

SENATE BILL NO. 545—COMMITTEE ON
HUMAN RESOURCES AND EDUCATION

MARCH 26, 2007

Referred to Committee on Finance

SUMMARY—Repeals the Commission on Educational Excellence and makes an appropriation to the Department of Education for certain educational programs and assistance for school districts. (BDR 34-1178)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Contains Appropriation not included in Executive Budget.

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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; repealing the Commission on Educational Excellence and the Account for Programs for Innovation and the Prevention of Remediation; making an appropriation to the Department of Education to provide certain educational programs and assistance for school districts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Commission on Educational Excellence, which allocates money to public schools and school districts for certain programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils. (NRS 385.3781-385.379) Existing law also creates the Account for Programs for Innovation and the Prevention of Remediation. (NRS 385.379) **Section 3** of this bill repeals the provisions of NRS creating the Commission and the Account.

Section 4 of this bill makes an appropriation to the Department of Education to provide certain educational programs, including, without limitation, a program of full-day kindergarten, programs for innovation and the prevention of remediation, peer mediation and career and technical education. A school district may, on behalf of the public schools within the school district, apply to the Department for a grant of money from the appropriation.



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

Section 1. 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. 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 or a program, practice or strategy recommended by the ~~[Commission on Educational Excellence pursuant to NRS 385.3785.]~~ *Committee pursuant to NRS 218.5354*, 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. 2. 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



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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 *subsection 2 of NRS ~~[385.3785,]~~ 385.389*, recommend to the *[Commission on Educational Excellence created by NRS 385.3784] Department of Education* programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.

Sec. 3. NRS 385.3781, 385.3782, 385.3783, 385.3784, 385.3785, 385.3787, 385.3789 and 385.379 are hereby repealed.



Sec. 4. 1. There is hereby appropriated from the State General Fund to the Department of Education for grants of money to school districts pursuant to this section:

For the 2007-2008 Fiscal Year.....\$68,526,471

For the 2008-2009 Fiscal Year.....\$71,469,250

2. The board of trustees of a school district may, based upon requests submitted by the principals of the public schools located within the school district, submit an application for a grant of money from the appropriation made by subsection 1 to the Department of Education. The application must be on a form prescribed by the Department and include, without limitation:

(a) The intended use of the money requested by the board of trustees, which must be based on practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils and include one or more of the following:

(1) A program of full-day kindergarten established in accordance with section 5 of this act;

(2) Programs that incorporate educational technology;

(3) Programs of peer mediation;

(4) The program used by the Geographic Alliance in Nevada;

(5) Programs for the certification of counselors offered in this State or offered by a national certification agency;

(6) Assistance for the support teams established pursuant to NRS 385.3721 for non-Title I schools, including, without limitation, to pay for substitute teachers as necessary for the teachers at the school who serve on the support team to carry out the duties and responsibilities of the support team;

(7) Programs of career and technical education;

(8) A program which is designed to provide schools with site-based decision making; and

(9) Programs for innovation and the prevention of remediation that use programs, practices and strategies that have been proven effective in improving the academic achievement and proficiency of pupils.

(b) The amount of money requested by the board of trustees to carry out the educational programs or assistance, as applicable, that the school district intends to offer pursuant to this section.

(c) A prioritized list of the schools and programs or assistance, as applicable, for which the school district is requesting a grant of money.

3. To the extent that money is available from the appropriation made by subsection 1, the Department of Education shall provide grants of money to school districts with approved applications based upon the amount of money that is necessary to carry out the educational programs or assistance, as set forth in the application of



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1 the school district. If an insufficient amount of money is available to
2 pay for the total amount requested in each application, the money
3 from the appropriation must be distributed in a fair and equitable
4 manner among the school districts with approved applications based
5 upon the prioritized list submitted by each school district pursuant to
6 subsection 2.

7 4. The board of trustees of a school district that receives a grant
8 of money pursuant to this section shall not use the money for the
9 construction or maintenance of buildings or facilities.

10 5. The board of trustees of each school district that receives
11 a grant of money pursuant to this section shall, on or before
12 February 1, 2009, submit a written report to the Department of
13 Education and the Director of the Legislative Counsel Bureau for
14 transmission to the 75th Session of the Nevada Legislature. The
15 report must include, without limitation:

16 (a) The name of each school that received an allocation from the
17 grant and the amount of each allocation;

18 (b) The program or other assistance for which each school
19 expended the money; and

20 (c) An evaluation of the program or other assistance for which
21 each school expended the money, including, without limitation, the
22 effectiveness of the program or assistance on the achievement of
23 pupils enrolled in the school.

24 6. The sums appropriated by subsection 1 are available for
25 either fiscal year. Any remaining balance of those sums must not be
26 committed for expenditure after June 30, 2009, by the entity to
27 which the appropriation is made or any entity to which money from
28 the appropriation is granted or otherwise transferred in any manner,
29 and any portion of the appropriated money remaining must not be
30 spent for any purpose after September 18, 2009, by either the entity
31 to which the money was appropriated or the entity to which the
32 money was subsequently granted or transferred, and must be
33 reverted to the State General Fund on or before September 18, 2009.

34 **Sec. 5.** 1. A school district that applies for a grant of money
35 pursuant to section 4 of this act may use the money to provide full-
36 day kindergarten in each school within the school district that is
37 prioritized for full-day kindergarten based upon the percentage of
38 pupils enrolled in the school who are eligible for free or reduced
39 price lunches pursuant to 42 U.S.C. §§ 1751 et seq. If a school
40 district chooses to use the money that it receives pursuant to section
41 4 of this act to provide full-day kindergarten, the school district shall
42 allocate the money by assigning first priority to those schools within
43 the school district that have the highest percentage of pupils who are
44 eligible for free or reduced price lunches. If a school within a school
45 district provides full-day kindergarten with money that it receives



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1 from the Federal Government or other funding allocations, the
2 school may redirect that money, to the extent authorized by
3 applicable federal law, for other programs of remediation at the
4 school and use the money provided pursuant to section 1 of this act
5 to provide full-day kindergarten.

6 2. A school that is otherwise eligible to provide full-day
7 kindergarten pursuant to subsection 1 may elect not to provide full-
8 day kindergarten.

9 3. A parent or legal guardian of a pupil who is otherwise zoned
10 to attend a public school that provides full-day kindergarten
11 pursuant to this section may request that the pupil not be enrolled in
12 full-day kindergarten. The school district in which the pupil is
13 enrolled shall grant the request and ensure that the pupil is allowed
14 to attend kindergarten, whether at the zoned school or another
15 school, for less than a full school day.

16 **Sec. 6.** Any money remaining unexpended on June 30, 2007,
17 in the Account for Programs for Innovation and the Prevention of
18 Remediation must not be committed for expenditure after June 30,
19 2007, by the entity which is responsible for the administration of the
20 Account or any entity to which money from the Account is granted
21 or otherwise transferred in any manner. The State Treasurer shall,
22 on June 30, 2007, revert to the State General Fund any money
23 remaining unexpended in the Account on that date.

24 **Sec. 7.** 1. This section and section 6 of this act become
25 effective upon passage and approval.

26 2. Sections 1 to 5, inclusive, of this act become effective on
27 July 1, 2007.

LEADLINES OF REPEALED SECTIONS

385.3781 Definitions.

385.3782 "Account" defined.

385.3783 "Commission" defined.

385.3784 Commission: Creation; membership; terms; meetings; compensation of members; duty of Department to provide administrative support; involvement of the Legislative Counsel Bureau in activities of Commission.

385.3785 Commission: Establishment of program of educational excellence; allocations of money to school districts and schools; Department required to provide list of priorities of schools for consideration by Commission; review of certain information by Commission.



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385.3787 Use of money by school districts and schools that receive allocations from Account.

385.3789 Submission of annual reports by Commission.

385.379 Creation of Account for Programs for Innovation and the Prevention of Remediation; acceptance of gifts and grants; use of money in Account.

