

SENATE BILL NO. 432—COMMITTEE ON FINANCE

(ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION)

MARCH 23, 2015

Referred to Committee on Education

SUMMARY—Provides for the distribution of money 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.

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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; providing for the distribution of money 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 provides for the distribution of money to schools that have high
2 numbers of pupils living in poverty and have received one of the two lowest
3 possible ratings indicating underperformance of a public school, as determined by
4 the Department of Education pursuant to the statewide system of accountability for
5 public schools, for the preceding school year, which are designated as Victory
6 schools. This bill requires each school district in which a Victory school is
7 designated and the governing body of each charter school that is designated as a
8 Victory school to conduct an assessment of the needs of pupils at such schools and
9 submit a comprehensive plan for meeting those needs by a certain date. This bill
10 allows a comprehensive plan to be submitted at a later date if the school district or
11 governing body submits to the Department a letter of intent to meet the educational
12 needs of pupils enrolled in each Victory school operated by the school district or



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governing body, as applicable. A Victory school is required to use the money distributed to the school to provide certain programs and services.

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 evaluator 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. 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



1 federally designated level signifying poverty, based on the most
2 recent data compiled by the Bureau of the Census of the United
3 States Department of Commerce; and

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

8 2. The Department shall designate each Victory school for the
9 2015-2016 Fiscal Year on or before June 1, 2015.

10 3. The Department shall transfer money from the Account for
11 Programs for Innovation and the Prevention of Remediation created
12 by NRS 387.031 to each school district in which a Victory school is
13 designated and each sponsor of a charter school that is designated as
14 a Victory school on a per pupil basis. The amount distributed per
15 pupil must be determined by dividing the amount of money
16 appropriated to the Account by the 2015 Legislature for Victory
17 schools by the total number of pupils who are enrolled in Victory
18 schools statewide. After receiving money from the Account
19 pursuant to this subsection:

20 (a) A school district shall distribute the money to each Victory
21 school in the school district on a per pupil basis.

22 (b) A sponsor of a charter school shall distribute the money to
23 each Victory school that it sponsors on a per pupil basis.

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

33 5. Except as otherwise provided in subsection 7, on or before
34 August 15, 2015, the board of trustees of each school district in
35 which a Victory school is designated for the 2015-2016 Fiscal Year
36 and the governing body of each charter school that is designated as a
37 Victory school for the 2015-2016 Fiscal Year shall submit to the
38 Department a comprehensive plan for meeting the educational needs
39 of pupils enrolled in each Victory school. The board of trustees of
40 each school district in which a Victory school is designated and the
41 governing body of each charter school that is designated as a
42 Victory school shall select at least one person who is familiar with
43 the public schools in the school district or with the charter school,
44 respectively, to assist with the development of the plan. The plan
45 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 4;

(c) Analyze available data concerning pupil achievement and school performance, including, without limitation, data collected and maintained in the statewide system of accountability for public schools and other pupil achievement data collected and maintained by the school district or charter school;

(d) Include a description of the criteria used to select entities to provide programs and services to pupils enrolled in the Victory school;

(e) Include a description of the manner in which the school district or governing body will collaborate with selected entities so that academic programs and services and nonacademic programs and services, including, without limitation, transportation services, may be offered without charge to support pupils and their families within the region in which the school is located;

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

(g) Provide for the coordination of the existing or planned engagement of other persons who provide services in the region in which the school is located;

(h) Coordinate all funding available to each school that is subject to the plan;

(i) Provide for the coordination of all available resources to each school that is subject to the plan, including, without limitation, instructional materials and textbooks;

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

(k) Identify the person or persons selected pursuant to this subsection who assisted with the development of the plan.

6. The Department shall review each plan submitted pursuant to subsection 5 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.

7. If the board of trustees of a school district in which a Victory school is designated or the governing body of a charter school that is designated as a Victory school does not submit a comprehensive plan for meeting the educational needs of pupils enrolled in each Victory school on or before August 15, 2015, as required pursuant to subsection 5, the board of trustees of the school district or the governing body of the charter school, as applicable, may submit to the Department a letter of intent to meet the educational needs of



1 pupils enrolled in each Victory school. The letter must include,
2 without limitation:

3 (a) An initial assessment of the needs of the pupils who attend
4 the school which is conducted pursuant to subsection 4;

5 (b) An analysis of available data concerning pupil achievement
6 and school performance, including, without limitation, data
7 collected and maintained in the statewide system of accountability
8 for public schools and data collected and maintained by the school
9 district or charter school; and

10 (c) A summary of activities that the board of trustees or
11 governing body, as applicable, will take to ensure completion of the
12 comprehensive plan required pursuant to subsection 5 by not later
13 than September 15, 2015.

14 8. A Victory school shall use the majority of the money
15 distributed pursuant to subsection 3 to provide one or more of the
16 following:

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

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

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

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

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

30 (f) Incentives for hiring and retaining teachers and other licensed
31 educational personnel who provide any of the programs or services
32 set forth in this subsection from the list prescribed by the State
33 Board of Education pursuant to subsection 14.

34 (g) Employment of paraprofessionals, other educational
35 personnel and other persons who provide any of the programs or
36 services set forth in this subsection.

37 (h) Reading skills centers.

38 9. A Victory school may use any money distributed pursuant to
39 subsection 3 that is not used for the purposes described in
40 subsection 8 to:

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

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



1 (c) Provide programs to improve school climate and culture;
2 (d) Provide evidence-based programs and services specifically
3 designed to meet the needs of pupils who attend the school, as
4 determined using the assessment conducted pursuant to subsection
5 4; or

6 (e) Any combination thereof.

7 10. A Victory school shall not use any money distributed
8 pursuant to subsection 3 for a purpose not described in subsection 8
9 or 9.

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

12 (a) Be designed to meet the needs of pupils at the school, as
13 determined using the assessment conducted pursuant to subsection 4
14 and to improve pupil achievement and school performance, as
15 determined using the measures prescribed by the State Board of
16 Education; and

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

19 12. Each plan to improve the achievement of pupils enrolled in
20 a Victory school that is prepared by the principal of the school
21 pursuant to NRS 385.357 must describe how the school will use the
22 money distributed pursuant to subsection 3 to meet the needs of
23 pupils who attend the school, as determined using the assessment
24 described in subsection 4 and the requirements of this section.

25 13. The Department shall contract with an independent
26 evaluator to evaluate the effectiveness of programs and services
27 provided pursuant to this section. The evaluation must include,
28 without limitation, consideration of the achievement of pupils who
29 have participated in such programs and received such services.
30 When complete, the evaluation must be provided
31 contemporaneously to the Department and the Legislative
32 Committee on Education.

33 14. The State Board of Education shall prescribe a list of
34 recruitment and retention incentives that are available to the school
35 districts and sponsors of charter schools that receive a distribution of
36 money pursuant to this section to offer to teachers and other licensed
37 educational personnel.

38 15. The State Board shall require a Victory school to take
39 corrective action if pupil achievement and school performance at the
40 school are unsatisfactory, as determined by the State Board. If
41 unsatisfactory pupil achievement and school performance continue,
42 the State Board may direct the Department to withhold any
43 additional money that would otherwise be distributed pursuant to
44 this section.



1 16. On or before November 30, 2016, and November 30, 2017,
2 the board of trustees of each school district in which a Victory
3 school is designated and the governing body of each charter school
4 that is designated as a Victory school shall submit to the Department
5 and to the Legislative Committee on Education a report, which must
6 include, without limitation:

7 (a) An identification of schools to which money was distributed
8 pursuant to subsection 3 for the previous fiscal year;

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

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

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

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

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

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

29 18. The money distributed pursuant to subsection 3:

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

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

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

39 19. Upon request of the Legislative Commission, a Victory
40 school to which money is distributed pursuant to subsection 3 shall
41 make available to the Legislative Auditor any of the books,
42 accounts, claims, reports, vouchers or other records of information,
43 confidential or otherwise, regardless of their form or location, that
44 the Legislative Auditor deems necessary to conduct an audit of the
45 use of such money.



1 20. As used in this section:

2 (a) “Community” includes any person or governmental entity
3 who resides or has a significant presence in the geographic area in
4 which a school is located or who interacts with pupils and personnel
5 at a school, and may include, without limitation, parents, businesses,
6 nonprofit organizations, faith-based organizations, community
7 groups, teachers, administrators and governmental entities.

8 (b) “Evidence-based programs and services” means practices,
9 interventions and services that have been proven, through
10 scientifically based research, as defined in 20 U.S.C. § 7801(37), to
11 be effective in improving outcomes for pupils when implemented
12 with fidelity.

13 (c) “Victory school” means a school that is so designated by the
14 Department pursuant to subsection 1.

15 (d) “Wrap-around services” means supplemental services
16 provided to a pupil with special needs or the family of such a pupil
17 that are not otherwise covered by any federal or state program of
18 assistance.

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

