohibit the administrator from recommending
42 changes to the plan.

43 (2) Make two reports, one at the end of each semester, to the
44 department, the governor, the bureau and the committee regarding the
45 progress of the school toward earning a designation of demonstrating
46 exemplary achievement, high achievement or adequate achievement
47 pursuant to NRS 385.365.

48 (b) May take any action not prohibited by law to ensure that:



1 (1) The performance of the pupils of the school on the examinations
2 administered pursuant to NRS 389.015; and
3 (2) If the school received two or more consecutive designations
4 pursuant to *subsection 3 of NRS 385.367 or* NRS 385.368, the number of
5 pupils who take the examinations administered pursuant to NRS 389.015,
6 improves to such a level that the school is designated as demonstrating
7 exemplary achievement, high achievement or adequate achievement
8 pursuant to NRS 385.365.
9 (c) Serves at the pleasure of the superintendent of public instruction and
10 is entitled to receive such compensation as may be set by the
11 superintendent.
12 3. A school district that contains a school for which an administrator is
13 appointed pursuant to this section shall reimburse the department for any
14 expenses incurred by the department pursuant to subsection 2.
15 4. If a school for which an administrator is appointed pursuant to this
16 section receives a designation of demonstrating exemplary achievement,
17 high achievement or adequate achievement pursuant to NRS 385.365, the
18 superintendent of public instruction shall terminate the oversight of the
19 school by the administrator. After the superintendent terminates the
20 oversight of the school, the board of trustees of the school district in which
21 the school is located shall, until such time as the school receives two
22 consecutive designations of demonstrating exemplary achievement, high
23 achievement or adequate achievement pursuant to NRS 385.365, make two
24 reports, one at the end of each semester, to the department, the committee,
25 the bureau and the governor regarding actions taken at the school to
26 maintain that designation.
27 **Sec. 7.** 1. The department of education is hereby authorized to spend
28 the following sums from the state distributive school account for programs
29 of remedial study for schools that have been designated as demonstrating
30 need for improvement and certain other schools:
31 For the fiscal year 2001-2002..... \$7,942,712
32 For the fiscal year 2002-2003..... \$7,942,712
33 The money allocated pursuant to this section must be used to provide
34 programs of remedial study that have been approved by the department of
35 education as being effective in improving pupil achievement.
36 2. A school may submit an application to the department of education
37 for transmission to the state board of examiners for an allocation from the
38 amount authorized by subsection 1 if the school:
39 (a) Receives a designation as demonstrating need for improvement
40 pursuant to NRS 385.367. (b) Did not receive a designation because the
41 school had too few pupils enrolled in a grade level that is tested pursuant to
42 NRS 389.015, but the test scores of the pupils indicate that the school
43 would have received a designation as demonstrating need for improvement.
44 (c) Receives a designation as demonstrating adequate achievement, but
45 more than 40 percent of the pupils enrolled in the school received an
46 average score below the 26th percentile on one or more of the four subjects
47 tested pursuant to NRS 389.015.



1 (d) Was designated as demonstrating need for improvement pursuant to
2 NRS 385.367 in either of the immediately preceding 2 school years, or
3 both.

4 3. The department of education shall, in consultation with the budget
5 division of the department of administration and the legislative bureau of
6 educational accountability and program evaluation, develop a form for
7 such applications. The form must include, without limitation, a notice that
8 if money is authorized for programs of remedial study for the 2003-2005
9 biennium by the 72nd session of the Nevada legislature, a school that:

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

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

13 (c) Applies for an allocation for a third consecutive year,
14 may be required to match the allocation equally, or in a lesser amount to
15 the extent that is financially practicable for the school, with other money
16 available to the school, not including any money available to the school
17 district, for programs of remedial study.

18 4. Upon receipt of an application submitted pursuant to subsection 2,
19 the department of education shall review the application jointly with the
20 budget division of the department of administration and the legislative
21 bureau of educational accountability and program evaluation. The
22 department of education shall transmit the application to the state board of
23 examiners with the recommendation of the department of education
24 concerning the allocation of money based upon each application so
25 received. The state board of examiners, or the clerk of the board if
26 authorized by the board to act on its behalf, shall consider each such
27 application and, if it finds that an allocation should be made, recommend
28 the amount of the allocation to the interim finance committee. The interim
29 finance committee shall consider each such recommendation, but is not
30 bound to follow the recommendation of the state board of examiners when
31 determining the allocation to be received by a school.

32 5. In determining the amount of the allocation, the state board of
33 examiners and the interim finance committee shall consider:

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

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

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

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



* S B 4 9 0 *

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 interim
22 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. 8.** 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..... \$1,900,000
33 For the fiscal year 2002-2003..... \$1,900,000

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



1 bureau of educational accountability and program evaluation. The
2 department of education shall transmit the application to the state board of
3 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 when
11 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 of
32 the department of administration and the legislative bureau of educational
33 accountability and program evaluation, or the interim finance committee.

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

39 **Sec. 9.** This act becomes effective on July 1, 2001.

