

## Amendment No. 1157

Assembly Amendment to Senate Bill No. 185 Second Reprint (BDR 34-426)

**Proposed by:** Assembly Committee on Ways and Means**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date	
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

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

S.B. No. 185—Revises provisions governing the Commission on Educational Excellence. (BDR 34-426)



SENATE BILL NO. 185—COMMITTEE ON FINANCE

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON EDUCATION)

MARCH 1, 2007

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Referred to Committee on Human Resources and Education

SUMMARY—Revises provisions governing the Commission on Educational Excellence. (BDR 34-426)

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.

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AN ACT relating to education; revising provisions governing the award of grants from the Account for Programs for Innovation and the Prevention of Remediation by the Commission on Educational Excellence; requiring the Commission to report certain information concerning allocations from the Account; revising provisions governing the use of money in the Account; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, the Commission on Educational Excellence is required to establish a program of educational excellence for pupils enrolled in kindergarten through grade 6 in public schools. The Commission is authorized to allocate grants of money from the Account for Programs for Innovation and the Prevention of Remediation in the State General Fund to school districts and public schools for certain programs designed for the achievement of pupils and for innovative programs. (NRS 385.3781-385.379)

**Section 2** of this bill requires the Commission to establish guidelines for reviewing, evaluating and approving applications for grants of money from the Account. **Section 2** directs that the guidelines include consideration of the list of priorities of schools provided to the Commission by the Department of Education and revises the contents of that list. **Section 2** also requires each school district to provide assistance, upon the request of a public school within the school district, in the development of an application for a grant. **Section 2** provides that the Commission shall not award a grant of money from the Account for a program of full-day kindergarten. **Section 3** of this bill identifies specific information relating to allocations from the Account that the Commission is required to include in its annual report on the Account.

**Section 4** of this bill places a limitation on the amount of money that may be expended from the Account each biennium for expenses incurred by members of the Commission to travel to the school districts and schools that receive allocations from the Account. **Section 4** also authorizes the Commission to spend a maximum amount of money from the Account each biennium for: (1) the costs incurred by the Commission to hold meetings and conferences for recipients of allocations from the Account to discuss or display effective programs, practices and strategies; and (2) an evaluation of the programs that received allocations from the Account by an independent consultant.

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

**Section 1.** NRS 385.3784 is hereby amended to read as follows:  
385.3784 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. The parent must not be employed by the board of trustees of a school district or the governing body of a charter school.

One or more of the members appointed pursuant to this subsection 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 section 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. ~~Except as limited by~~ Except as limited by paragraph (a) of subsection 3 of NRS 385.379, 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. 2.** NRS 385.3785 is hereby amended to read as follows:

385.3785 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 ~~and~~ and a consortium of 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. *The Commission shall not award a grant of money from the Account for a program to provide full-day kindergarten.* All ~~school districts and~~ public schools ~~and~~ and a consortium of public schools, including, without limitation, charter schools, are eligible to submit such an application, regardless of whether the ~~school district or school has~~ schools have made adequate yearly progress or failed to make adequate yearly progress. A ~~school district or~~ public school or a consortium of public schools 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 and consortiums of public schools that desire to participate in the program.

(e) *Establish guidelines for the review, evaluation and approval of applications for grants of money from the Account, including, without limitation, consideration of the list of priorities of schools provided by the Department pursuant to subsection 4. ~~and~~ To ensure consistency in the review, evaluation and approval of applications, if the guidelines authorize the review and evaluation of applications by less than the entire membership of the Commission, money must*

*not be allocated from the Account for a grant until the entire membership of the Commission has reviewed and approved the application for the grant.*

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

~~{(h)} (i)~~ 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)}~~ (3) 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)}~~ (4) 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 and consortiums of 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}~~:

(a) Does not meet the criteria for effectiveness as prescribed in paragraph ~~{(h)}~~ (i) of subsection 1;

(b) Does not, as a result of the program for which the grant of money was awarded, show improvement in the achievement of pupils, as determined in an evaluation conducted pursuant to subsection 3 of NRS 385.379; or

(c) Does not implement the program for which the money was received, as determined in an evaluation conducted pursuant to subsection 3 of NRS 385.379,

over a 2-year period, the Commission may consider not awarding future allocations of money to that ~~{school district or}~~ public school ~~{or consortium of public schools}~~.

4. On or before July 1 of each year, the Department shall provide a list of priorities of schools ~~[based upon the]~~ *that indicates:*

(a) *The adequate yearly progress status of schools in the immediately preceding year ; and*

(b) *The schools that are considered Title I eligible by the Department based upon the poverty level of the pupils enrolled in a school in comparison to the poverty level of the pupils in the school district as a whole,*

↳ *for consideration by the Commission in its development of procedures for the applications.*

5. *A public school, including, without limitation, a charter school, or a consortium of public schools may request assistance from the school district in which the school is located in preparing an application for a grant of money pursuant to this section. A school district shall assist each public school or consortium of public schools that requests assistance pursuant to this subsection to ensure that the application of the school:*

(a) *Is based directly upon the plan to improve the achievement of pupils prepared for the school pursuant to NRS 385.357;*

(b) *Is developed in accordance with the criteria established by the Commission; and*

(c) ~~*[Contains a reasonable request for money that is logically connected to the program for which the money is being requested; and*~~

~~*(d) Does not duplicate the programs or services already available to the school through the school district.]*~~ *Is complete and complies with all technical requirements for the submission of an application.*

↳ *A school district may make recommendations to the individual schools and consortiums of schools. Such schools and consortiums of schools are not required to follow the recommendations of a school district.*

6. 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.

*7. If a consortium of public schools is formed for the purpose of submitting an application pursuant to this section, the public schools within the consortium do not need to be located within the same school district.*

**Sec. 2.5. NRS 385.3787 is hereby amended to read as follows:**

385.3787 1. A ~~[school district or]~~ public school *or consortium of public schools* 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 NRS 385.3785.

2. A ~~[school district or]~~ public school *or consortium of schools* 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. 3.** NRS 385.3789 is hereby amended to read as follows:

385.3789 1. The Commission shall prepare an annual report that describes the distribution of money to the ~~{school districts and}~~ public schools and consortiums of public schools and the programs for which money was allocated from the Account ~~{ }~~, *including, without limitation, the total amount of money allocated:*

*(a) To each ~~{school district}~~ consortium of public schools, with a designation of which public schools are included in each consortium;*

*(b) To each public school;*

*(c) To schools included on the list of priorities of schools provided by the Department pursuant to NRS 385.3785;*

*(d) For programs that provide services directly to pupils for remediation and innovation, including, without limitation, instruction, instructional materials and support materials;*

*(e) For programs that provide instructional support and have an indirect effect on pupils, including, without limitation, the provision of professional development for educational personnel and the employment of administrators; and*

*(f) For each program, including, without limitation:*

*(1) A description of the program, including, without limitation, whether the program is available commercially;*

*(2) Whether the Commission considers the program to be innovative;*

*(3) Whether the program includes the provision of professional development other than professional development that is related to carrying out a program that provides services directly to pupils;*

*(4) The costs to implement the program; and*

*(5) The full-time personnel necessary to implement the program, if any.*

↳ 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.

4. The Legislative Auditor shall audit biennially the programs for which schools and consortiums of schools receive an allocation of money. The audit



may include a representative sample of programs, based upon geographic location and type of program. The Legislative Auditor shall report the results of each biennial audit to the entities prescribed in subsection 3.

**Sec. 4.** NRS 385.379 is hereby amended to read as follows:

385.379 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 ~~or 3~~ **or 3**. 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)] Except as otherwise provided in NRS 385.3784 and subsection 3, the~~ money in the Account may only be used for the allocation of money to ~~[school districts and]~~ public schools and consortiums of public schools whose applications are approved by the Commission pursuant to NRS 385.3785.

3. Upon the request of the Commission:

(a) Not more than \$50,000 in the Account may be used each biennium to pay:

(1) The expenses incurred by members of the Commission to travel to the ~~[school districts and]~~ public schools and consortiums of public schools that received allocations of money from the Account; and

(2) The costs incurred by the Commission to hold meetings or conferences for representatives of ~~[school districts and]~~ public schools and consortiums of schools that received allocations of money from the Account to discuss or display, or both, programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.

(b) Not more than \$450,000 in the Account may be used each biennium to pay for an evaluation of the programs for which money was allocated from the Account. If the Commission uses money in the Account for such an evaluation, the Commission shall ensure that:

(1) A request for proposals is issued and a qualified, independent consultant is selected to conduct the evaluation;

(2) Upon selection of the consultant, the Commission receives approval of the consultant and the plan for the evaluation from the Committee;

(3) The evaluation is designed to determine the effectiveness of the programs for which money was allocated from the Account in improving achievement of pupils; ~~and]~~

(4) The evaluation includes an identification of the programs for which money was allocated from the Account that did not improve the achievement of pupils as described in the approved application for the grant;

(5) The evaluation includes an identification of the public schools and consortiums of public schools that did not implement the programs for which money was allocated from the Account as described in the approved application for the grant; and

(6) The evaluation includes a compilation and review of each evaluation required to be submitted by ~~[school districts and]~~ public schools and consortiums of public schools pursuant to NRS 385.3787.

**Sec. 5.** This act becomes effective on July 1, 2007.