

SENATE BILL NO. 12—COMMITTEE ON HEALTH AND EDUCATION

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON EDUCATION)

PREFILED NOVEMBER 24, 2008

Referred to Committee on Health and Education

SUMMARY—Revises provisions governing the Commission on Educational Excellence. (BDR 34-299)

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.

AN ACT relating to education; revising provisions governing allocations of money from the Account for Programs for Innovation and the Prevention of Remediation by the Commission on Educational Excellence; revising the duties of the Legislative Auditor in conducting the biennial audit of programs funded from the Account; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes the Commission on Educational Excellence to allocate grants of money from the Account for Programs for Innovation and the Prevention of Remediation to public schools and consortiums of public schools for certain innovative programs and programs designed to improve pupil achievement. (NRS 385.3781-385.379) **Section 1** of this bill requires an applicant for an allocation of money from the Account to include a statement with the application indicating whether the application is for an existing program or for the establishment of a new program and identifying all other sources of money requested or received by the applicant for the same or a similar program.

Existing law requires the Department of Education to adopt programs of remedial study for certain subject areas. (NRS 385.389) **Section 1** prohibits the Commission from awarding money for a program of remedial study that is available commercially if such a program has not been adopted by the Department.

Existing law requires the Legislative Auditor to conduct a biennial audit of the programs for which public schools and consortiums of public schools receive an allocation of money from the Account. (NRS 385.3789) **Section 2** of this bill requires the audit to include a review of the amount of time it takes for an applicant to receive an allocation of money after the Commission makes the award, a determination of whether the money was used to implement the program for which



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the money was allocated and any recommendations for the most efficient and economical use of the grant money by public schools and consortiums of public schools.

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

**Section 1.** 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 public schools and consortiums 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 public schools and consortiums of public schools, including, without limitation, charter schools, are eligible to submit such an application, regardless of whether the schools have made adequate yearly progress or failed to make adequate yearly progress. A 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 public schools and



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1 consortiums of public schools that desire to participate in the  
2 program.

3 (e) Establish guidelines for the review, evaluation and approval  
4 of applications for grants of money from the Account, including,  
5 without limitation, consideration of the list of priorities of public  
6 schools provided by the Department pursuant to subsection ~~5~~ 6.  
7 To ensure consistency in the review, evaluation and approval of  
8 applications, if the guidelines authorize the review and evaluation of  
9 applications by less than the entire membership of the Commission,  
10 money must not be allocated from the Account for a grant until the  
11 entire membership of the Commission has reviewed and approved  
12 the application for the grant.

13 (f) Prescribe accountability measures to be carried out by a  
14 public school that participates in the program if that public school  
15 does not meet the annual measurable objectives established by the  
16 State Board pursuant to NRS 385.361, including, without limitation:

17 (1) The specific levels of achievement expected of schools  
18 that participate; and

19 (2) Conditions for schools that do not meet the grant criteria  
20 but desire to continue participation in the program and receive  
21 money from the Account, including, without limitation, a review of  
22 the leadership at the school and recommendations regarding changes  
23 to the appropriate body.

24 (g) Determine the amount of money that is available from the  
25 Account for those public schools and consortiums of public schools  
26 that are selected to participate in the program.

27 (h) Allocate money to public schools and consortiums of public  
28 schools from the Account. Allocations must be distributed not later  
29 than August 15 of each year.

30 (i) Establish criteria for public schools and consortiums of  
31 public schools that participate in the program and receive an  
32 allocation of money from the Account to evaluate the effectiveness  
33 of the allocation in improving the achievement of pupils, including,  
34 without limitation, a detailed analysis of:

35 (1) The achievement of pupils enrolled at each school that  
36 received money from the allocation based upon measurable criteria  
37 identified in the plan to improve the achievement of pupils for the  
38 school prepared pursuant to NRS 385.357;

39 (2) If applicable, the effectiveness of the program of  
40 innovation on the achievement of pupils and the overall  
41 effectiveness for pupils and staff;

42 (3) The implementation of the applicable plans for  
43 improvement, including, without limitation, an analysis of whether  
44 the school is meeting the measurable objectives identified in the  
45 plan; and



(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 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.]~~ *this section.*

3. *An application submitted pursuant to this section must include a written statement which:*

*(a) Indicates whether the public school or consortium of public schools is submitting the application for the continuation of an existing program or for the establishment of a new program; and*

*(b) Identifies all other sources of money that the public school or consortium of public schools has requested or received for the continuation or establishment of:*

*(1) The program for which the application is submitted; or*

*(2) A substantially similar program.*

4. The Commission shall ensure, to the extent practicable, that grants of money provided pursuant to this section reflect the economic and geographic diversity of this State.

~~[4.]~~ 5. If a public school or consortium *of public schools* that receives money pursuant to subsection 1 or 2:

(a) Does not meet the criteria for effectiveness as prescribed in paragraph (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 *audit conducted pursuant to subsection 4 of NRS 385.3789 or 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 public school or consortium of public schools.

~~[5.]~~ 6. On or before July 1 of each year, the Department shall provide a list of priorities of public schools that indicates:

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

(b) The public schools that are considered Title I eligible by the Department based upon the poverty level of the pupils enrolled in a



1 school in comparison to the poverty level of the pupils in the school  
2 district as a whole,  
3 ➡ for consideration by the Commission in its development of  
4 procedures for the applications.

5 ~~[6-]~~ 7. A public school, including, without limitation, a charter  
6 school, or a consortium of public schools may request assistance  
7 from the school district in which the school is located in preparing  
8 an application for a grant of money pursuant to this section. A  
9 school district shall assist each public school or consortium of  
10 public schools that requests assistance pursuant to this subsection to  
11 ensure that the application of the school:

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

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

16 (c) Is complete and complies with all technical requirements for  
17 the submission of an application.

18 ➡ A school district may make recommendations to the individual  
19 schools and consortiums of public schools. Such schools and  
20 consortiums of public schools are not required to follow the  
21 recommendations of a school district.

22 ~~[7-]~~ 8. In carrying out the requirements of this section, the  
23 Commission shall review and consider the programs of remedial  
24 study adopted by the Department pursuant to NRS 385.389, the list  
25 of approved providers of supplemental services maintained by the  
26 Department pursuant to NRS 385.384 and the recommendations  
27 submitted by the Committee pursuant to NRS 218.5354 concerning  
28 programs, practices and strategies that have proven effective in  
29 improving the academic achievement and proficiency of pupils.

30 ~~[8-]~~ *The Commission shall not award a grant of money from*  
31 *the Account for a program of remedial study that is available*  
32 *commercially unless that program has been adopted by the*  
33 *Department pursuant to NRS 385.389.*

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

38 **Sec. 2.** NRS 385.3789 is hereby amended to read as follows:

39 385.3789 1. The Commission shall prepare an annual report  
40 that describes the distribution of money to the public schools and  
41 consortiums of public schools and the programs for which money  
42 was allocated from the Account, including, without limitation, the  
43 total amount of money allocated:

44 (a) To each consortium of public schools, with a designation of  
45 which public schools are included in each consortium;



1 (b) To each public school;

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

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

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

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

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

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

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

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

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

23 ➤ The report must be submitted on or before September 1 of each  
24 year to the entities identified in subsection 3.

25 2. The Commission shall:

26 (a) Prepare an annual report that describes:

27 (1) The activities of the Commission;

28 (2) An analysis of the progress of the public schools in  
29 carrying out the plans to improve the achievement of pupils; and

30 (3) An analysis of the progress of the public schools and  
31 consortiums of public schools that received an allocation of money  
32 from the Account in improving the achievement of pupils.

33 (b) Submit the report on or before January 31 of each year to the  
34 entities identified in subsection 3.

35 3. The Commission shall submit the reports required by this  
36 section to the:

37 (a) State Board;

38 (b) Governor;

39 (c) Committee;

40 (d) Bureau;

41 (e) Interim Finance Committee; and

42 (f) Board of trustees of each school district.

43 4. The Legislative Auditor shall audit biennially the programs  
44 for which public schools and consortiums of public schools receive  
45 an allocation of money. The audit ~~may~~ :



(a) *Must include:*

(1) *A review of the amount of time it takes for a public school or consortium of public schools to receive an allocation of money after the Commission makes the award;*

(2) *A determination of whether a public school or consortium of public schools that received an allocation of money used the money to implement the program for which the money was allocated; and*

(3) *Any recommendations for the most efficient and economical use of the money allocated by the Commission to public schools and consortiums of public schools.*

(b) *May* include a representative sample of programs, based upon geographic location and type of program.

5. The Legislative Auditor shall report the results of each biennial audit *conducted pursuant to subsection 4* to the entities prescribed in subsection 3.

**Sec. 3.** This act becomes effective on July 1, 2009.

