

Amendment No. 1173

Senate Amendment to Assembly Bill No. 280 First Reprint (BDR 34-1051)

Proposed by: Senate Committee on Finance**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) ***green bold italic underlining*** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) ***green bold*** is newly added transitory language.

KCR



Date: 6/4/2007

A.B. No. 280—Revises provisions governing licensed educational personnel.
(BDR 34-1051)



ASSEMBLY BILL NO. 280—ASSEMBLYMEN SMITH, BUCKLEY, HORNE, ANDERSON, PARNELL, ATKINSON, BEERS, BOBZIEN, CLABORN, CONKLIN, GERHARDT, HARDY, HOGAN, KIHUEN, KIRKPATRICK, KOIVISTO, LESLIE, MANENDO, MORTENSON, MUNFORD, OCEGUERA, OHRENSCHALL, PARKS, PIERCE, SEGERBLOM AND WOMACK

MARCH 9, 2007

JOINT SPONSORS: SENATORS COFFIN AND MATHEWS

Referred to Concurrent Committees on
Education and Ways and Means

SUMMARY—Revises provisions governing licensed ~~educational personnel;~~ **teachers and makes an appropriation.** (BDR ~~[34-1051]~~ **S-1051**)

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; creating the Pay for Performance Fund in the State Treasury; prescribing the requirements for distribution of grants of money from the Fund to;~~ **making an appropriation for** school districts that adopt ~~a program;~~ **pilot programs** of performance pay and **enhanced** compensation for the ~~enhanced;~~ recruitment and retention of licensed ~~educational personnel;~~ **teachers;** making an appropriation ~~to~~ **to continue certain contractual services of a consultant;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1-5 2 of this bill ~~creates the Pay for Performance Fund in the State Treasury. Section 1-5 also provides that, within the limits of money available in the Fund, the board of trustees of a school district may submit an application for a grant of money from the Fund;~~ **appropriates money to provide a program for pilot programs** of performance pay and **enhanced** compensation for the ~~enhanced;~~ recruitment and retention of licensed ~~educational personnel;~~ **teachers.**

Section 3 of this bill appropriates money to continue the contractual services of a consultant to provide for the reporting of test scores of pupils and other educational services.

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

Section 1. (Deleted by amendment.)

Sec. 1.5. ~~[Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. There is hereby created in the State Treasury a Pay for Performance Fund to be administered by the Department. The Department may accept gifts, grants and donations from any source for deposit in the Fund.~~

~~2. Within the limits of available money in the Pay for Performance Fund, the Department shall provide grants of money to school districts based upon the number of pupils enrolled in each school district. Each school district shall use the money to provide a program of performance pay and enhanced compensation for the [enhanced] purposes of the recruitment and retention of licensed educational personnel employed by the school district.~~

~~3. Any interest and income earned on the sum of:~~

~~(a) The money in the Pay for Performance Fund; and~~

~~(b) Unexpended appropriations made to the Pay for Performance Fund from the State General Fund;~~

~~must be credited to the Pay for Performance Fund;~~

~~4. The money remaining in the Pay for Performance Fund at the end of any fiscal year does not revert to the State General Fund and must be carried forward to the next fiscal year.] (Deleted by amendment.)~~

Sec. 2. 1. There is hereby appropriated from the State General Fund to the Pay for Performance Fund created by section 1.5 of this act for the Clark County School District, Lyon County School District and Washoe County School District to carry out a pilot program] **Department of Education for pilot programs** of performance pay and **enhanced** compensation for the ~~[enhanced]~~ recruitment and retention of licensed ~~[educational personnel.]~~ **teachers:**

For the Fiscal Year 2007-2008\$5,000,000

For the Fiscal Year 2008-2009\$5,000,000

2. ~~[To receive a grant of money, the]~~ **The** Board of Trustees of the Clark County School District ~~[, the Board of Trustees of the Lyon County School District]~~ and the Board of Trustees of the Washoe County School District shall , **and the board of trustees of a school district in a county whose population is less than 100,000 may, teach] submit an application to the Department of Education that sets forth a pilot program of performance pay and **enhanced** compensation for the ~~[enhanced]~~ recruitment and retention of licensed ~~[educational personnel.]~~ **teachers** adopted by the school district and negotiated pursuant to chapter 288 of NRS. **In addition, each school district that submits an application shall submit a copy of its application to the Legislative Bureau of Educational Accountability and Program Evaluation. The Department shall present a summary of the applications to the Legislative Committee on Education. Each application must be submitted on or before March 1, 2008 [;], and must specify the exact manner in which the money will be used for the pilot program.****

3. The pilot program **developed by each school district that submits an application must** ~~[include a component that is based upon the achievement of pupils.]~~ **give appropriate consideration to implementation in at-risk schools. In addition, the pilot program may include, without limitation, the following components:**

(a) **Career leadership advancement options to maximize the retention of teachers in the classroom;**

(b) Professional development;
(c) Group incentives; and
(d) Multiple assessments of individual teachers, with primary emphasis on individual pupil achievement and growth, including, without limitation, portfolios of instruction, leadership and professional growth, and other appropriate measures of teacher performance must be considered.

4. Each pilot program must be developed in consultation with an advisory board established by the school district which consists of, without limitation:

(a) Representatives of businesses;
(b) Parents of pupils enrolled in the school district;
(c) Licensed educational personnel; and
(d) Other persons and representatives as the board of trustees determines appropriate.

➤ The total number of licensed educational personnel on the advisory board must not exceed the total number of other members on the advisory board.

~~3.4~~ 5. The Department of Education shall distribute the money appropriated by subsection 1 among the ~~(three)~~ the school districts whose applications are approved pro rata based upon the number of pupils enrolled in each school district. The amount of compensation that an individual teacher may receive from the grant received by a school district must not exceed \$3,000 per year.

~~4.4~~ 6. The board of trustees of each school district that receives a grant of money pursuant to this section shall evaluate the effectiveness of the pilot program for which the grant of money was awarded. The evaluation must include, without limitation : ~~1. an~~

(a) An evaluation of whether the pilot program is effective in recruiting and retaining qualified ~~(licensed educational personnel)~~ teachers;

(b) The number of licensed teachers who participated in the pilot program;

(c) The grade level of the schools that participated in the pilot program;

(d) The subject areas taught by the teachers who participated, if applicable;

(e) The level of experience of the teachers who participated;

(f) The goals and outcomes of the pilot program based upon the components of the pilot program; and

(g) Any recommendations for consideration by the 75th Session of the Nevada Legislature.

7. On or before ~~(February)~~ January 1, 2009, the board of trustees of each school district shall submit a report of its evaluation and any recommendations to the:

(a) ~~(State Board of Education; and~~

~~(b) Director of the Legislative Counsel Bureau for transmittal to the 75th Session of the Nevada Legislature.)~~ Legislative Committee on Education;

(b) Department of Education; and

(c) Legislative Bureau of Educational Accountability and Program Evaluation.

8. The Department of Education shall compile the reports of the evaluations and submit a written summary of the compilation to the Director of the Legislative Counsel Bureau for transmittal to the 75th Session of the Nevada Legislature.

~~15. Any remaining balance of the appropriation made by subsection 1 must not be reverted to the State General Fund and must remain in the Pay for Performance Fund created by section 1.5 of this act.~~

9. The Department of Education shall, in consultation with representatives appointed by the Nevada Association of School Superintendents and the Nevada Association of School Boards, develop a formula for identifying at-risk schools for purposes of this section. The formula must be developed on or before July 1, 2007, and include, without limitation, the following factors:

(a) The percentage of pupils who are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq.;

(b) The transiency rate of pupils;

(c) The percentage of pupils who are limited English proficient;

(d) The percentage of pupils who have individualized education programs;

(e) The percentage of pupils who score in the bottom two quarters on the mathematics portion or the reading portion, or both, of the high school proficiency examination; and

(f) The percentage of pupils who drop out of high school before graduation.

10. The sums appropriated by subsection 1 must not be used to negotiate the salaries of teachers who participate in the program.

11. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 3. 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee:

For the Fiscal Year 2007-2008\$475,000

For the Fiscal Year 2008-2009\$475,000

2. The Interim Finance Committee shall use the money appropriated by subsection 1 to continue the contractual services of a consultant to provide for the reporting of test scores of pupils to parents and to provide web-based data and to improve the performance of pupils on statewide examinations, and to provide related services identified by the Interim Finance Committee.

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

~~Sec. 3.~~ **Sec. 4.** This act becomes effective on July 1, 2007.