

## Amendment No. 295

Senate Amendment to Senate Bill No. 379

(BDR 34-285)

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

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 dashed underlining* is newly added transitory language.

SLP/KCR



Date: 4/17/2009

S.B. No. 379—Revises provisions governing certain educational programs.  
(BDR 34-285)



## SENATE BILL NO. 379—COMMITTEE ON HEALTH AND EDUCATION

MARCH 23, 2009

Referred to Committee on Health and Education

SUMMARY—Revises provisions governing certain educational programs.  
(BDR 34-285)

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

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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, within the limits of available money, to award grants of money to school districts for certain programs and assistance; repealing the Account for Programs for Innovation and the Prevention of Remediation and the Trust Fund for Educational Technology; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

**Section 1** of this bill authorizes a school district or charter school to submit an application to the Department of Education for a grant of money for certain educational programs, including, without limitation, programs of ~~full-day kindergarten,~~ educational technology, programs for innovation and the prevention of remediation, programs for peer mediation and programs for career and technical education. To the extent money is available, the Department may award grants of money to school districts and charter schools whose applications are approved.

Existing law creates the Commission on Educational Excellence, which allocates money to public schools and consortiums of public schools 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 7** of this bill repeals the Commission, the Account and related provisions. **Section 1** of this bill authorizes the Department, upon application of a school district, to award a grant of money for such programs, practices and strategies for innovation and the prevention of remediation.

Existing law creates the Commission on Educational Technology and requires the Commission to allocate money to school districts from the Trust Fund for Educational Technology. (NRS 388.780-388.805) ~~(Sections 4 and 5)~~ **Section 4** of this bill ~~revises~~ revises these allocations so that the Commission makes recommendations to the Department for the allocation of money ~~from~~ pursuant to section 1 that will be used for educational technology. **Section 7 of this bill repeals** the Trust Fund.

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

**Section 1.** Chapter 385 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~The board of trustees of a school district~~ ~~may~~ based upon requests submitted by principals of the public schools located within the school district, or the governing body of a charter school may submit an application to the Department for a grant of money from the money available for any of the programs or assistance set forth in subsection 2. The application must be on a form prescribed by the Department and include, without limitation:

(a) ~~A plan for the use of the money requested by the board of trustees~~ or the governing body, which must:

(1) Be designed to support the plan to improve the achievement of pupils enrolled in the school district prepared by the board of trustees pursuant to NRS 385.348, if applicable, as well as the plans to improve the achievement of pupils prepared by the individual schools within the school district or the charter school, as applicable, pursuant to NRS 385.357;

(2) Be based on practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils; and

(3) Include one or more of the programs or assistance set forth in subsection 2.

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

(c) ~~If a school district submitted the application,~~ a prioritized list of the schools and programs or assistance, as applicable, for which the school district is requesting a grant of money and a description of how the money will be used to support the plan to improve the achievement of pupils prepared by each of those schools.

(d) If the governing body of a charter school submitted the application, a prioritized list of the programs or assistance, as applicable for which the governing body is requesting a grant of money and a description of how the money will be used to support the plan to improve the achievement of pupils prepared by the charter school.

2. Money may be granted pursuant to this section for one or more of the following:

(a) ~~Programs of full day kindergarten;~~

~~(b) Programs that incorporate educational technology in accordance with the plan established by the Commission on Educational Technology pursuant to NRS 388.795;~~

~~(c) Programs of peer mediation;~~

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

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

~~(f) 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;~~

~~(g) Programs of career and technical education;~~

~~(h) Programs of empowerment schools and other programs which are designed to provide schools with site-based decision making; and~~

~~(i)~~ and

(g) 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.

3. To the extent that money is available from legislative appropriation or otherwise for any program or assistance set forth in subsection 2, the Department shall provide grants of money to school districts and charter schools 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 the school district ~~or~~ or charter school. If an insufficient amount of money is available to pay for the total amount requested in each application, the available money must be distributed in a fair and equitable manner among the school districts and charter schools with approved applications based upon the prioritized list submitted by each school district and charter school pursuant to subsection 1.

4. The board of trustees of a school district or the governing body of a charter school that receives a grant of money pursuant to this section shall not use the money ~~for~~ :

(a) For the construction or maintenance of buildings or facilities.

(b) To settle or arbitrate disputes or negotiate settlements between an organization that represents licensed employees of the school district or charter school and the school district or charter school, as applicable.

(c) To adjust the schedules of salaries and benefits of the employees of the school district or charter school, as applicable.

5. Money granted to a school district or charter school pursuant to the provisions of this section may only be committed for expenditure during the biennium in which it was granted and any unused funds must be returned to the Department by the board of trustees or governing body on or before the deadline determined by the Department.

6. The board of trustees of a school district or the governing body of a charter school that receives a grant of money pursuant to this section shall, on or before February 1 of each odd-numbered year, submit a written report to the Department and to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Nevada Legislature. The report must include, without limitation:

(a) The name of each school that received a grant pursuant to this section and the amount of each grant;

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

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

Sec. 2. 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

1 programs of remedial study that have proven to be successful in improving the  
2 academic achievement of pupils.

3 2. If a school fails to make adequate yearly progress or if less than 60 percent  
4 of the pupils enrolled in a school who took the examinations administered pursuant  
5 to NRS 389.015 received an average score on those examinations that is at least  
6 equal to the 26th percentile of the national reference group of pupils to which the  
7 examinations were compared, the school shall adopt a program of remedial study  
8 that has been adopted by the Department pursuant to subsection 1 or a program,  
9 practice or strategy recommended by the ~~[Commission on Educational Excellence~~  
10 ~~pursuant to NRS 385.3785.]~~ *Committee pursuant to NRS 218.5354*, or any  
11 combination thereof, as applicable.

12 3. A school district that includes a school described in subsection 2 shall  
13 ensure that each of the pupils enrolled in the school who failed to demonstrate at  
14 least adequate achievement on the examinations administered pursuant to NRS  
15 389.015 completes, in accordance with the requirements set forth in subsection 4 of  
16 NRS 389.015, remedial study that is determined to be appropriate for the pupil.

17 **Sec. 3.** NRS 388.780 is hereby amended to read as follows:

18 388.780 As used in NRS 388.780 to ~~[388.805.]~~ ~~[388.800.]~~ 388.795, inclusive,  
19 unless the context otherwise requires, the words and terms defined in NRS 388.785  
20 and 388.787 have the meanings ascribed to them in those sections.

21 **Sec. 4.** NRS 388.795 is hereby amended to read as follows:

22 388.795 1. The Commission shall establish a plan for the use of educational  
23 technology in the public schools of this State. In preparing the plan, the  
24 Commission shall consider:

25 (a) Plans that have been adopted by the Department, ~~[and]~~ the school districts  
26 and charter schools in this State;

27 (b) Plans that have been adopted in other states;

28 (c) The information reported pursuant to paragraph (t) of subsection 2 of  
29 NRS 385.347;

30 (d) The results of the assessment of needs conducted pursuant to subsection 6;  
31 and

32 (e) Any other information that the Commission or the Committee deems  
33 relevant to the preparation of the plan.

34 2. The plan established by the Commission must include recommendations  
35 for methods to:

36 (a) Incorporate educational technology into the public schools of this State;

37 (b) Increase the number of pupils in the public schools of this State who have  
38 access to educational technology;

39 (c) Increase the availability of educational technology to assist licensed  
40 teachers and other educational personnel in complying with the requirements of  
41 continuing education, including, without limitation, the receipt of credit for college  
42 courses completed through the use of educational technology;

43 (d) Facilitate the exchange of ideas to improve the achievement of pupils who  
44 are enrolled in the public schools of this State; and

45 (e) Address the needs of teachers in incorporating the use of educational  
46 technology in the classroom, including, without limitation, the completion of  
47 training that is sufficient to enable the teachers to instruct pupils in the use of  
48 educational technology.

49 3. The Department shall provide:

50 (a) Administrative support;

51 (b) Equipment; and

52 (c) Office space,

53 ➤ as is necessary for the Commission to carry out the provisions of this section.

4. The following entities shall cooperate with the Commission in carrying out the provisions of this section:

- (a) The State Board.
- (b) The board of trustees of each school district.
- (c) The superintendent of schools of each school district.
- (d) The governing body of each charter school.
- (e) The Department.

5. The Commission shall:

(a) Develop technical standards for educational technology and any electrical or structural appurtenances necessary thereto, including, without limitation, uniform specifications for computer hardware and wiring, to ensure that such technology is compatible, uniform and can be interconnected throughout the public schools of this State.

(b) ~~Allocate~~ Make recommendations to the Department for the allocation of money to the school districts ~~{from the Trust Fund for Educational Technology created pursuant to NRS 388.800}~~ and charter schools pursuant to paragraph (a) of subsection 2 of section 1 of this act and any money appropriated by the Legislature for educational technology, subject to any priorities for such allocation established by the Legislature.

(c) Establish criteria for the board of trustees of a school district and governing bodies of charter schools that receives an allocation of money ~~{from the Commission}~~ pursuant to paragraph (a) of subsection 2 of section 1 of this act to:

(1) Repair, replace and maintain computer systems.

(2) Upgrade and improve computer hardware and software and other educational technology.

(3) Provide training, installation and technical support related to the use of educational technology within the school district ~~{or}~~ or charter school.

(d) Submit to the Governor, the Committee and the Department its plan for the use of educational technology in the public schools of this State and any recommendations for legislation.

(e) Review the plan annually and make revisions as it deems necessary or as directed by the Committee or the Department.

(f) In addition to the recommendations set forth in the plan pursuant to subsection 2, make further recommendations to the Committee and the Department as the Commission deems necessary.

6. During the spring semester of each even-numbered school year, the Commission shall conduct an assessment of the needs of each school district and charter school relating to educational technology. In conducting the assessment, the Commission shall consider:

(a) The recommendations set forth in the plan pursuant to subsection 2;

(b) The plan for educational technology of each school district ~~{or}~~ and charter school, if applicable;

(c) Evaluations of educational technology conducted for the State, ~~{or}~~ for a school district {or} or for a charter school, if applicable; and

(d) Any other information deemed relevant by the Commission.

➤ The Commission shall submit a final written report of the assessment to the Superintendent of Public Instruction on or before April 1 of each even-numbered year.

7. The Superintendent of Public Instruction shall prepare a written compilation of the results of the assessment conducted by the Commission and transmit the written compilation on or before June 1 of each even-numbered year to the Legislative Committee on Education and to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

8. The Commission may appoint an advisory committee composed of members of the Commission or other qualified persons to provide recommendations to the Commission regarding standards for the establishment, coordination and use of a telecommunications network in the public schools throughout the various school districts in this State. The advisory committee serves at the pleasure of the Commission and without compensation unless an appropriation or other money for that purpose is provided by the Legislature.

9. As used in this section, "public school" includes the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS.

~~Sec. 5. NRS 388.800 is hereby amended to read as follows:  
388.800 1. The Trust Fund for Educational Technology is hereby created in the State General Fund. The Trust Fund must be administered by the Superintendent of Public Instruction. The Superintendent may accept gifts and grants of money from any source for deposit in the Trust Fund. Any such money may be expended in accordance with the terms and conditions of the gift or grant, or in accordance with subsection 2.~~

~~2. The interest and income earned on the money in the Trust Fund must be credited to the Trust Fund.~~

~~3. The money in the Trust Fund may be used only for the distribution of money by the Department to school districts [to be used in kindergarten through 12th grade to obtain and maintain hardware and software for computer systems, equipment for transfer of data by modem through connection to telephone lines, and other educational technology as may be approved by the Commission for use in classrooms.] pursuant to section 1 of this act based upon the recommendations of the Commission to the Department pursuant to NRS 388.795.] (Deleted by amendment.)~~

Sec. 6. 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 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 ~~NRS 385.3785;~~ **subsection 2 of NRS 385.389 and section 1 of this act**, 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. 7.** NRS 385.3781, 385.3782, 385.3783, 385.3784, 385.3785, 385.3787, 385.3789, 385.379, ~~388.800~~ and 388.805 are hereby repealed.

**Sec. 8.** ~~1.~~ Any money remaining unexpended on June 30, ~~2009;~~ **2010**, in the Account for Programs for Innovation and the Prevention of Remediation must not be committed for expenditure after June 30, ~~2009;~~ **2010**, by the entity which is responsible for the administration of the Account or any entity to which money from the Account is granted or otherwise transferred in any manner. The State Treasurer shall, on June 30, ~~2009;~~ **2010**, revert to the State General Fund any money remaining unexpended in the Account on that date.

~~2. Any money remaining unexpended on June 30, 2010, in the Trust Fund for Educational Technology must not be committed for expenditure after June 30, 2010, by the entity which is responsible for the administration of the Trust Fund or any entity to which money from the Trust Fund is granted or otherwise transferred in any manner. The State Treasurer shall, on June 30, 2010, revert to the State General Fund any money remaining unexpended in the Trust Fund on that date.~~

**Sec. 9.** 1. This section and section 8 of this act become effective ~~upon passage and approval;~~ **on January 1, 2010.**

2. Sections 1 to 7, inclusive, of this act become effective on July 1, ~~2009;~~ **2010.**

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## LEADLINES OF REPEALED SECTIONS

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**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 public schools and consortiums of public schools; Department required to provide list of priorities of schools; review of certain information by Commission.**

**385.3787 Use of money by public schools and consortiums of public schools that receive allocations from Account; submission of evaluation of effectiveness.**

**385.3789 Submission of annual reports by Commission; biennial audit of programs by Legislative Auditor.**

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

**388.800 Trust Fund for Educational Technology: Creation; administration; interest and income; use of money in Fund.**

**388.805 Trust Fund for Educational Technology: Program for school districts to apply for money from Fund.**