

(Reprinted with amendments adopted on April 15, 2015)

FIRST REPRINT

S.B. 432

SENATE BILL NO. 432—COMMITTEE ON FINANCE

(ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION)

MARCH 23, 2015

Referred to Committee on Education

SUMMARY—Makes an appropriation to be distributed to certain public schools designated as Victory schools. (BDR S-1187)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Contains Appropriation included in Executive Budget.

~

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~for mitted material~~ is material to be omitted.

AN ACT relating to education; making an appropriation for Fiscal Years 2015-2016 and 2016-2017 for distribution to public schools designated as Victory schools because they have high numbers of pupils living in poverty and received a rating indicating underperformance; requiring an assessment of the needs of the pupils at such schools; requiring Victory schools to use the money received to offer certain programs and services; authorizing the State Board of Education to withhold money if a Victory school demonstrates unsatisfactory pupil achievement and school performance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 This bill appropriates money for Fiscal Years 2015-2016 and 2016-2017 for
2 distribution to schools that have high numbers of pupils living in poverty and have
3 received one of the two lowest possible ratings indicating underperformance of a
4 public school, as determined by the Department of Education pursuant to the
5 statewide system of accountability for public schools, for the preceding school year,
6 which are designated as Victory schools. This bill requires each school district in
7 which a Victory school is designated and the governing body of each charter school
8 that is designated as a Victory school to conduct an assessment of the needs of
9 pupils at such schools and submit a comprehensive plan for meeting those needs. A
10 Victory school is required to use the money distributed to the school to provide
11 certain programs and services.



* S B 4 3 2 R 1 *

Existing law requires the principal of each school to prepare a plan to improve the achievement of the pupils enrolled in the school and submit the plan to various entities, including the Superintendent of Public Instruction and the Department of Education. (NRS 385.357) This bill requires the principal of a Victory school to include in such a plan a description of how the money distributed to the school is being used to meet the needs of the pupils at the school. This bill also requires the board of trustees of each school district in which a Victory school is designated and the governing body of each charter school which is designated as a Victory school to submit a report concerning the programs and services provided using the money distributed to the school.

This bill requires the Department of Education to contract with an independent auditor to evaluate the effectiveness of programs and services provided pursuant to this bill and authorizes the State Board of Education to require a Victory school that demonstrates unsatisfactory pupil achievement and school performance to take corrective action. The State Board is also authorized to direct the Department of Education to withhold money if unsatisfactory pupil achievement and school performance continues.

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

Section 1. The Legislature finds and declares that:

1. It is the public policy of this State to provide each pupil enrolled in a public school with high-quality instruction.

2. Pupils who live in poverty benefit from attending a school that has a sustained focus on improving pupil achievement using methods that take into account a variety of factors that influence pupil achievement.

3. Pupils who live in poverty should be provided with services and instruction that is designed to address the needs of such pupils so that each such pupil:

(a) Reads at or above the level of the average pupil in third grade before the pupil completes third grade;

(b) Is prepared to engage in a rigorous high school curriculum upon completion of eighth grade; and

(c) Graduates from high school with the skills and attributes necessary to immediately succeed in college or a career.

4. The cost of providing additional services to pupils who live in poverty will continue to be studied with the purpose of updating the formula for funding schools as necessary.

Sec. 2. 1. There is hereby appropriated from the State General Fund to the Account for Programs for Innovation and the Prevention of Remediation created by NRS 387.031 the following sums:

For the Fiscal Year 2015-2016..... \$24,850,000

For the Fiscal Year 2016-2017 \$25,000,000



2. The Department of Education shall designate a public school as a Victory school if, relative to other public schools, including charter schools, that are located in the school district in which the school is also located:

(a) A high percentage of pupils enrolled in the school live in households that have household incomes that are less than the federally designated level signifying poverty, based on the most recent data compiled by the Bureau of the Census of the United States Department of Commerce; and

(b) The school received one of the two lowest possible ratings indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools, for the immediately preceding school year.

3. The Department shall designate each Victory school for the 2015-2016 Fiscal Year on or before June 1, 2015.

4. The Department shall transfer money from the Account for Programs for Innovation and the Prevention of Remediation to each Victory school on a per pupil basis. The amount distributed per pupil must be determined by dividing the legislative appropriation by the total number of pupils who are enrolled in Victory schools statewide.

5. The board of trustees of each school district in which a Victory school is located and the governing body of each charter school that is designated as a Victory school shall, as soon as practicable after the school is designated as a Victory school, conduct an assessment of the needs of pupils that attend the school. The assessment must include soliciting input from the community served by the Victory school and identify any barriers to improving pupil achievement and school performance and strategies to meet the needs of pupils at the school.

6. On or before August 15, 2015, the board of trustees of each school district in which a Victory school is designated for the 2015-2016 Fiscal Year and the governing body of each charter school that is designated as a Victory school for the 2015-2016 Fiscal Year shall submit to the Department a comprehensive plan for meeting the educational needs of pupils enrolled in each Victory school. The plan must:

(a) Include appropriate means to determine the effectiveness of the plan;

(b) Be based on the assessment of the needs of the pupils who attend the school conducted pursuant to subsection 5;

(c) Provide means by which the school district or governing body will collaborate with the community to offer programs and services without charge to persons within the region in which the school is located;



(d) Take into account the number and types of pupils who attend the school and the locations where such pupils reside;

(e) Coordinate existing or planned engagement of other persons who provide services in the region in which the school is located;

(f) Consider and coordinate all funding available to each school that is subject to the plan; and

(g) Identify, for each school or group of schools subject to the plan, which of the measures described in subsection 8 will be implemented.

7. The Department shall review each plan submitted pursuant to subsection 6 to determine whether, or the extent to which, the plan complies with the requirements of this section and either approve or request revisions to the plan.

8. A Victory school shall use the majority of the money transferred pursuant to subsection 4 to provide one or more of the following:

(a) A prekindergarten program free of charge, if such a program is not paid for by another grant.

(b) An expansion of full-day kindergarten classes, if such classes have not otherwise been paid for through legislative appropriation.

(c) A summer academy or other instruction for pupils free of charge at times during the year when school is not in session.

(d) Additional instruction or other learning opportunities free of charge at times of day when school is not in session.

(e) Professional development for teachers and other educational personnel concerning instructional practices and strategies that have proven to be an effective means to increase pupil achievement in populations of pupils similar to those served by the school.

(f) Provide programs to recruit and retain highly effective teachers and other educational personnel.

9. A Victory school may use any money transferred pursuant to subsection 4 that is not used for the purposes described in subsection 8 to:

(a) Provide evidence-based social, psychological or health care services to pupils and their families, including, without limitation, wrap-around services;

(b) Provide programs and services designed to engage parents and families;

(c) Provide programs to improve school climate and culture;

(d) Provide evidence-based programs and services specifically designed to meet the needs of pupils who attend the school, as determined using the assessment conducted pursuant to subsection 5; or

(e) Any combination thereof.



1 10. A Victory school shall not use any money transferred
2 pursuant to subsection 4 for a purpose not described in subsection 8
3 or 9.

4 11. Any programs offered at a Victory school pursuant to
5 subsection 8 or 9 must:

6 (a) Be designed to meet the needs of pupils at the school, as
7 determined using the assessment conducted pursuant to subsection 5
8 and to improve pupil achievement and school performance, as
9 determined using the measures prescribed by the State Board of
10 Education; and

11 (b) Be based on scientific research concerning effective
12 practices to increase the achievement of pupils who live in poverty.

13 12. Each plan to improve the achievement of pupils enrolled in
14 a Victory school that is prepared by the principal of the school
15 pursuant to NRS 385.357 must describe how the school will use the
16 money transferred pursuant to subsection 4 to meet the needs of
17 pupils who attend the school, as determined using the assessment
18 described in subsection 5 and the requirements of this section.

19 13. The Department shall use money appropriated pursuant to
20 subsection 1 to contract with an independent auditor to evaluate the
21 effectiveness of programs and services provided pursuant to this
22 section. The evaluation must include, without limitation,
23 consideration of the achievement of pupils who have participated in
24 such programs and received such services. When complete, the
25 evaluation must be provided contemporaneously to the Department
26 and the Legislative Committee on Education.

27 14. The State Board shall require a Victory school to take
28 corrective action if pupil achievement and school performance at the
29 school are unsatisfactory, as determined by the State Board. If
30 unsatisfactory pupil achievement and school performance continue,
31 the State Board may direct the Department to withhold any
32 additional money that would otherwise be distributed pursuant to
33 this section.

34 15. On or before November 30, 2016, and November 30, 2017,
35 the board of trustees of each school district in which a Victory
36 school is designated and the governing body of each charter school
37 that is designated as a Victory school shall submit to the Department
38 and to the Legislative Committee on Education a report, which must
39 include, without limitation:

40 (a) An identification of schools to which money was distributed
41 pursuant to subsection 4 for the previous fiscal year;

42 (b) The amount of money distributed to each such school;

43 (c) A description of the programs or services for which the
44 money was used;



(d) The number of pupils who participated in such programs or received such services;

(e) The average expenditure per pupil for each program or service that was funded; and

(f) Recommendations concerning the manner in which the average expenditure per pupil reported pursuant to paragraph (e) may be used to determine formulas for allocating money from the State Distributive School Account in the State General Fund.

16. The Legislative Committee on Education shall consider the evaluations of the independent auditor received pursuant to subsection 13 and the reports received pursuant to subsection 15 and advise the State Board regarding any action the Committee determines appropriate for the State Board to take based upon that information. The Committee shall also make any recommendations it deems appropriate concerning Victory schools to the next regular session of the Legislature which may include, without limitation, recommendations for legislation.

17. The sums appropriated by subsection 1:

(a) Must be accounted for separately from any other money received by Victory schools and used only for the purposes specified in this section;

(b) May not be used to settle or arbitrate disputes between a recognized organization representing employees of a school district or the governing body of a charter school and the school district or governing body or to settle any negotiations; and

(c) May not be used to adjust the district-wide schedules of salaries and benefits of the employees of a school district.

18. Upon request of the Legislative Commission, a Victory school to which money is transferred pursuant to subsection 4 shall make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of such money.

19. Any remaining balance of the transfers made pursuant to subsection 4 for Fiscal Year 2015-2016 must be added to the money transferred for Fiscal Year 2016-2017 and may be expended as that money is expended. Any remaining balance of the transfers made pursuant to subsection 4 for Fiscal Year 2016-2017, including any money added from the previous fiscal year, must not be committed for expenditure after June 30, 2017, and must be reverted to the State General Fund on or before September 15, 2017.

20. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2017, by the entity to which the appropriation is made or any entity



1 to which money from the appropriation is granted or otherwise
2 transferred in any manner, and any portion of the appropriated
3 money remaining must not be spent for any purpose after
4 September 15, 2017, by either the entity to which the money was
5 appropriated or the entity to which the money was subsequently
6 granted or transferred, and must be reverted to the State General
7 Fund on or before September 15, 2017.

8 21. As used in this section:

9 (a) "Community" includes any person or governmental entity
10 who resides or has a significant presence in the geographic area in
11 which a school is located or who interacts with pupils and personnel
12 at a school, and may include, without limitation, parents, businesses,
13 nonprofit organizations, faith-based organizations, community
14 groups, teachers, administrators and governmental entities.

15 (b) "Evidence-based programs and services" means practices,
16 interventions and services that have been proven, through
17 scientifically based research, as defined in 20 U.S.C. § 7801(37), to
18 be effective in improving outcomes for pupils when implemented
19 with fidelity.

20 (c) "Victory school" means a school that is so designated by the
21 Department pursuant to subsection 2.

22 (d) "Wrap-around services" means supplemental services
23 provided to a pupil with special needs or the family of such a pupil
24 that are not otherwise covered by any federal or state program of
25 assistance.

26 **Sec. 3.** This act becomes effective upon passage and approval.

