

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

(ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION)

MARCH 29, 2005

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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.

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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 grants of money from the Trust Fund to improve the achievement of pupils; revising provisions governing the statewide system of accountability; 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.*



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

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

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

10     (i) *Two teachers who have experience in providing instruction*  
11 *at public elementary schools who have been successful in school*  
12 *improvement efforts;*

13     (ii) *Two principals of public elementary schools who have*  
14 *experience in administering successful school improvement*  
15 *efforts;*

16     (iii) *Two school district administrators, one of whom is*  
17 *employed by a school district in a county whose population is less*  
18 *than 100,000 and one of whom is employed by a school district in*  
19 *a county whose population is 100,000 or more;*

20     (iv) *One parent or legal guardian of a pupil enrolled in a public*  
21 *school in this State; and*

22     (v) *One representative of the regional training programs for*  
23 *the professional development of teachers and administrators.*

24     ↪ *The Governor may solicit recommendations for appointments*  
25 *pursuant to this subsection from the Nevada State Education*  
26 *Association, the Nevada Association of School Administrators, a*  
27 *statewide organization for parents of pupils, the Statewide Council*  
28 *for the Coordination of the Regional Training Programs and*  
29 *other organizations and entities related to education in this State.*  
30 *The Governor may consider the recommendations submitted and*  
31 *may make appointments from those recommendations. The*  
32 *Governor shall appoint a Chairman from among the members he*  
33 *appoints.*

34     2. *After the initial terms, the term of each appointed member*  
35 *of the Commission is 2 years, commencing on January 1 of the*  
36 *year he is appointed and expiring on December 31 of the*  
37 *immediately following year. A member shall continue to serve on*  
38 *the Commission until his successor is appointed. Upon the*  
39 *expiration of a term of a member, he may be reappointed if he still*  
40 *possesses any requisite qualifications for appointment. There is no*  
41 *limit on the number of terms that a member may serve.*

42     3. *The Commission shall hold at least four regular meetings*  
43 *each year and may hold special meetings at the call of the*  
44 *Chairman.*



1       4. *Members of the Commission serve without compensation,*  
2 *except that for each day or portion of a day during which a*  
3 *member of the Commission attends a meeting of the Commission*  
4 *or is otherwise engaged in the business of the Commission, he is*  
5 *entitled to receive the per diem allowance and travel expenses*  
6 *provided for state officers and employees generally. The per diem*  
7 *allowances and travel expenses must be paid from the Trust Fund*  
8 *and accounted for separately in that Fund.*

9       5. *The Department shall provide:*

- 10       (a) *Administrative support;*  
11       (b) *Equipment; and*  
12       (c) *Office space,*

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

14       6. *The Legislative Counsel Bureau:*

15       (a) *Must be provided with adequate notice of each meeting of*  
16 *the Commission; and*

17       (b) *Shall provide, as directed by the Committee, technical*  
18 *expertise and assistance to the Commission.*

19       **Sec. 6. 1. The Commission shall:**

20       (a) *Establish a program of educational excellence designed*  
21 *exclusively for pupils enrolled in kindergarten through grade 6 in*  
22 *the public schools in this State based upon:*

23           (1) *The plan to improve the achievement of pupils prepared*  
24 *by the State Board pursuant to NRS 385.34691;*

25           (2) *The plan to improve the achievement of pupils prepared*  
26 *by the board of trustees of each school district pursuant to*  
27 *NRS 385.348;*

28           (3) *The plan to improve the achievement of pupils prepared*  
29 *by the principal of each elementary school pursuant to NRS*  
30 *385.357 and, as deemed necessary by the Commission, those plans*  
31 *for improvement prepared for middle schools, junior high schools*  
32 *and high schools; and*

33           (4) *Any other information that the Commission considers*  
34 *relevant to the development of the program of educational*  
35 *excellence.*

36       (b) *Identify programs, practices and strategies that have*  
37 *proven effective in improving the academic achievement and*  
38 *proficiency of pupils.*

39       (c) *Develop procedures for the submission of applications by*  
40 *school districts and charter schools that desire to participate in the*  
41 *program of educational excellence. The procedures must include*  
42 *clearly defined criteria for eligibility to participate in the program*  
43 *and a list of priorities of schools for distribution of grants of*  
44 *money based upon the money that is made available from this*  
45 *State for the program. On or before July 1 of each year, the*



1 *Department shall provide a list of priorities of schools based upon*  
2 *the adequate yearly progress status of schools in the immediately*  
3 *preceding year for consideration by the Commission in its*  
4 *development of the criteria. A school district or charter school that*  
5 *is accepted for participation in the program may be approved by*  
6 *the Commission for participation for a period not to exceed 2*  
7 *years.*

8 (d) *Prescribe a long-range timeline for the review, approval*  
9 *and evaluation of applications received from school districts and*  
10 *charter schools that desire to participate in the program.*

11 (e) *Prescribe accountability measures to be carried out by a*  
12 *school district or charter school that participates in the program if*  
13 *that school district or charter school does not meet the annual*  
14 *measurable objectives established by the State Board pursuant to*  
15 *NRS 385.361. The Commission may establish criteria setting*  
16 *forth:*

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

19 (2) *Conditions for school districts and schools that do not*  
20 *meet the criteria but desire to continue participation in the*  
21 *program and receive money from the Trust Fund, including,*  
22 *without limitation, a review of the leadership at the school to*  
23 *determine whether changes are advisable.*

24 (f) *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 (g) *Allocate money to school districts and charter schools from*  
28 *the Trust Fund. Allocations must be distributed not later than*  
29 *August 15 of each year.*

30 (h) *Establish criteria for school districts and charter schools*  
31 *that participate in the program and receive an allocation of money*  
32 *from the Trust Fund to evaluate the effectiveness of the allocation*  
33 *in improving the achievement of pupils, including, without*  
34 *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*  
37 *criteria identified in the plan to improve the achievement of pupils*  
38 *for the school prepared pursuant to NRS 385.357;*

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

43 (3) *The implementation of the applicable plans for*  
44 *improvement, including, without limitation, an analysis of whether*



1 *the school district or the school is meeting the measurable*  
2 *objectives identified in the plan; and*

3 *(4) The attainment of measurable progress on the annual*  
4 *list of adequate yearly progress of school districts and schools.*

5 *2. To the extent money is available, the Commission shall*  
6 *make allocations of money to school districts and schools for*  
7 *effective programs of remedial education, and programs, practices*  
8 *and strategies that have proven effective in improving the*  
9 *academic achievement and proficiency of pupils for pupils*  
10 *enrolled in grades 7 through 12. In making such allocations, the*  
11 *Commission shall comply with the requirements of subsection 1.*

12 *3. If a school district or school that receives money pursuant*  
13 *to subsection 1 or 2 does not meet the criteria for effectiveness as*  
14 *prescribed in paragraph (h) of subsection 1, the Commission may*  
15 *consider not awarding future allocations of money to that school*  
16 *district or school.*

17 *4. In carrying out the requirements of this section, the*  
18 *Commission shall review and consider the programs of remedial*  
19 *study adopted by the Department pursuant to NRS 385.389, the list*  
20 *of approved providers of supplemental services maintained by the*  
21 *Department pursuant to NRS 385.384 and the recommendations*  
22 *submitted by the Committee pursuant to NRS 218.5354*  
23 *concerning programs, practices and strategies that have proven*  
24 *effective in improving the academic achievement and proficiency*  
25 *of pupils.*

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

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

29 *(b) Use the money to supplement and not replace the money*  
30 *that would otherwise be expended by the school district or charter*  
31 *school, as applicable, for the achievement of pupils in*  
32 *kindergarten through grade 6 or pupils in grades 7 through 12, as*  
33 *applicable; and*

34 *(c) Submit an evaluation of the effectiveness of the allocation*  
35 *in improving the achievement of pupils in kindergarten through*  
36 *grade 6 or pupils in grades 7 through 12, as applicable, in*  
37 *accordance with the criteria for evaluation established by the*  
38 *Commission pursuant to section 6 of this act.*

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

41 *(a) Use the money to settle or arbitrate disputes or negotiate*  
42 *settlements between an organization that represents licensed*  
43 *employees of the school district or charter school and the school*  
44 *district or charter school, as applicable.*



1       (b) Use the money to adjust the schedules of salaries and  
2       benefits of the employees of the school district or charter school,  
3       as applicable.

4       **Sec. 8. 1.** *The Commission shall prepare an annual report*  
5       *that describes the distribution of money to the school districts and*  
6       *schools and the programs, practices and strategies for which*  
7       *money was allocated from the Trust Fund. The report must be*  
8       *submitted on or before September 1 of each year to the entities*  
9       *identified in subsection 3.*

10      2. *The Commission shall:*

11      (a) *Prepare an annual report that describes:*

12          (1) *The activities of the Commission;*

13          (2) *An analysis of the progress of the school districts and*  
14          *charter schools in carrying out the plans to improve the*  
15          *achievement of pupils; and*

16          (3) *An analysis of the progress of the school districts,*  
17          *individual schools within each school district and charter schools*  
18          *that received an allocation of money from the Trust Fund in*  
19          *improving the achievement of pupils.*

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

22      3. *The Commission shall submit the reports required by this*  
23      *section to the:*

24      (a) *State Board;*

25      (b) *Governor;*

26      (c) *Committee;*

27      (d) *Bureau;*

28      (e) *Interim Finance Committee;*

29      (f) *Board of trustees of each school district;*

30      (g) *Statewide Council for the Coordination of the Regional*  
31      *Training Programs; and*

32      (h) *Governing body of each regional training program for the*  
33      *professional development of teachers and administrators.*

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

43      2. *The money in the Trust Fund may only be used for the*  
44      *allocation of money to school districts and charter schools whose*



1 *applications are approved by the Commission pursuant to section*  
2 *6 of this act.*

3 **Sec. 10.** NRS 385.3455 is hereby amended to read as follows:

4 385.3455 As used in NRS 385.3455 to 385.391, inclusive, *and*  
5 *sections 2 to 9, inclusive, of this act,* unless the context otherwise  
6 requires, the words and terms defined in NRS 385.346 to  
7 385.34675, inclusive, have the meanings ascribed to them in those  
8 sections.

9 **Sec. 11.** NRS 385.34691 is hereby amended to read as  
10 follows:

11 385.34691 1. The State Board shall prepare a plan to improve  
12 the achievement of pupils enrolled in the public schools in this  
13 State. The plan:

14 (a) Must be prepared in consultation with:

15 (1) Employees of the Department;

16 (2) At least one employee of a school district in a county  
17 whose population is 100,000 or more, appointed by the Nevada  
18 Association of School Boards;

19 (3) At least one employee of a school district in a county  
20 whose population is less than 100,000, appointed by the Nevada  
21 Association of School Boards; and

22 (4) At least one representative of the Statewide Council for  
23 the Coordination of the Regional Training Programs created by NRS  
24 391.516, appointed by the Council; and

25 (b) May be prepared in consultation with:

26 (1) Representatives of institutions of higher education;

27 (2) Representatives of regional educational laboratories;

28 (3) Representatives of outside consultant groups;

29 (4) Representatives of the regional training programs for the  
30 professional development of teachers and administrators established  
31 pursuant to NRS 391.512;

32 (5) The Bureau; and

33 (6) Other persons who the State Board determines are  
34 appropriate.

35 2. A plan to improve the achievement of pupils enrolled in  
36 public schools in this State must include:

37 (a) A review and analysis of the data upon which the report  
38 required pursuant to NRS 385.3469 is based and a review and  
39 analysis of any data that is more recent than the data upon which the  
40 report is based.

41 (b) The identification of any problems or factors common  
42 among the school districts or charter schools in this State, as  
43 revealed by the review and analysis.



1 (c) Strategies based upon scientifically based research, as  
2 defined in 20 U.S.C. § 7801(37), that will strengthen the core  
3 academic subjects, as set forth in NRS 389.018.

4 (d) Strategies to improve the academic achievement of pupils  
5 enrolled in public schools in this State, including, without limitation,  
6 strategies to:

7 (1) Instruct pupils who are not achieving to their fullest  
8 potential;

9 (2) Increase the rate of attendance of pupils and reduce the  
10 number of pupils who drop out of school;

11 (3) Integrate technology into the instructional and  
12 administrative programs of the school districts;

13 (4) Manage effectively the discipline of pupils; and

14 (5) Enhance the professional development offered for the  
15 teachers and administrators employed at public schools in this State  
16 to include the activities set forth in 20 U.S.C. § 7801(34), as deemed  
17 appropriate by the State Board.

18 (e) Strategies designed to provide to the pupils enrolled in  
19 middle school, junior high school and high school, the teachers and  
20 counselors who provide instruction to those pupils, and the parents  
21 and guardians of those pupils information concerning:

22 (1) The requirements for admission to an institution of higher  
23 education and the opportunities for financial aid;

24 (2) The availability of millennium scholarships pursuant to  
25 NRS 396.911 to 396.938, inclusive; and

26 (3) The need for a pupil to make informed decisions about  
27 his curriculum in middle school, junior high school and high school  
28 in preparation for success after graduation.

29 (f) An identification, by category, of the employees of the  
30 Department who are responsible for ensuring that each provision of  
31 the plan is carried out effectively.

32 (g) For each provision of the plan, a timeline for carrying out  
33 that provision, including, without limitation, a timeline for  
34 monitoring whether the provision is carried out effectively.

35 (h) For each provision of the plan, measurable criteria for  
36 determining whether the provision has contributed toward  
37 improving the academic achievement of pupils, increasing the rate  
38 of attendance of pupils and reducing the number of pupils who drop  
39 out of school.

40 (i) Strategies to improve the allocation of resources from this  
41 State, by program and by school district, in a manner that will  
42 improve the academic achievement of pupils. If this State has a  
43 financial analysis program that is designed to track educational  
44 expenditures and revenues to individual schools, the State Board  
45 shall use that statewide program in complying with this paragraph.





1 If a statewide program is not available, the State Board shall use the  
2 Department's own financial analysis program in complying with  
3 this paragraph.

4 (j) Based upon the reallocation of resources set forth in  
5 paragraph (i), the resources available to the State Board and the  
6 Department to carry out the plan **H**, *including, without limitation,*  
7 *a budget for the overall cost of carrying out the plan.*

8 (k) A summary of the effectiveness of appropriations made by  
9 the Legislature to improve the academic achievement of pupils and  
10 programs approved by the Legislature to improve the academic  
11 achievement of pupils.

12 3. The State Board shall:

13 (a) Review the plan prepared pursuant to this section annually to  
14 evaluate the effectiveness of the plan; and

15 (b) Based upon the evaluation of the plan, make revisions, as  
16 necessary, to ensure that the plan is designed to improve the  
17 academic achievement of pupils enrolled in public schools in this  
18 State.

19 4. On or before December 15 of each year, the State Board  
20 shall submit the plan or the revised plan, as applicable, to the:

21 (a) Governor;

22 (b) Committee;

23 (c) Bureau;

24 (d) Board of Regents of the University of Nevada;

25 (e) Council to Establish Academic Standards for Public Schools  
26 created by NRS 389.510;

27 (f) Board of trustees of each school district; and

28 (g) Governing body of each charter school.

29 **Sec. 12.** NRS 385.348 is hereby amended to read as follows:

30 385.348 1. The board of trustees of each school district shall,  
31 in consultation with the employees of the school district, prepare a  
32 plan to improve the achievement of pupils enrolled in the school  
33 district, excluding pupils who are enrolled in charter schools located  
34 in the school district. If the school district is a Title I school district  
35 designated as demonstrating need for improvement pursuant to NRS  
36 385.377, the plan must also be prepared in consultation with parents  
37 and guardians of pupils enrolled in the school district and other  
38 persons who the board of trustees determines are appropriate.

39 2. Except as otherwise provided in this subsection, the plan  
40 must include the items set forth in 20 U.S.C. § 6316(c)(7) and the  
41 regulations adopted pursuant thereto. If a school district has not  
42 been designated as demonstrating need for improvement pursuant to  
43 NRS 385.377, the board of trustees of the school district is not  
44 required to include those items set forth in 20 U.S.C. § 6316(c)(7)



1 and the regulations adopted pursuant thereto that directly relate to  
2 the status of a school district as needing improvement.

3 3. In addition to the requirements of subsection 2, a plan to  
4 improve the achievement of pupils enrolled in a school district must  
5 include:

6 (a) A review and analysis of the data upon which the report  
7 required pursuant to subsection 2 of NRS 385.347 is based and a  
8 review and analysis of any data that is more recent than the data  
9 upon which the report is based.

10 (b) The identification of any problems or factors at individual  
11 schools that are revealed by the review and analysis.

12 (c) Strategies based upon scientifically based research, as  
13 defined in 20 U.S.C. § 7801(37), that will strengthen the core  
14 academic subjects, as set forth in NRS 389.018.

15 (d) Strategies to improve the academic achievement of pupils  
16 enrolled in the school district , including, without limitation,  
17 strategies to:

18 (1) Instruct pupils who are not achieving to their fullest  
19 potential;

20 (2) Increase the rate of attendance of pupils and reduce the  
21 number of pupils who drop out of school;

22 (3) Integrate technology into the instructional and  
23 administrative programs of the school district;

24 (4) Manage effectively the discipline of pupils; and

25 (5) Enhance the professional development offered for the  
26 teachers and administrators employed by the school district to  
27 include the activities set forth in 20 U.S.C. § 7801(34), as deemed  
28 appropriate by the board of trustees of the school district.

29 (e) An identification, by category, of the employees of the  
30 school district who are responsible for ensuring that each provision  
31 of the plan is carried out effectively.

32 (f) In consultation with the Department, an identification, by  
33 category, of the employees of the Department, if any, who are  
34 responsible for overseeing and monitoring whether the plan is  
35 carried out effectively.

36 (g) For each provision of the plan, a timeline for carrying out  
37 that provision, including, without limitation, a timeline for  
38 monitoring whether the provision is carried out effectively.

39 (h) For each provision of the plan, measurable criteria for  
40 determining whether the provision has contributed toward  
41 improving the academic achievement of pupils, increasing the rate  
42 of attendance of pupils and reducing the number of pupils who drop  
43 out of school.

44 (i) Strategies to improve the allocation of resources from the  
45 school district, by program and by school, in a manner that will



1 improve the academic achievement of pupils. If this State has a  
2 financial analysis program that is designed to track educational  
3 expenditures and revenues to individual schools, each school district  
4 shall use that statewide program in complying with this paragraph.  
5 If a statewide program is not available, each school district shall use  
6 its own financial analysis program in complying with this  
7 paragraph.

8 (j) Based upon the reallocation of resources set forth in  
9 paragraph (i), the resources available to the school district to carry  
10 out the plan ~~H~~ , *including, without limitation, a budget of the*  
11 *overall cost for carrying out the plan.*

12 (k) A summary of the effectiveness of appropriations made by  
13 the Legislature that are available to the school district or the schools  
14 within the school district to improve the academic achievement of  
15 pupils and programs approved by the Legislature to improve the  
16 academic achievement of pupils.

17 4. The board of trustees of each school district shall:

18 (a) Review the plan prepared pursuant to this section annually to  
19 evaluate the effectiveness of the plan; and

20 (b) Based upon the evaluation of the plan, make revisions, as  
21 necessary, to ensure that the plan is designed to improve the  
22 academic achievement of pupils enrolled in the school district.

23 5. On or before December 15 of each year, the board of  
24 trustees of each school district shall submit the plan or the revised  
25 plan, as applicable, to the:

26 (a) Superintendent of Public Instruction;

27 (b) Governor;

28 (c) State Board;

29 (d) Department;

30 (e) Committee; and

31 (f) Bureau.

32 **Sec. 13.** NRS 385.357 is hereby amended to read as follows:

33 385.357 1. The principal of each school, including, without  
34 limitation, each charter school, shall, in consultation with the  
35 employees of the school, prepare a plan to improve the achievement  
36 of the pupils enrolled in the school.

37 2. The plan developed pursuant to subsection 1 must include:

38 (a) A review and analysis of the data pertaining to the school  
39 upon which the report required pursuant to subsection 2 of NRS  
40 385.347 is based and a review and analysis of any data that is more  
41 recent than the data upon which the report is based.

42 (b) The identification of any problems or factors at the school  
43 that are revealed by the review and analysis.



1 (c) Strategies based upon scientifically based research, as  
2 defined in 20 U.S.C. § 7801(37), that will strengthen the core  
3 academic subjects, as defined in NRS 389.018.

4 (d) Policies and practices concerning the core academic subjects  
5 which have the greatest likelihood of ensuring that each subgroup of  
6 pupils identified in paragraph (b) of subsection 1 of NRS 385.361  
7 who are enrolled in the school will make adequate yearly progress  
8 and meet the minimum level of proficiency prescribed by the State  
9 Board.

10 (e) Annual measurable objectives, consistent with the annual  
11 measurable objectives established by the State Board pursuant to  
12 NRS 385.361, for the continuous and substantial progress by each  
13 subgroup of pupils identified in paragraph (b) of subsection 1 of that  
14 section who are enrolled in the school to ensure that each subgroup  
15 will make adequate yearly progress and meet the level of  
16 proficiency prescribed by the State Board.

17 (f) Strategies, consistent with the policy adopted pursuant to  
18 NRS 392.457 by the board of trustees of the school district in which  
19 the school is located, to promote effective involvement by parents  
20 and families of pupils enrolled in the school in the education of their  
21 children.

22 (g) As appropriate, programs of remedial education or tutoring  
23 to be offered before and after school, during the summer, or between  
24 sessions if the school operates on a year-round calendar for pupils  
25 enrolled in the school who need additional instructional time to pass  
26 or to reach a level considered proficient.

27 (h) Strategies to improve the academic achievement of pupils  
28 enrolled in the school, including, without limitation, strategies to:

29 (1) Instruct pupils who are not achieving to their fullest  
30 potential;

31 (2) Increase the rate of attendance of pupils and reduce the  
32 number of pupils who drop out of school;

33 (3) Integrate technology into the instructional and  
34 administrative programs of the school;

35 (4) Manage effectively the discipline of pupils; and

36 (5) Enhance the professional development offered for the  
37 teachers and administrators employed at the school to include the  
38 activities set forth in 20 U.S.C. § 7801(34), as deemed appropriate  
39 by the principal and other persons and entities responsible for the  
40 development of the plan.

41 (i) An identification, by category, of the employees of the school  
42 who are responsible for ensuring that the plan is carried out  
43 effectively.

44 (j) In consultation with the school district or governing body, as  
45 applicable, an identification, by category, of the employees of the



1 school district or governing body, if any, who are responsible for  
2 ensuring that the plan is carried out effectively or for overseeing and  
3 monitoring whether the plan is carried out effectively.

4 (k) In consultation with the Department, an identification, by  
5 category, of the employees of the Department, if any, who are  
6 responsible for overseeing and monitoring whether the plan is  
7 carried out effectively.

8 (l) For each provision of the plan, a timeline for carrying out  
9 that provision, including, without limitation, a timeline for  
10 monitoring whether the provision is carried out effectively.

11 (m) For each provision of the plan, measurable criteria for  
12 determining whether the provision has contributed toward  
13 improving the academic achievement of pupils, increasing the rate  
14 of attendance of pupils and reducing the number of pupils who drop  
15 out of school.

16 (n) The resources available to the school to carry out the plan. If  
17 this State has a financial analysis program that is designed to track  
18 educational expenditures and revenues to individual schools, each  
19 school shall use that statewide program in complying with this  
20 paragraph. If a statewide program is not available, each school shall  
21 use the financial analysis program used by the school district in  
22 which the school is located in complying with this paragraph.

23 (o) A summary of the effectiveness of appropriations made by  
24 the Legislature that are available to the school to improve the  
25 academic achievement of pupils and programs approved by the  
26 Legislature to improve the academic achievement of pupils.

27 ***(p) A budget of the overall cost for carrying out the plan.***

28 3. In addition to the requirements of subsection 2, if a school  
29 has been designated as demonstrating need for improvement  
30 pursuant to NRS 385.3623, the plan must comply with 20 U.S.C. §  
31 6316(b)(3) and the regulations adopted pursuant thereto.

32 4. Except as otherwise provided in subsection 5, the principal  
33 of each school shall, in consultation with the employees of the  
34 school:

35 (a) Review the plan prepared pursuant to this section annually to  
36 evaluate the effectiveness of the plan; and

37 (b) Based upon the evaluation of the plan, make revisions, as  
38 necessary, to ensure that the plan is designed to improve the  
39 academic achievement of pupils enrolled in the school.

40 5. If a school has been designated as demonstrating need for  
41 improvement pursuant to NRS 385.3623, the technical assistance  
42 partnership or the support team established for the school, as  
43 applicable, shall review the plan and make revisions to the most  
44 recent plan for improvement of the school pursuant to NRS  
45 385.3692 or 385.3741, as applicable. If the school is a Title I school



1 that has been designated as demonstrating need for improvement,  
2 the technical assistance partnership or support team established for  
3 the school, as applicable, shall, in making revisions to the plan,  
4 work in consultation with parents and guardians of pupils enrolled  
5 in the school and, to the extent deemed appropriate by the entity  
6 responsible for creating the partnership or support team, outside  
7 experts.

8 6. On or before November 1 of each year, the principal of each  
9 school, or the technical assistance partnership or support team  
10 established for the school, as applicable, shall submit the plan or the  
11 revised plan, as applicable, to:

12 (a) If the school is a public school of the school district, the  
13 superintendent of schools of the school district.

14 (b) If the school is a charter school, the governing body of the  
15 charter school.

16 7. If a Title I school is designated as demonstrating need for  
17 improvement pursuant to NRS 385.3623, the superintendent of  
18 schools of the school district or the governing body, as applicable,  
19 shall carry out a process for peer review of the plan or the revised  
20 plan, as applicable, in accordance with 20 U.S.C. § 6316(b)(3)(E)  
21 and the regulations adopted pursuant thereto. Not later than 45 days  
22 after receipt of the plan, the superintendent of schools of the school  
23 district or the governing body, as applicable, shall approve the plan  
24 or the revised plan, as applicable, if it meets the requirements of 20  
25 U.S.C. § 6316(b)(3) and the regulations adopted pursuant thereto  
26 and the requirements of this section. The superintendent of schools  
27 of the school district or the governing body, as applicable, may  
28 condition approval of the plan or the revised plan, as applicable, in  
29 the manner set forth in 20 U.S.C. § 6316(b)(3)(B) and the  
30 regulations adopted pursuant thereto. The State Board shall  
31 prescribe the requirements for the process of peer review, including,  
32 without limitation, the qualifications of persons who may serve as  
33 peer reviewers.

34 8. If a school is designated as demonstrating exemplary  
35 achievement, high achievement or adequate achievement, or if a  
36 school that is not a Title I school is designated as demonstrating  
37 need for improvement, not later than 45 days after receipt of the  
38 plan or the revised plan, as applicable, the superintendent of schools  
39 of the school district or the governing body, as applicable, shall  
40 approve the plan or the revised plan if it meets the requirements of  
41 this section.

42 9. On or before December 15 of each year, the principal of  
43 each school, or the technical assistance partnership or support team  
44 established for the school, as applicable, shall submit the final plan  
45 or the final revised plan, as applicable, to the:



- 1 (a) Superintendent of Public Instruction;
- 2 (b) Governor;
- 3 (c) State Board;
- 4 (d) Department;
- 5 (e) Committee;
- 6 (f) Bureau; and
- 7 (g) Board of trustees of the school district in which the school is
- 8 located.

9 10. A plan for the improvement of a school must be carried out  
10 expeditiously, but not later than January 1 after approval of the plan  
11 pursuant to subsection 7 or 8, as applicable.

12 **Sec. 14.** NRS 385.3622 is hereby amended to read as follows:

13 385.3622 If the Department determines that a public school has  
14 failed to make adequate yearly progress pursuant to subsection 3 of  
15 NRS 385.3613 ~~f~~:

16 ~~1. The~~ *the* Department or its designee shall, to the extent  
17 money is available, monitor at the school the administration of the  
18 examinations that are required pursuant to NRS 389.550 and ensure  
19 that all eligible pupils who are in attendance on the day of the  
20 administration of the examinations are given an opportunity to take  
21 the examinations until the percentage of pupils who take the  
22 examinations is 95 percent or more of all pupils enrolled in the  
23 school who are required to take the examinations.

24 ~~[2. The school is not required to adopt a program of remedial~~  
25 ~~study pursuant to NRS 385.389 and is not eligible to receive money~~  
26 ~~for remedial programs made available by legislative appropriation~~  
27 ~~for the purposes of NRS 385.389.]~~

28 **Sec. 15.** NRS 385.389 is hereby amended to read as follows:

29 385.389 1. The Department shall adopt programs of remedial  
30 study for each subject tested on the examinations administered  
31 pursuant to NRS 389.015, including, without limitation, programs  
32 that are designed for pupils who are limited English proficient. The  
33 programs adopted for pupils who are limited English proficient must  
34 be designed to:

- 35 (a) Improve the academic achievement of those pupils; or
- 36 (b) Assist those pupils with attaining proficiency in the English
- 37 language.

38 ➤ In adopting these programs of remedial study, the Department  
39 shall consider the recommendations submitted by the Committee  
40 pursuant to NRS 218.5354 and programs of remedial study that  
41 have proven to be successful in improving the academic  
42 achievement of pupils.

43 2. ~~[Except as otherwise provided in NRS 385.3622, if]~~ *If* a  
44 school fails to make adequate yearly progress or if less than 60  
45 percent of the pupils enrolled in a school who took the examinations



1 administered pursuant to NRS 389.015 received an average score on  
2 those examinations that is at least equal to the 26th percentile of the  
3 national reference group of pupils to which the examinations were  
4 compared, the school shall adopt a program of remedial study that  
5 has been adopted by the Department pursuant to subsection 1 f.

6 ~~3. Except as otherwise provided in NRS 385.3622, a) or a~~  
7 ~~program, practice or strategy recommended by the Commission on~~  
8 ~~Educational Excellence pursuant to section 6 of this act, or any~~  
9 ~~combination thereof, as applicable.~~

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

17 **Sec. 16.** NRS 218.5354 is hereby amended to read as follows:

18 218.5354 1. The Committee may:

19 (a) Evaluate, review and comment upon issues related to  
20 education within this State, including, but not limited to:

21 (1) Programs to enhance accountability in education;

22 (2) Legislative measures regarding education;

23 (3) The progress made by this State, the school districts and  
24 the public schools in this State in satisfying the goals and objectives  
25 of the federal No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301  
26 et seq., and the annual measurable objectives established by the  
27 State Board of Education pursuant to NRS 385.361;

28 (4) Methods of financing public education;

29 (5) The condition of public education in the elementary and  
30 secondary schools;

31 (6) The program to reduce the ratio of pupils per class per  
32 licensed teacher prescribed in NRS 388.700, 388.710 and 388.720;

33 (7) The development of any programs to automate the  
34 receipt, storage and retrieval of the educational records of pupils;  
35 and

36 (8) Any other matters that, in the determination of the  
37 Committee, affect the education of pupils within this State.

38 (b) Conduct investigations and hold hearings in connection with  
39 its duties pursuant to this section.

40 (c) Request that the Legislative Counsel Bureau assist in the  
41 research, investigations, hearings and reviews of the Committee.

42 (d) Make recommendations to the Legislature concerning the  
43 manner in which public education may be improved.

44 2. The Committee shall:





1 (a) In addition to any standards prescribed by the Department of  
2 Education, prescribe standards for the review and evaluation of the  
3 reports of the State Board of Education, school districts and public  
4 schools pursuant to paragraph (a) of subsection 1 of NRS 385.359.

5 (b) For the purposes set forth in NRS 385.389, recommend to  
6 the Department of Education programs of remedial study for each  
7 subject tested on the examinations administered pursuant to NRS  
8 389.015. In recommending these programs of remedial study, the  
9 Committee shall consider programs of remedial study that have  
10 proven to be successful in improving the academic achievement of  
11 pupils.

12 (c) Recommend to the Department of Education providers of  
13 supplemental educational services for inclusion on the list of  
14 approved providers prepared by the Department pursuant to NRS  
15 385.384. In recommending providers, the Committee shall consider  
16 providers with a demonstrated record of effectiveness in improving  
17 the academic achievement of pupils.

18 *(d) For the purposes set forth in section 6 of this act,*  
19 *recommend to the Commission on Educational Excellence created*  
20 *by section 5 of this act programs, practices and strategies that have*  
21 *proven effective in improving the academic achievement and*  
22 *proficiency of pupils.*

23 **Sec. 17.** 1. The date for distribution of money prescribed in  
24 paragraph (g) of subsection 1 of section 6 of this act does not apply  
25 to the first fiscal year that money is made available for the purposes  
26 prescribed in that section.

27 2. The date for the submission of the report required by  
28 subsection 1 of section 8 of this act does not apply to the first year  
29 that distributions of money are made pursuant to section 6 of this  
30 act. For that year, the report must be submitted to the entities  
31 prescribed not later than 3 weeks after the final distributions are  
32 made.

33 **Sec. 18.** On or before September 1, 2005, the Governor shall  
34 appoint to the Commission on Educational Excellence created  
35 pursuant to section 5 of this act:

36 1. One teacher, one principal, one school district administrator  
37 and one member who represents the regional training programs for  
38 the professional development of teachers and administrators to  
39 terms commencing upon appointment and expiring on December 31,  
40 2006.

41 2. One teacher, one principal, one school district administrator  
42 and one parent or legal guardian to terms commencing upon  
43 appointment and expiring on December 31, 2007.

44 **Sec. 19.** 1. This section and section 18 of this act become  
45 effective upon passage and approval.



- 1       2. Section 5 of this act becomes effective on July 1, 2005, for
- 2 the purpose of appointing members to the Commission on
- 3 Educational Excellence and on July 1, 2005, for all other purposes.
- 4       3. Sections 1 to 4, inclusive, and 6 to 17, inclusive, of this act
- 5 become effective on July 1, 2005.





