

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 Account for Programs for Innovation and the Prevention of Remediation; authorizing school districts and public schools to apply for grants of money from the Account; revising the provisions governing the statewide system of accountability; making appropriations; 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.** *“Account” means the Account for Programs for*
- 9 *Innovation and the Prevention of Remediation created by section*
- 10 *9 of this act.*



1 **Sec. 4.** *“Commission” means the Commission on*
2 *Educational Excellence created by section 5 of this act.*

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

8 (a) *Three teachers, two of whom have experience in providing*
9 *instruction at public elementary schools and who have been*
10 *successful in school improvement efforts and one of whom has*
11 *experience in providing instruction at secondary schools and who*
12 *has been successful in school improvement efforts;*

13 (b) *Two principals, one of whom has experience in*
14 *administering successful school improvement efforts at an*
15 *elementary school and one of whom has experience in*
16 *administering successful school improvement efforts at a*
17 *secondary school;*

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

22 (d) *One parent or legal guardian of a pupil enrolled in a public*
23 *school in this State.*

24 ↪ *One or more of the members appointed pursuant to subsection*
25 *1 may be retired from employment but those retired members that*
26 *are appointed must have been employed with a public school in*
27 *this State in the immediately preceding 5 years.*

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

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



1 4. *The Commission shall hold at least four regular meetings*
2 *each year and may hold special meetings at the call of the*
3 *Chairman.*

4 5. *Members of the Commission serve without compensation,*
5 *except that for each day or portion of a day during which a*
6 *member of the Commission attends a meeting of the Commission*
7 *or is otherwise engaged in the business of the Commission, he is*
8 *entitled to receive the per diem allowance and travel expenses*
9 *provided for state officers and employees generally. The per diem*
10 *allowances and travel expenses must be paid from the Account*
11 *and accounted for separately in that Account. In addition, money*
12 *in the Account may be used to pay compensation necessary for the*
13 *employment of substitute teachers who are hired on those days*
14 *when a member of the Commission attends a meeting of the*
15 *Commission or is otherwise engaged in the business of the*
16 *Commission.*

17 6. *The Department shall provide:*

- 18 (a) *Administrative support;*
- 19 (b) *Equipment; and*
- 20 (c) *Office space,*

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

22 7. *The Legislative Counsel Bureau:*

- 23 (a) *Must be provided with adequate notice of each meeting of*
24 *the Commission; and*
- 25 (b) *Shall provide, as requested by the Committee, technical*
26 *expertise and assistance to the Commission.*

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

28 (a) *Establish a program of educational excellence designed*
29 *exclusively for pupils enrolled in kindergarten through grade 6 in*
30 *public schools in this State based upon:*

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

33 (2) *The plan to improve the achievement of pupils prepared*
34 *by the board of trustees of each school district pursuant to*
35 *NRS 385.348;*

36 (3) *The plan to improve the achievement of pupils prepared*
37 *by the principal of each school pursuant to NRS 385.357, which*
38 *may include a program of innovation; and*

39 (4) *Any other information that the Commission considers*
40 *relevant to the development of the program of educational*
41 *excellence.*

42 (b) *Identify programs, practices and strategies that have*
43 *proven effective in improving the academic achievement and*
44 *proficiency of pupils.*



1 (c) *Develop a concise application and simple procedures for*
2 *the submission of applications by school districts and public*
3 *schools, including, without limitation, charter schools, for*
4 *participation in a program of educational excellence and for*
5 *grants of money from the Account. Grants of money must be made*
6 *for programs designed for the achievement of pupils that are*
7 *linked to the plan to improve the achievement of pupils or for*
8 *innovative programs, or both. All school districts and public*
9 *schools, including, without limitation, charter schools, are eligible*
10 *to submit such an application, regardless of whether the school*
11 *district or school has made adequate yearly progress or failed to*
12 *make adequate yearly progress. A school district or public school*
13 *selected for participation may be approved by the Commission for*
14 *participation for a period not to exceed 2 years, but may reapply.*

15 (d) *Prescribe a long-range timeline for the review, approval*
16 *and evaluation of applications received from school districts and*
17 *public schools that desire to participate in the program.*

18 (e) *Prescribe accountability measures to be carried out by a*
19 *school district or public school that participates in the program if*
20 *that school district or public school does not meet the annual*
21 *measurable objectives established by the State Board pursuant to*
22 *NRS 385.361, including, without limitation:*

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

25 (2) *Conditions for school districts and schools that do not*
26 *meet the grant criteria but desire to continue participation in the*
27 *program and receive money from the Account, including, without*
28 *limitation, a review of the leadership at the school and*
29 *recommendations regarding changes to the appropriate body.*

30 (f) *Determine the amount of money that is available from the*
31 *Account for those school districts and public schools that are*
32 *selected to participate in the program.*

33 (g) *Allocate money to school districts and public schools from*
34 *the Account. Allocations must be distributed not later than August*
35 *15 of each year.*

36 (h) *Establish criteria for school districts and public schools*
37 *that participate in the program and receive an allocation of money*
38 *from the Account to evaluate the effectiveness of the allocation in*
39 *improving the achievement of pupils, including, without*
40 *limitation, a detailed analysis of:*

41 (1) *The achievement of pupils enrolled at each school that*
42 *received money from the allocation based upon measurable*
43 *criteria identified in the plan to improve the achievement of pupils*
44 *for the school prepared pursuant to NRS 385.357;*



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

5 (3) *If applicable, the effectiveness of the program of*
6 *innovation on the achievement of pupils and the overall*
7 *effectiveness for pupils and staff;*

8 (4) *The implementation of the applicable plans for*
9 *improvement, including, without limitation, an analysis of whether*
10 *the school district or the school is meeting the measurable*
11 *objectives identified in the plan; and*

12 (5) *The attainment of measurable progress on the annual*
13 *list of adequate yearly progress of school districts and schools.*

14 2. *To the extent money is available, the Commission shall*
15 *make allocations of money to school districts and public schools*
16 *for effective programs for grades 7 through 12 that are designed to*
17 *improve the achievement of pupils and effective programs of*
18 *innovation for pupils. In making such allocations, the*
19 *Commission shall comply with the requirements of subsection 1.*

20 3. *If a school district or public school that receives money*
21 *pursuant to subsection 1 or 2 does not meet the criteria for*
22 *effectiveness as prescribed in paragraph (h) of subsection 1 over a*
23 *2-year period, the Commission may consider not awarding future*
24 *allocations of money to that school district or public school.*

25 4. *On or before July 1 of each year, the Department shall*
26 *provide a list of priorities of schools based upon the adequate*
27 *yearly progress status of schools in the immediately preceding year*
28 *for consideration by the Commission in its development of*
29 *procedures for the applications.*

30 5. *In carrying out the requirements of this section, the*
31 *Commission shall review and consider the programs of remedial*
32 *study adopted by the Department pursuant to NRS 385.389, the list*
33 *of approved providers of supplemental services maintained by the*
34 *Department pursuant to NRS 385.384 and the recommendations*
35 *submitted by the Committee pursuant to NRS 218.5354*
36 *concerning programs, practices and strategies that have proven*
37 *effective in improving the academic achievement and proficiency*
38 *of pupils.*

39 **Sec. 7. 1.** *A school district or public school that receives an*
40 *allocation of money from the Account shall:*

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

42 (b) *Use the money to supplement and not replace the money*
43 *that would otherwise be expended by the school district or public*
44 *school for the achievement of pupils in kindergarten through*
45 *grade 6 or pupils in grades 7 through 12, as applicable; and*



1 (c) *Submit an evaluation of the effectiveness of the allocation*
2 *in improving the achievement of pupils in kindergarten through*
3 *grade 6 or pupils in grades 7 through 12, as applicable, in*
4 *accordance with the criteria for evaluation established by the*
5 *Commission pursuant to section 6 of this act.*

6 2. *A school district or public school that receives an*
7 *allocation of money from the Account shall not:*

8 (a) *Use the money to settle or arbitrate disputes or negotiate*
9 *settlements between an organization that represents licensed*
10 *employees of the school district or public school and the school*
11 *district or public school, as applicable.*

12 (b) *Use the money to adjust the schedules of salaries and*
13 *benefits of the employees of the school district or public school, as*
14 *applicable.*

15 **Sec. 8. 1.** *The Commission shall prepare an annual report*
16 *that describes the distribution of money to the school districts and*
17 *public schools and the programs for which money was allocated*
18 *from the Account. The report must be submitted on or before*
19 *September 1 of each year to the entities identified in subsection 3.*

20 2. *The Commission shall:*

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

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

23 (2) *An analysis of the progress of the school districts and*
24 *public schools in carrying out the plans to improve the*
25 *achievement of pupils; and*

26 (3) *An analysis of the progress of the school district and*
27 *public schools that received an allocation of money from the*
28 *Account in improving the achievement of pupils.*

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

31 3. *The Commission shall submit the reports required by this*
32 *section to the:*

33 (a) *State Board;*

34 (b) *Governor;*

35 (c) *Committee;*

36 (d) *Bureau;*

37 (e) *Interim Finance Committee; and*

38 (f) *Board of trustees of each school district.*

39 **Sec. 9. 1.** *The Account for Programs for Innovation and*
40 *the Prevention of Remediation is hereby created in the State*
41 *General Fund, to be administered by the Superintendent of Public*
42 *Instruction. The Superintendent of Public Instruction may accept*
43 *gifts and grants of money from any source for deposit in the*
44 *Account. Any money from gifts and grants may be expended in*
45 *accordance with the terms and conditions of the gift or grant, or in*



1 *accordance with subsection 2. The interest and income earned on*
2 *the money in the Account must be credited to the Account. Any*
3 *money remaining in the Account at the end of a fiscal year does*
4 *not revert to the State General Fund, and the balance in the*
5 *Account must be carried forward to the next fiscal year.*

6 *2. The money in the Account may only be used for the*
7 *allocation of money to school districts and public schools whose*
8 *applications are approved by the Commission pursuant to section*
9 *6 of this act.*

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

11 385.3455 As used in NRS 385.3455 to 385.391, inclusive, *and*
12 *sections 2 to 9, inclusive, of this act*, unless the context otherwise
13 requires, the words and terms defined in NRS 385.346 to
14 385.34675, inclusive, have the meanings ascribed to them in those
15 sections.

16 **Sec. 11.** NRS 385.34691 is hereby amended to read as
17 follows:

18 385.34691 1. The State Board shall prepare a plan to improve
19 the achievement of pupils enrolled in the public schools in this
20 State. The plan:

21 (a) Must be prepared in consultation with:

22 (1) Employees of the Department;

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

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

29 (4) At least one representative of the Statewide Council for
30 the Coordination of the Regional Training Programs created by NRS
31 391.516, appointed by the Council; and

32 (b) May be prepared in consultation with:

33 (1) Representatives of institutions of higher education;

34 (2) Representatives of regional educational laboratories;

35 (3) Representatives of outside consultant groups;

36 (4) Representatives of the regional training programs for the
37 professional development of teachers and administrators established
38 pursuant to NRS 391.512;

39 (5) The Bureau; and

40 (6) Other persons who the State Board determines are
41 appropriate.

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

44 (a) A review and analysis of the data upon which the report
45 required pursuant to NRS 385.3469 is based and a review and



1 analysis of any data that is more recent than the data upon which the
2 report is based.

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

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

9 (d) Strategies to improve the academic achievement of pupils
10 enrolled in public schools in this State, including, without limitation,
11 strategies to:

12 (1) Instruct pupils who are not achieving to their fullest
13 potential;

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

16 (3) Integrate technology into the instructional and
17 administrative programs of the school districts;

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

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

23 (e) Strategies designed to provide to the pupils enrolled in
24 middle school, junior high school and high school, the teachers and
25 counselors who provide instruction to those pupils, and the parents
26 and guardians of those pupils information concerning:

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

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

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

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

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

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



1 (i) Strategies to improve the allocation of resources from this
2 State, by program and by school district, in a manner that will
3 improve the academic achievement of pupils. If this State has a
4 financial analysis program that is designed to track educational
5 expenditures and revenues to individual schools, the State Board
6 shall use that statewide program in complying with this paragraph.
7 If a statewide program is not available, the State Board shall use the
8 Department's own financial analysis program in complying with
9 this paragraph.

10 (j) Based upon the reallocation of resources set forth in
11 paragraph (i), the resources available to the State Board and the
12 Department to carry out the plan ~~§~~, *including, without limitation,*
13 *a budget for the overall cost of carrying out the plan.*

14 (k) A summary of the effectiveness of appropriations made by
15 the Legislature to improve the academic achievement of pupils and
16 programs approved by the Legislature to improve the academic
17 achievement of pupils.

18 3. The State Board shall:

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

21 (b) Based upon the evaluation of the plan, make revisions, as
22 necessary, to ensure that the plan is designed to improve the
23 academic achievement of pupils enrolled in public schools in this
24 State.

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

27 (a) Governor;

28 (b) Committee;

29 (c) Bureau;

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

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

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

34 (g) Governing body of each charter school.

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

36 385.348 1. The board of trustees of each school district shall,
37 in consultation with the employees of the school district, prepare a
38 plan to improve the achievement of pupils enrolled in the school
39 district, excluding pupils who are enrolled in charter schools located
40 in the school district. If the school district is a Title I school district
41 designated as demonstrating need for improvement pursuant to NRS
42 385.377, the plan must also be prepared in consultation with parents
43 and guardians of pupils enrolled in the school district and other
44 persons who the board of trustees determines are appropriate.



1 2. Except as otherwise provided in this subsection, the plan
2 must include the items set forth in 20 U.S.C. § 6316(c)(7) and the
3 regulations adopted pursuant thereto. If a school district has not
4 been designated as demonstrating need for improvement pursuant to
5 NRS 385.377, the board of trustees of the school district is not
6 required to include those items set forth in 20 U.S.C. § 6316(c)(7)
7 and the regulations adopted pursuant thereto that directly relate to
8 the status of a school district as needing improvement.

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

12 (a) A review and analysis of the data upon which the report
13 required pursuant to subsection 2 of NRS 385.347 is based and a
14 review and analysis of any data that is more recent than the data
15 upon which the report is based.

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

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

21 (d) Strategies to improve the academic achievement of pupils
22 enrolled in the school district , including, without limitation,
23 strategies to:

24 (1) Instruct pupils who are not achieving to their fullest
25 potential;

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

28 (3) Integrate technology into the instructional and
29 administrative programs of the school district;

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

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

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

38 (f) In consultation with the Department, an identification, by
39 category, of the employees of the Department, if any, who are
40 responsible for overseeing and monitoring whether the plan is
41 carried out effectively.

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



1 (h) For each provision of the plan, measurable criteria for
2 determining whether the provision has contributed toward
3 improving the academic achievement of pupils, increasing the rate
4 of attendance of pupils and reducing the number of pupils who drop
5 out of school.

6 (i) Strategies to improve the allocation of resources from the
7 school district, by program and by school, in a manner that will
8 improve the academic achievement of pupils. If this State has a
9 financial analysis program that is designed to track educational
10 expenditures and revenues to individual schools, each school district
11 shall use that statewide program in complying with this paragraph.
12 If a statewide program is not available, each school district shall use
13 its own financial analysis program in complying with this
14 paragraph.

15 (j) Based upon the reallocation of resources set forth in
16 paragraph (i), the resources available to the school district to carry
17 out the plan ~~is~~, *including, without limitation, a budget of the*
18 *overall cost for carrying out the plan.*

19 (k) A summary of the effectiveness of appropriations made by
20 the Legislature that are available to the school district or the schools
21 within the school district to improve the academic achievement of
22 pupils and programs approved by the Legislature to improve the
23 academic achievement of pupils.

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

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

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

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

33 (a) Superintendent of Public Instruction;

34 (b) Governor;

35 (c) State Board;

36 (d) Department;

37 (e) Committee; and

38 (f) Bureau.

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

40 385.357 1. The principal of each school, including, without
41 limitation, each charter school, shall, in consultation with the
42 employees of the school, prepare a plan to improve the achievement
43 of the pupils enrolled in the school.

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



1 (a) A review and analysis of the data pertaining to the school
2 upon which the report required pursuant to subsection 2 of NRS
3 385.347 is based and a review and analysis of any data that is more
4 recent than the data upon which the report is based.

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

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

10 (d) Policies and practices concerning the core academic subjects
11 which have the greatest likelihood of ensuring that each subgroup of
12 pupils identified in paragraph (b) of subsection 1 of NRS 385.361
13 who are enrolled in the school will make adequate yearly progress
14 and meet the minimum level of proficiency prescribed by the State
15 Board.

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

23 (f) Strategies, consistent with the policy adopted pursuant to
24 NRS 392.457 by the board of trustees of the school district in which
25 the school is located, to promote effective involvement by parents
26 and families of pupils enrolled in the school in the education of their
27 children.

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

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

35 (1) Instruct pupils who are not achieving to their fullest
36 potential;

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

39 (3) Integrate technology into the instructional and
40 administrative programs of the school;

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

42 (5) Enhance the professional development offered for the
43 teachers and administrators employed at the school to include the
44 activities set forth in 20 U.S.C. § 7801(34), as deemed appropriate



1 by the principal and other persons and entities responsible for the
2 development of the plan.

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

6 (j) In consultation with the school district or governing body, as
7 applicable, an identification, by category, of the employees of the
8 school district or governing body, if any, who are responsible for
9 ensuring that the plan is carried out effectively or for overseeing and
10 monitoring whether the plan is carried out effectively.

11 (k) In consultation with the Department, an identification, by
12 category, of the employees of the Department, if any, who are
13 responsible for overseeing and monitoring whether the plan is
14 carried out effectively.

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

18 (m) For each provision of the plan, measurable criteria for
19 determining whether the provision has contributed toward
20 improving the academic achievement of pupils, increasing the rate
21 of attendance of pupils and reducing the number of pupils who drop
22 out of school.

23 (n) The resources available to the school to carry out the plan. If
24 this State has a financial analysis program that is designed to track
25 educational expenditures and revenues to individual schools, each
26 school shall use that statewide program in complying with this
27 paragraph. If a statewide program is not available, each school shall
28 use the financial analysis program used by the school district in
29 which the school is located in complying with this paragraph.

30 (o) A summary of the effectiveness of appropriations made by
31 the Legislature that are available to the school to improve the
32 academic achievement of pupils and programs approved by the
33 Legislature to improve the academic achievement of pupils.

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

35 3. In addition to the requirements of subsection 2, if a school
36 has been designated as demonstrating need for improvement
37 pursuant to NRS 385.3623, the plan must comply with 20 U.S.C.
38 § 6316(b)(3) and the regulations adopted pursuant thereto.

39 4. Except as otherwise provided in subsection 5, the principal
40 of each school shall, in consultation with the employees of the
41 school:

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



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

4 5. If a school has been designated as demonstrating need for
5 improvement pursuant to NRS 385.3623, the technical assistance
6 partnership or the support team established for the school, as
7 applicable, shall review the plan and make revisions to the most
8 recent plan for improvement of the school pursuant to NRS
9 385.3692 or 385.3741, as applicable. If the school is a Title I school
10 that has been designated as demonstrating need for improvement,
11 the technical assistance partnership or support team established for
12 the school, as applicable, shall, in making revisions to the plan,
13 work in consultation with parents and guardians of pupils enrolled
14 in the school and, to the extent deemed appropriate by the entity
15 responsible for creating the partnership or support team, outside
16 experts.

17 6. On or before November 1 of each year, the principal of each
18 school, or the technical assistance partnership or support team
19 established for the school, as applicable, shall submit the plan or the
20 revised plan, as applicable, to:

21 (a) If the school is a public school of the school district, the
22 superintendent of schools of the school district.

23 (b) If the school is a charter school, the governing body of the
24 charter school.

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

43 8. If a school is designated as demonstrating exemplary
44 achievement, high achievement or adequate achievement, or if a
45 school that is not a Title I school is designated as demonstrating



1 need for improvement, not later than 45 days after receipt of the
2 plan or the revised plan, as applicable, the superintendent of schools
3 of the school district or the governing body, as applicable, shall
4 approve the plan or the revised plan if it meets the requirements of
5 this section.

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

- 10 (a) Superintendent of Public Instruction;
11 (b) Governor;
12 (c) State Board;
13 (d) Department;
14 (e) Committee;
15 (f) Bureau; and
16 (g) Board of trustees of the school district in which the school is
17 located.

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

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

22 385.3622 If the Department determines that a public school has
23 failed to make adequate yearly progress pursuant to subsection 3 of
24 NRS 385.3613 ~~;~~

25 ~~1. The~~ *the* Department or its designee shall, to the extent
26 money is available, monitor at the school the administration of the
27 examinations that are required pursuant to NRS 389.550 and ensure
28 that all eligible pupils who are in attendance on the day of the
29 administration of the examinations are given an opportunity to take
30 the examinations until the percentage of pupils who take the
31 examinations is 95 percent or more of all pupils enrolled in the
32 school who are required to take the examinations.

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

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

38 385.389 1. The Department shall adopt programs of remedial
39 study for each subject tested on the examinations administered
40 pursuant to NRS 389.015, including, without limitation, programs
41 that are designed for pupils who are limited English proficient. The
42 programs adopted for pupils who are limited English proficient must
43 be designed to:

- 44 (a) Improve the academic achievement of those pupils; or



1 (b) Assist those pupils with attaining proficiency in the English
2 language.

3 ➔ In adopting these programs of remedial study, the Department
4 shall consider the recommendations submitted by the Committee
5 pursuant to NRS 218.5354 and programs of remedial study that
6 have proven to be successful in improving the academic
7 achievement of pupils.

8 2. ~~Except as otherwise provided in NRS 385.3622, if~~ If a
9 school fails to make adequate yearly progress or if less than 60
10 percent of the pupils enrolled in a school who took the examinations
11 administered pursuant to NRS 389.015 received an average score on
12 those examinations that is at least equal to the 26th percentile of the
13 national reference group of pupils to which the examinations were
14 compared, the school shall adopt a program of remedial study that
15 has been adopted by the Department pursuant to subsection 1 ~~f~~
16 ~~3. Except as otherwise provided in NRS 385.3622, a] or a~~
17 *program, practice or strategy recommended by the Commission on*
18 *Educational Excellence pursuant to section 6 of this act, or any*
19 *combination thereof, as applicable.*

20 3. A school district that includes a school described in
21 subsection 2 shall ensure that each of the pupils enrolled in the
22 school who failed to demonstrate at least adequate achievement on
23 the examinations administered pursuant to NRS 389.015 completes,
24 in accordance with the requirements set forth in subsection 4 of
25 NRS 389.015, remedial study that is determined to be appropriate
26 for the pupil.

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

28 218.5354 1. The Committee may:

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

31 (1) Programs to enhance accountability in education;

32 (2) Legislative measures regarding education;

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

38 (4) Methods of financing public education;

39 (5) The condition of public education in the elementary and
40 secondary schools;

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

43 (7) The development of any programs to automate the
44 receipt, storage and retrieval of the educational records of pupils;
45 and



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

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

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

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

9 2. The Committee shall:

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

14 (b) For the purposes set forth in NRS 385.389, recommend to
15 the Department of Education programs of remedial study for each
16 subject tested on the examinations administered pursuant to NRS
17 389.015. In recommending these programs of remedial study, the
18 Committee shall consider programs of remedial study that have
19 proven to be successful in improving the academic achievement of
20 pupils.

21 (c) Recommend to the Department of Education providers of
22 supplemental educational services for inclusion on the list of
23 approved providers prepared by the Department pursuant to NRS
24 385.384. In recommending providers, the Committee shall consider
25 providers with a demonstrated record of effectiveness in improving
26 the academic achievement of pupils.

27 *(d) For the purposes set forth in section 6 of this act,*
28 *recommend to the Commission on Educational Excellence created*
29 *by section 5 of this act programs, practices and strategies that have*
30 *proven effective in improving the academic achievement and*
31 *proficiency of pupils.*

32 **Sec. 16.3.** 1. There is hereby appropriated from the State
33 General Fund to the Account for Programs for Innovation and the
34 Prevention of Remediation created by section 9 of this act the
35 following sums:

36 For the Fiscal Year 2005-2006..... \$50,000,000

37 For the Fiscal Year 2006-2007..... \$28,000,000

38 2. Except as otherwise provided in this section, the money
39 appropriated by subsection 1 must be used first for kindergarten
40 through grade 6 for programs for the achievement of pupils linked to
41 the plan to improve the achievement of pupils or for innovative
42 programs, or both.

43 3. If money is remaining from the appropriation made by
44 subsection 1 after allocations for kindergarten through sixth grades
45 are complete, school districts and schools may apply for allocations



1 from the remainder of the appropriation for programs for grades 7
2 through 12.

3 **Sec. 16.7.** 1. The Department of Education shall transfer the
4 following sums to the Account for Programs for Innovation and the
5 Prevention of Remediation apportioned for the State Distributive
6 School Account in the State General Fund for the 2005-2007
7 biennium:

8 For the Fiscal Year 2005-2006..... \$6,818,788
9 For the Fiscal Year 2006-2007..... \$7,089,336

10 2. The sums transferred pursuant to subsection 1 must be used
11 first for application to grades 7 through 12 for programs for the
12 achievement of pupils linked to the plan to improve the achievement
13 of pupils or for innovative programs, or both. If money is remaining
14 from the transfer after allocations for grades 7 through 12 are
15 complete, school districts and public schools may apply for
16 allocations for kindergarten through grade 6 for programs for the
17 achievement of pupils linked to the plan to improve the achievement
18 of pupils or for innovative programs, or both.

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

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

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

32 1. Two teachers, one principal, one school district
33 administrator to terms commencing upon appointment and expiring
34 on December 31, 2006.

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

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

40 2. Section 5 of this act becomes effective upon passage and
41 approval for the purpose of appointing members to the Commission
42 on Educational Excellence and on July 1, 2005, for all other
43 purposes.



1 3. Sections 1 to 4, inclusive, and 6 to 17, inclusive, of this act
2 become effective on July 1, 2005.

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* S B 4 0 4 R 2 *

