
SENATE BILL NO. 404—COMMITTEE ON
HUMAN RESOURCES AND EDUCATION

(ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION)

MARCH 29, 2005

Referred to Committee on Finance

SUMMARY—Creates Commission on Educational Excellence.
(BDR 34-1365)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: 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; creating the Commission on Educational Excellence; prescribing the membership and duties of the Commission; creating the Trust Fund for Educational Excellence; authorizing school districts and charter schools to apply for participation in the Commission’s program of educational excellence and to receive an allocation of money from the Trust Fund to improve the achievement of pupils in kindergarten through grade 6; and providing other matters properly relating thereto.

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

1 **Section 1.** Chapter 385 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 9, inclusive, of this
3 act.

4 **Sec. 2.** *As used in sections 2 to 9, inclusive, of this act, unless*
5 *the context otherwise requires, the words and terms defined in*
6 *sections 3 and 4 of this act have the meanings ascribed to them in*
7 *those sections.*

8 **Sec. 3.** *“Commission” means the Commission on*
9 *Educational Excellence created pursuant to section 5 of this act.*



1 **Sec. 4.** *“Trust Fund” means the Trust Fund for Educational*
2 *Excellence created pursuant to section 9 of this act.*

3 **Sec. 5.** *1. The Commission on Educational Excellence,*
4 *consisting of seven members, is hereby created. The*
5 *Superintendent of Public Instruction shall serve as an ex officio*
6 *member of the Commission. The Governor shall appoint the*
7 *following members to the Commission:*

8 *(a) Two teachers who provide instruction at public elementary*
9 *schools;*

10 *(b) Two principals of public elementary schools;*

11 *(c) One administrator of a school district; and*

12 *(d) One member of the general public.*

13 ↪ *The Governor shall appoint a Chairman from among the*
14 *members he appoints.*

15 *2. After the initial terms, the term of each appointed member*
16 *of the Commission is 2 years, commencing on January 1 of the*
17 *year he is appointed and expiring on December 31 of the*
18 *immediately following year. A member shall continue to serve on*
19 *the Commission until his successor is appointed. Upon the*
20 *expiration of a term of a member, he may be reappointed if he still*
21 *possesses any requisite qualifications for appointment. There is no*
22 *limit on the number of terms that a member may serve.*

23 *3. The Commission shall hold at least four regular meetings*
24 *each year and may hold special meetings at the call of the*
25 *Chairman.*

26 *4. Members of the Commission serve without compensation,*
27 *except that for each day or portion of a day during which a*
28 *member of the Commission attends a meeting of the Commission*
29 *or is otherwise engaged in the business of the Commission, he is*
30 *entitled to receive the per diem allowance and travel expenses*
31 *provided for state officers and employees generally.*

32 *5. The Department shall provide:*

33 *(a) Administrative support;*

34 *(b) Equipment; and*

35 *(c) Office space,*

36 ↪ *as is necessary for the Commission to carry out its duties.*

37 **Sec. 6.** *The Commission shall:*

38 *1. Establish a program of educational excellence designed*
39 *exclusively for pupils enrolled in kindergarten through grade 6 in*
40 *the public schools in this State based upon:*

41 *(a) The plan to improve the achievement of pupils prepared by*
42 *the State Board pursuant to NRS 385.34691;*

43 *(b) The plan to improve the achievement of pupils prepared by*
44 *the board of trustees of each school district pursuant to*
45 *NRS 385.348;*



1 (c) *The plan to improve the achievement of pupils prepared by*
2 *the principal of each elementary school pursuant to NRS 385.357*
3 *and, as deemed necessary by the Commission, those plans for*
4 *improvement prepared for middle schools, junior high schools and*
5 *high schools; and*

6 (d) *Any other information that the Commission considers*
7 *relevant to the development of the program of educational*
8 *excellence.*

9 2. *Develop procedures for the submission of applications by*
10 *school districts and charter schools that desire to participate in the*
11 *program of educational excellence and criteria for eligibility to*
12 *participate in the program. A school district or charter school that*
13 *is accepted for participation in the program may be approved by*
14 *the Commission for participation for a period not to exceed 2*
15 *years.*

16 3. *Prescribe a long-range timeline for the review, approval*
17 *and evaluation of applications received from school districts and*
18 *charter schools that desire to participate in the program.*

19 4. *Prescribe accountability measures to be carried out by a*
20 *school district or charter school that participates in the program if*
21 *that school district or charter school does not meet the annual*
22 *measurable objectives established by the State Board pursuant to*
23 *NRS 385.361.*

24 5. *Determine the amount of money that is available from the*
25 *Trust Fund for those school districts and charter schools that are*
26 *selected to participate in the program.*

27 6. *Allocate money to school districts and charter schools from*
28 *the Trust Fund.*

29 7. *Establish criteria for school districts and charter schools*
30 *that participate in the program and receive an allocation of money*
31 *from the Trust Fund to evaluate the effectiveness of the allocation*
32 *in improving the achievement of pupils, including, without*
33 *limitation, a detailed analysis of:*

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

38 (b) *If applicable, the achievement of pupils enrolled in the*
39 *school district as a whole, based upon measurable criteria*
40 *identified in the plan to improve the achievement of pupils for the*
41 *school district prepared pursuant to NRS 385.348.*

42 **Sec. 7. 1.** *A school district or charter school that receives*
43 *an allocation of money from the Trust Fund shall:*

44 (a) *Account for the money separately;*



1 (b) *Use the money to supplement and not replace the money*
2 *that would otherwise be expended by the school district or charter*
3 *school, as applicable, for the achievement of pupils in*
4 *kindergarten through grade 6; and*

5 (c) *Submit an evaluation of the effectiveness of the allocation*
6 *in improving the achievement of pupils in kindergarten through*
7 *grade 6 in accordance with the criteria for evaluation established*
8 *by the Commission pursuant to section 6 of this act.*

9 2. *A school district or charter school that receives an*
10 *allocation of money from the Trust Fund shall not:*

11 (a) *Use the money to settle or arbitrate disputes or negotiate*
12 *settlements between an organization that represents licensed*
13 *employees of the school district or charter school and the school*
14 *district or charter school, as applicable.*

15 (b) *Use the money to adjust the schedules of salaries and*
16 *benefits of the employees of the school district or charter school,*
17 *as applicable.*

18 **Sec. 8. The Commission shall:**

19 1. *Prepare an annual report that describes the activities of the*
20 *Commission and an analysis of the progress of the:*

21 (a) *School districts and charter schools in carrying out the*
22 *plans to improve the achievement of pupils; and*

23 (b) *School districts, individual schools within each school*
24 *district and charter schools that received an allocation of money*
25 *from the Trust Fund in improving the achievement of pupils.*

26 2. *On or before December 1 of each year, submit the annual*
27 *report to the:*

28 (a) *State Board;*

29 (b) *Governor;*

30 (c) *Committee;*

31 (d) *Bureau; and*

32 (e) *Superintendent of Public Instruction.*

33 **Sec. 9. 1. The Trust Fund for Educational Excellence is**
34 *hereby created in the State General Fund, to be administered by*
35 *the Superintendent of Public Instruction. The Superintendent of*
36 *Public Instruction may accept gifts and grants of money from any*
37 *source for deposit in the Trust Fund. Any money from gifts and*
38 *grants may be expended in accordance with the terms and*
39 *conditions of the gift or grant, or in accordance with subsection 2.*
40 *The interest and income earned on the money in the Trust Fund*
41 *must be credited to the Trust Fund.*

42 2. *The money in the Trust Fund may only be used for the*
43 *allocation of money to school districts and charter schools that are*
44 *selected for participation in the program of educational excellence*
45 *established by the Commission pursuant to section 6 of this act.*



1 **Sec. 10.** NRS 385.3455 is hereby amended to read as follows:
2 385.3455 As used in NRS 385.3455 to 385.391, inclusive, *and*
3 *sections 2 to 9, inclusive, of this act*, unless the context otherwise
4 requires, the words and terms defined in NRS 385.346 to
5 385.34675, inclusive, have the meanings ascribed to them in those
6 sections.

7 **Sec. 11.** On or before September 1, 2005, the Governor shall
8 appoint to the Commission on Educational Excellence created
9 pursuant to section 5 of this act:

10 1. One teacher, one principal and one school administrator to
11 terms commencing on September 1, 2005, and expiring on
12 December 30, 2006.

13 2. One teacher, one principal and one member of the general
14 public to terms commencing on September 1, 2005, and expiring on
15 December 30, 2007.

16 **Sec. 12.** This act becomes effective on July 1, 2005.



