

SENATE BILL NO. 555—COMMITTEE ON FINANCE

MAY 29, 1999

Referred to Committee on Finance

SUMMARY—Makes appropriation to state distributive school account. (BDR 34-1782)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget.

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

AN ACT relating to public schools; apportioning the state distributive school account in the state general fund for the 1999-2001 biennium; authorizing certain expenditures; providing for a final adjustment following the close of a fiscal year; making various other changes concerning the administration of money for public schools; making an appropriation; 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 387 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 and 3 of this act.3 **Sec. 2. *The department shall:***4 1. *Conduct an annual audit of the count of pupils for apportionment
5 purposes reported by each school district pursuant to NRS 387.123 and
6 the data reported by each school district that is used to measure the
7 effectiveness of the implementation of the plan developed by each school
8 district to reduce the pupil-teacher ratio in kindergarten and grades 1, 2
9 and 3, as required by NRS 388.710.*10 2. *Review each school district's report of the annual audit conducted
11 by a public accountant as required by NRS 354.624, and the annual
12 report prepared by each district as required by NRS 387.303, and report
13 the findings of the review to the state board and the legislative committee
14 on education, with any recommendations for legislation, revisions to
15 regulations or training needed by school district employees. The report by*

1 *the department must identify school districts which failed to comply with*
2 *any statutes or administrative regulations of this state or which had any:*

3 *(a) Long-term obligations in excess of the general obligation debt*
4 *limit;*

5 *(b) Deficit fund balances or retained earnings in any fund;*

6 *(c) Deficit cash balances in any fund;*

7 *(d) Variances of more than 10 percent between total general fund*
8 *revenues and budgeted general fund revenues; or*

9 *(e) Variances of more than 10 percent between total actual general*
10 *fund expenditures and budgeted total general fund expenditures.*

11 *3. In preparing its biennial budgetary request for the state*
12 *distributive school account, consult with the superintendent of schools of*
13 *each school district or a person designated by the superintendent.*

14 *4. Provide, in consultation with the Budget Division of the*
15 *Department of Administration and the fiscal analysis division of the*
16 *legislative counsel bureau, training to the financial officers of school*
17 *districts in matters relating to financial accountability.*

18 **Sec. 3. When administering money received from the Federal**
19 **Government, the superintendent of public instruction, the department or**
20 **the state board, as applicable, shall, to the extent practicable, administer**
21 **the money in a manner that is designed to attain the goals of the**
22 **legislature regarding educational reform in this state.**

23 **Sec. 4. NRS 387.1211 is hereby amended to read as follows:**

24 **387.1211 As used in NRS 387.121 to 387.126, inclusive:**

25 1. "Average daily attendance" means the total number of pupils
26 attending a particular school each day during a period of reporting divided
27 by the number of days school is in session during that period.

28 2. "Enrollment" means the count of pupils enrolled in and scheduled to
29 attend programs of instruction of a school district or a charter school at a
30 specified time during the school year.

31 3. "Special education program unit" means an organized **[instructional]**
32 **unit of special education and related services** which includes full-time
33 services of persons licensed by the superintendent of public instruction **or**
34 **other appropriate licensing body**, providing a program of instruction in
35 accordance with minimum standards prescribed by the state board.

36 **Sec. 5. NRS 387.1235 is hereby amended to read as follows:**

37 **387.1235 **[Local]****

38 **1. Except as otherwise provided in subsection 2, local** funds available
39 are the sum of:

40 **[H.] (a) The amount computed by multiplying .0025 times the assessed**
41 **valuation of the school district as certified by the department of taxation for**
42 **the concurrent school year;** and

1 **[2.] (b)** The proceeds of the local school support tax imposed by
2 chapter 374 of NRS. The department of taxation shall furnish an estimate
3 of these proceeds to the superintendent of public instruction on or before
4 July 15 for the fiscal year then begun, and the superintendent shall adjust
5 the final apportionment of the current school year to reflect any difference
6 between the estimate and actual receipts.

7 **2. The amount computed under subsection 1 that is attributable to
8 any assessed valuation attributable to the net proceeds of minerals must
9 be held in reserve and may not be considered as local funds available
10 until the succeeding fiscal year.**

11 **Sec. 6.** NRS 387.195 is hereby amended to read as follows:

12 **387.195 1.** Each board of county commissioners shall levy a tax of
13 75 cents on each \$100 of assessed valuation of taxable property within the
14 county for the support of the public schools within the county school
15 district.

16 **2. The tax collected pursuant to subsection 1 on any assessed
17 valuation attributable to the net proceeds of minerals must not be
18 considered as available to pay liabilities of the fiscal year in which the
19 tax is collected but must be deferred for use in the subsequent fiscal year.
20 The annual budget for the school district must only consider as an
21 available source the tax on the net proceeds of minerals which was
22 collected in the prior year.**

23 **3.** In addition to any tax levied in accordance with subsection 1, each
24 board of county commissioners shall levy a tax for the payment of interest
25 and redemption of outstanding bonds of the county school district.

26 **[3.] 4.** The tax collected pursuant to subsection 1 and any interest
27 earned from the investment of the proceeds of that tax must be credited to
28 the county's school district fund.

29 **[4.] 5.** The tax collected pursuant to subsection **[2.] 3** and any interest
30 earned from the investment of the proceeds of that tax must be credited to
31 the county school district's debt service fund.

32 **Sec. 7.** The basic support guarantee for school districts for operating
33 purposes for the 1999-2000 fiscal year is an estimated weighted average of
34 \$3,806. For each respective school district, the basic support guarantee per
35 pupil for the 1999-2000 fiscal year is:

36	Carson City.....	\$4,266
37	Churchill County	\$4,675
38	Clark County	\$3,632
39	Douglas County	\$4,129
40	Elko County.....	\$4,559
41	Esmeralda County	\$7,419
42	Eureka County.....	\$1,956

1	Humboldt County	\$4,454
2	Lander County.....	\$4,225
3	Lincoln County.....	\$7,037
4	Lyon County.....	\$4,880
5	Mineral County.....	\$5,041
6	Nye County.....	\$4,910
7	Pershing County	\$5,291
8	Storey County.....	\$5,809
9	Washoe County	\$3,663
10	White Pine County	\$5,198

11 **Sec. 8.** 1. The basic support guarantee for school districts for
12 operating purposes for the 2000-2001 fiscal year is an estimated weighted
13 average of \$3,804 per pupil.

14 2. On or before April 1, 2000, the Department of Taxation shall
15 provide a certified estimate of the assessed valuation for each school
16 district for the 2000-2001 fiscal year. The assessed valuation for each
17 school district must be that which is taxable for purposes of providing
18 revenue to school districts, including any assessed valuation attributable to
19 the net proceeds of minerals derived from within the boundaries of the
20 district.

21 3. On or before April 25 of each year, the Department of Taxation shall
22 provide an estimate of the net proceeds of minerals based upon statements
23 required of mine operators pursuant to NRS 362.115, as amended by
24 Assembly Bill No. 506 of this session.

25 4. For purposes of establishing the basic support guarantee, the
26 estimated basic support guarantees for each school district for the 2000-
27 2001 fiscal year for operating purposes are:

29	Basic		Estimated		
	30 Support 31 Guarantee	32 Estimated 33 Before 34 School District	35 Basic 36 Ad Valorem 37 Adjustment	38 Support 39 Guarantee 40 Adjustment	41 as Adjusted
34	Carson City	\$4,120	\$167	\$4,287	
35	Churchill County	\$4,382	\$333	\$4,715	
36	Clark County	\$3,639	\$(4)	\$3,635	
37	Douglas County	\$4,418	\$(325)	\$4,093	
38	Elko County	\$4,319	\$265	\$4,584	
39	Esmeralda County	\$8,947	\$(1,405)	\$7,542	
40	Eureka County	\$8,704	\$(6,173)	\$2,531	
41	Humboldt County	\$4,526	\$(44)	\$4,482	
42	Lander County	\$4,630	\$(417)	\$4,213	
43	Lincoln County	\$6,742	\$305	\$7,047	

1	Lyon County	\$4,649	\$253	\$4,902
2	Mineral County	\$4,821	\$295	\$5,116
3	Nye County	\$4,799	\$138	\$4,937
4	Pershing County	\$5,498	\$(168)	\$5,330
5	Storey County	\$6,804	\$(1,129)	\$5,675
6	Washoe County	\$3,702	\$(43)	\$3,659
7	White Pine County	\$4,981	\$263	\$5,244

9 5. The ad valorem adjustment may be made only to take into account
10 the difference in the assessed valuation and the estimated enrollment of the
11 school district between the amount estimated as of April 1, 1999, and the
12 amount estimated as of April 1, 2000, for the 2000-2001 fiscal year.
13 Estimates of net proceeds of minerals received from the Department of
14 Taxation on or before April 25 pursuant to subsection 3 shall be taken into
15 consideration in determining the adjustment.

16 6. Upon receipt of the certified estimates of assessed valuations as of
17 April 1, 2000, from the Department of Taxation, the Department of
18 Education must recalculate the amount of ad valorem adjustment and the
19 tentative basic support guarantee for operating purposes for the 2000-2001
20 fiscal year by April 15, 2000. The final basic support guarantee for each
21 school district for the 2000-2001 fiscal year is the amount which is
22 recalculated for the 2000-2001 fiscal year pursuant to this section, taking
23 into consideration estimates of net proceeds of minerals received from the
24 Department of Taxation on or before April 25, 2000. The basic support
25 guarantee recalculated pursuant to this section must be calculated before
26 May 31, 2000.

27 **Sec. 9.** 1. The basic support guarantee for each special education
28 program unit which is maintained and operated for at least 9 months of a
29 school year is \$28,813 in the 1999-2000 fiscal year and \$29,389 in the
30 2000-2001 fiscal year, except as limited by subsection 2.

31 2. The maximum number of units and amount of basic support for
32 special education program units within each of the school districts, before
33 any reallocation pursuant to NRS 387.1221, for the fiscal years 1999-2000
34 and 2000-2001 are:

Allocation of Special Education Units

<u>DISTRICT</u>	1999-2000		2000-2001	
	<u>Units</u>	<u>Amount</u>	<u>Units</u>	<u>Amount</u>
Carson City	73	\$2,103,349	75	\$2,204,175
Churchill County	40	\$1,152,520	41	\$1,204,949
Clark County	1,276	\$36,765,388	1,357	\$39,880,873
Douglas County	58	\$1,671,154	59	\$1,733,951
Elko County	78	\$2,247,414	79	\$2,321,731

1	Esmeralda County	4	\$115,252	4	\$117,556
2	Eureka County	4	\$115,252	4	\$117,556
3	Humboldt County	28	\$806,764	28	\$822,892
4	Lander County	17	\$489,821	17	\$499,613
5	Lincoln County	15	\$432,195	16	\$470,224
6	Lyon County	49	\$1,411,837	50	\$1,469,450
7	Mineral County	10	\$288,130	10	\$293,890
8	Nye County	38	\$1,094,894	40	\$1,175,560
9	Pershing County	13	\$374,569	13	\$382,057
10	Storey County	8	\$230,504	8	\$235,112
11	Washoe County	416	\$11,986,208	431	\$12,666,659
12	White Pine County	19	\$547,447	19	\$558,391
13	<u>Subtotal</u>	<u>2,146</u>	<u>\$61,832,698</u>	<u>2,251</u>	<u>\$66,154,639</u>
14	Reserved by State				
15	Board of Education	40	1,152,520	40	1,175,560
16	<u>TOTAL</u>	2,186	\$62,985,218	2,291	\$67,330,199

18 3. The State Board of Education shall reserve 40 special education
19 program units in each fiscal year of the 1999-2001 biennium, to be
20 allocated to school districts by the State Board of Education to meet
21 additional needs that cannot be met by the allocations provided in
22 subsection 2 to school districts for that fiscal year.

23 4. Notwithstanding the provisions of subsections 2 and 3, the State
24 Board of Education is authorized to spend from the state distributive school
25 account up to \$144,065 in the fiscal year 1999-2000 and \$146,945 in the
26 fiscal year 2000-2001 for five special education program units for
27 instructional programs incorporating educational technology for gifted and
28 talented pupils. Any school district may submit a written application to the
29 Department of Education requesting one or more of the five units for gifted
30 and talented pupils. For each fiscal year of the 1999-2001 biennium, the
31 Department will award the five units based on a review of applications
32 received from school districts.

33 **Sec. 10.** 1. There is hereby appropriated from the state general fund
34 to the state distributive school account in the state general fund created
35 pursuant to NRS 387.030:

36 For the 1999-2000 fiscal year.....\$463,089,242
37 For the 2000-2001 fiscal year.....\$477,494,736

38 2. The money appropriated by subsection 1 must be:
39 (a) Expended in accordance with NRS 353.150 to 353.245, inclusive,
40 concerning the allotment, transfer, work program and budget; and
41 (b) Work-programmed for the 2 separate fiscal years, 1999-2000 and
42 2000-2001, as required by NRS 353.215. Work programs may be revised

1 with the approval of the Governor upon the recommendation of the Chief
2 of the Budget Division of the Department of Administration.

3 3. Transfers to and from allotments must be allowed and made in
4 accordance with NRS 353.215 to 353.225, inclusive, after separate
5 considerations of the merits of each request.

6 4. The sums appropriated by subsection 1 are available for either fiscal
7 year. Money may be transferred from one fiscal year to the other with the
8 approval of the Governor upon the recommendation of the Chief of the
9 Budget Division of the Department of Administration.

10 5. Any remaining balance of the appropriation made by subsection 1
11 for the 1999-2000 fiscal year must be transferred and added to the money
12 appropriated for the 2000-2001 fiscal year and may be expended as that
13 money is expended.

14 6. Any remaining balance of the appropriation made by subsection 1
15 for the 2000-2001 fiscal year, including any money added thereto pursuant
16 to the provisions of subsections 3 and 5, must not be committed for
17 expenditure after June 30, 2001, and reverts to the state general fund as
18 soon as all payments of money committed have been made.

19 **Sec. 11.** 1. Expenditure of \$130,133,149 by the Department of
20 Education from money in the state distributive school account which was
21 not appropriated from the state general fund is hereby authorized during the
22 fiscal year beginning July 1, 1999.

23 2. Expenditure of \$135,387,657 by the Department of Education from
24 money in the state distributive school account which was not appropriated
25 from the state general fund is hereby authorized during the fiscal year
26 beginning July 1, 2000.

27 3. For purposes of accounting and reporting, the sums authorized for
28 expenditure by subsections 1 and 2 are considered to be expended before
29 any appropriation is made to the state distributive school account from the
30 state general fund.

31 4. The money authorized to be expended by subsections 1 and 2 must
32 be expended in accordance with NRS 353.150 to 353.245, inclusive,
33 concerning the allotment, transfer, work program and budget. Transfers to
34 and from allotments must be allowed and made in accordance with NRS
35 353.215 to 353.225, inclusive, after separate consideration of the merits of
36 each request.

37 5. The Chief of the Budget Division of the Department of
38 Administration may, with the approval of the Governor, authorize the
39 augmentation of the amounts authorized for expenditure by the Department
40 of Education, in subsections 1 and 2, for the purpose of meeting obligations
41 of the state incurred under chapter 387 of NRS with amounts from any
42 other state agency, from any agency of local government, from any agency
43 of the Federal Government or from any other source which he determines is

1 in excess of the amount taken into consideration by this act. The Chief of
2 the Budget Division of the Department of Administration shall reduce any
3 authorization whenever he determines that money to be received will be
4 less than the amount authorized in subsections 1 and 2.

5 **Sec. 12.** During each of the fiscal years 1999-2000 and 2000-2001,
6 whenever the State Controller finds that current claims against the state
7 distributive school account in the state general fund exceed the amount
8 available in the account to pay those claims, he may advance temporarily
9 from the state general fund to the state distributive school account the
10 amount required to pay the claims, but not more than the amount expected
11 to be received in the current fiscal year from any source authorized for the
12 state distributive school account. No amount may be transferred unless
13 requested by the Chief of the Budget Division of the Department of
14 Administration.

15 **Sec. 13.** The Department of Education is hereby authorized to spend
16 from the state distributive school account the sums of \$12,851,835 for the
17 1999-2000 fiscal year and \$13,736,786 for the 2000-2001 fiscal year for
18 the support of courses which are approved by the Department of Education
19 as meeting the course of study for an adult standard high school diploma as
20 approved by the State Board of Education. In each fiscal year of the 1999-
21 2001 biennium, the sum authorized must be allocated among the various
22 school districts in accordance with a plan or formula developed by the
23 Department of Education to ensure the money is distributed equitably and
24 in a manner that permits accounting for the expenditures of school districts.

25 **Sec. 14.** The Department of Education is hereby authorized to provide
26 from the state distributive school account the sum of \$50,000 to each of the
27 17 school districts in each fiscal year of the 1999-2001 biennium to support
28 special counseling services for elementary school pupils at risk of failure.

29 **Sec. 15.** The amounts of the guarantees set forth in sections 7 and 8 of
30 this act may be reduced to effectuate a reserve required pursuant to NRS
31 353.225.

32 **Sec. 16.** 1. The Department of Education is hereby authorized to
33 transfer from the state distributive school account to the school districts
34 specified in this section the following sums for fiscal years 1999-2000 and
35 2000-2001:

<u>School District</u>	<u>1999-2000</u>	<u>2000-2001</u>
Clark County School District	\$1,284,603	\$1,354,311
Douglas County School District	\$640,655	\$686,415
Elko County School District	\$691,749	\$487,914
Washoe County School District	<u>\$832,993</u>	<u>\$921,360</u>
	\$3,450,000	\$3,450,000

- 1 2. A school district that receives an allocation pursuant to subsection 1:
 - 2 (a) Shall use the money to establish and operate a regional training
 - 3 program for the professional development of teachers and administrators,
 - 4 including, without limitation, paying:
 - 5 (1) The salaries and travel expenses of staff and other personnel
 - 6 necessary to the operation of the program;
 - 7 (2) Related administrative expenses; and
 - 8 (3) The costs incurred to acquire equipment and space to operate the
 - 9 program.
 - 10 (b) Shall use the money to pay for the travel expenses of teachers and
 - 11 administrators who attend the regional training program.
 - 12 (c) May use the money to provide incentives for teachers to attend the
 - 13 regional training program, including, without limitation, the:
 - 14 (1) Arrangement for credit toward renewal of a license or an
 - 15 endorsement for a license;
 - 16 (2) Provision of books, supplies or instructional materials for the
 - 17 classroom; and
 - 18 (3) Provision of stipends.
 - 19 3. Except as otherwise provided in subsection 7, the regional training
 - 20 program established by the Clark County School District must primarily
 - 21 provide services to teachers and administrators who are employed by
 - 22 school districts in:
 - 23 (a) Clark County;
 - 24 (b) Esmeralda County;
 - 25 (c) Lincoln County; and
 - 26 (d) Nye County.
 - 27 4. Except as otherwise provided in subsection 7, the regional training
 - 28 program established by the Douglas County School District must primarily
 - 29 provide services to teachers and administrators who are employed by
 - 30 school districts in:
 - 31 (a) Churchill County;
 - 32 (b) Douglas County;
 - 33 (c) Lyon County;
 - 34 (d) Carson City; and
 - 35 (e) Mineral County.
 - 36 5. Except as otherwise provided in subsection 7, the regional training
 - 37 program established by the Elko County School District must primarily
 - 38 provide services to teachers and administrators who are employed by
 - 39 school districts in:
 - 40 (a) Elko County;
 - 41 (b) Eureka County;
 - 42 (c) Lander County;
 - 43 (d) Humboldt County; and

1 (e) White Pine County.

2 6. Except as otherwise provided in subsection 7, the regional training
3 program established by the Washoe County School District must primarily
4 provide services to teachers and administrators who are employed by
5 school districts in:

6 (a) Pershing County;
7 (b) Storey County; and
8 (c) Washoe County.

9 7. Each regional training program shall, when practicable, make
10 reasonable accommodations for the attendance of teachers and
11 administrators who are employed by school districts outside the primary
12 jurisdiction of the regional training program.

13 8. Each regional training program must have a governing body
14 consisting of:

15 (a) The superintendent of schools, or his designee, for each school
16 district that is included within the primary jurisdiction of the regional
17 training program.

18 (b) Teachers who are considered masters, appointed by the
19 superintendents of schools of the school districts that are included within
20 the primary jurisdiction of the regional training program and the
21 representatives of higher education appointed to the governing body. Each
22 teacher who wishes to be considered for appointment to the governing body
23 must submit an application explaining his qualifications as a master
24 teacher. At least one teacher must be appointed from each school district
25 within the primary jurisdiction of the regional training program.

26 (c) Representatives of the University and Community College System of
27 Nevada, appointed by the Board of Regents, and representatives of other
28 institutions of higher education, as determined by the superintendents of
29 school districts included within the primary jurisdiction of the regional
30 training program.

31 (d) A nonvoting member who is an employee of the Department of
32 Education.

33 9. The governing body of each regional training program shall adopt a
34 training model, taking into consideration other model programs, including,
35 without limitation, the program used by the Geographic Alliance in
36 Nevada. The governing body shall assess the training needs of teachers
37 who are employed by the school districts within the primary jurisdiction of
38 the regional training program and adopt priorities of training for the
39 program based upon the assessment of needs. The board of trustees of each
40 such school district may submit recommendations for the types of training
41 that should be offered. Based upon the assessment of needs for training
42 within the region and the priorities of training adopted, each regional

1 training program shall provide at least one of the following types of
2 training:

3 (a) Training for teachers in the standards adopted by the Council to
4 Establish Academic Standards for Public Schools pursuant to section 45 of
5 chapter 473, Statutes of Nevada 1997.

6 (b) Training for teachers and school administrators in the assessment
7 and measurement of pupil achievement and the effective methods to
8 analyze the test results and scores of pupils to improve the achievement and
9 proficiency of pupils.

10 (c) Training for teachers in specific content areas to enable the teachers
11 to provide a higher level of instruction in their respective fields of teaching.
12 Such training must include instruction in effective methods to teach in a
13 content area provided by teachers who are considered masters in that
14 content area.

15 (d) Training for teachers in the methods to teach basic skills to pupils,
16 such as providing instruction in reading with the use of phonics and
17 providing instruction in basic skills of math computation.

18 10. The training required pursuant to subsection 9 must:

19 (a) Include appropriate procedures to ensure follow-up training for
20 teachers and administrators who have received training through the
21 program.

22 (b) Incorporate training that addresses the educational needs of:
23 (1) Pupils with disabilities who participate in programs of special
24 education; and

25 (2) Pupils whose primary language is not English.

26 11. A regional training program may include model classrooms that
27 demonstrate the use of educational technology for teaching and learning.

28 12. The governing body of each regional training program shall:

29 (a) Prepare and maintain a list that identifies programs for the
30 professional development of teachers and administrators that successfully
31 incorporate the standards of content and performance established by the
32 Council to Establish Academic Standards for Public Schools and other
33 training listed in subsection 9, and shall provide the list to the school
34 districts for dissemination to teachers and administrators;

35 (b) Establish a method for the evaluation of the success of the regional
36 training program; and

37 (c) Submit an annual report to the State Board of Education, the
38 Commission on Professional Standards in Education, the Legislative
39 Committee on Education and the Legislative Bureau of Educational
40 Accountability and Program Evaluation that includes:

41 (1) The priorities for training adopted by the governing body pursuant
42 to subsection 9;

43 (2) The type of training offered through the program;

1 (3) The number of teachers and administrators who received training
2 during the immediately preceding year; and

3 (4) An evaluation of the success of the regional training program in
4 accordance with the method established pursuant to paragraph (b).

5 13. The board of trustees of each school district shall submit an annual
6 report to the State Board of Education, the Commission on Professional
7 Standards in Education, the Legislative Committee on Education and the
8 Legislative Bureau of Educational Accountability and Program Evaluation
9 that includes:

10 (a) The number of teachers and administrators employed by the school
11 district who received training through a regional training program during
12 the immediately preceding year; and

13 (b) An evaluation of whether that training included the standards of
14 content and performance adopted by the Council to Establish Academic
15 Standards for Public Schools pursuant to section 45 of chapter 473,
16 Statutes of Nevada 1997.

17 14. Each school district shall report for each school within the school
18 district that received a designation as demonstrating need for improvement
19 pursuant to NRS 385.367, if any, the amount of money expended for the:

20 (a) Professional development of teachers to carry out the remedial
21 programs required pursuant to NRS 385.389; and

22 (b) Plan to improve the achievement of the school.

23 The report must be submitted to the Governor, the State Board of
24 Education, the Legislative Committee on Education and the Legislative
25 Bureau of Educational Accountability and Program Evaluation.

26 15. Any remaining balance of the transfers made by subsection 1 for
27 the 1999-2000 fiscal year must be added to the money received by the
28 school districts for the 2000-2001 fiscal year and may be expended as that
29 money is expended. Any remaining balance of the transfers made by
30 subsection 1 for the 2000-2001 fiscal year, including any money added
31 from the allocation for the previous fiscal year, must not be committed for
32 expenditure after June 30, 2001, and reverts to the state distributive school
33 account as soon as all payments of money committed have been made.

34 **Sec. 17.** 1. The school districts authorized to receive an allocation
35 under subsection 1 of section 16 of this act to establish regional training
36 programs are hereby authorized to form a consortium and to receive up to
37 \$50,000 in each fiscal year of the 1999-2001 biennium from the state
38 distributive school account to spend for an evaluation of the regional
39 training program for professional development of teachers and
40 administrators established pursuant to section 16 of this act.

41 2. The consortium of school districts shall, after consulting with the
42 Legislative Bureau of Educational Accountability and Program Evaluation,
43 use the money allocated by subsection 1 to hire a qualified, independent

1 consultant to conduct an evaluation of the effectiveness of the four regional
2 training programs established pursuant to section 16 of this act. The
3 evaluation must include, without limitation, a review of the annual reports
4 submitted by the governing body of each regional training program
5 pursuant to subsection 12 of section 16 of this act and the annual reports
6 submitted by the board of trustees of each school district pursuant to
7 subsection 13 of section 16 of this act.

8 3. On or before February 1, 2001, the consultant shall submit a written
9 report of the results of his evaluation to the consortium and the Legislative
10 Bureau of Educational Accountability and Program Evaluation. On or
11 before February 19, 2001, the Legislative Bureau of Educational
12 Accountability and Program Evaluation shall submit a copy of the written
13 evaluation, including any recommendations for legislation, to the Director
14 of the Legislative Counsel Bureau for transmission to the 71st session of
15 the Nevada Legislature.

16 4. Any remaining balance of the allocation made by subsection 1 must
17 not be committed for expenditure after June 30, 2001, and reverts to the
18 state distributive school account as soon as all payments of money
19 committed have been made.

20 **Sec. 18.** 1. The Department of Education is hereby authorized to
21 spend the following sums from the state distributive school account for
22 remedial education programs for schools that have been designated as
23 demonstrating need for improvement and certain schools that have been
24 designated as demonstrating adequate achievement:

25 For the fiscal year 1999-2000.....\$3,300,000
26 For the fiscal year 2000-2001\$3,300,000

27 The money allocated must be used to provide remedial education programs
28 that have been approved by the Department as being effective in improving
29 pupil achievement.

30 2. A school that receives a designation as demonstrating need for
31 improvement pursuant to NRS 385.367 may submit to the Department of
32 Education, for transmission to the State Board of Examiners, an application
33 for an allocation from the amount authorized in subsection 1. A school that
34 did not receive a designation because the school had too few pupils
35 enrolled in a grade level that is tested pursuant to NRS 389.015, but the test
36 scores of the pupils indicate that the school would have received a
37 designation as demonstrating need for improvement, may submit to the
38 Department of Education, for transmission to the State Board of Examiners,
39 an application for an allocation from the amount authorized in subsection 1.
40 A school that receives a designation as demonstrating adequate
41 achievement may submit to the Department of Education, for transmission
42 to the State Board of Examiners, an application for an allocation from the
43 amount authorized in subsection 1 if more than 40 percent of the pupils

1 enrolled in the school received an average score below the 26th percentile
2 on three of the four subjects tested pursuant to NRS 389.015 or if the
3 school was designated as demonstrating need for improvement pursuant to
4 NRS 385.367 in the immediately preceding school year. The Department of
5 Education shall, in consultation with the Budget Division of the
6 Department of Administration and the Legislative Bureau of Educational
7 Accountability and Program Evaluation, develop a form for such
8 applications.

9 3. Upon receipt of an application submitted pursuant to subsection 2,
10 the Department of Education shall review the application jointly with the
11 Budget Division of the Department of Administration and the Legislative
12 Bureau of Educational Accountability and Program Evaluation. The
13 Department of Education shall transmit the application to the State Board
14 of Examiners with the recommendation of the Department of Education
15 concerning the allocation of money based upon each application so
16 received. The State Board of Examiners, or the Clerk of the Board if
17 authorized by the Board to act on its behalf, shall consider each such
18 application and, if it finds that an allocation should be made, recommend
19 the amount of the allocation to the Interim Finance Committee. The Interim
20 Finance Committee shall consider each such recommendation, but is not
21 bound to follow the recommendation of the State Board of Examiners when
22 determining the allocation to be received by a school.

23 4. In determining the amount of the allocation, the State Board of
24 Examiners and the Interim Finance Committee shall consider:

25 (a) The total number of pupils enrolled in the school who failed to
26 demonstrate at least adequate achievement on the examinations
27 administered pursuant to NRS 389.015; and

28 (b) The financial need of the particular school.

29 5. A school that receives an allocation of money pursuant to subsection
30 3 shall use the money to:

31 (a) Pay the costs incurred by the school in providing the program of
32 remedial study required by NRS 385.389. The money must first be applied
33 to those pupils who the school determines are performing at a level which
34 poses the highest risk of failure.

35 (b) Pay for the salaries, training or other compensation of teachers and
36 other educational personnel to provide the program of remedial study,
37 instructional materials required for the remedial study, equipment necessary
38 to offer the program of remedial study and all other additional operating
39 costs attributable to the program of remedial study.

40 (c) Supplement and not replace the money the school would otherwise
41 expend for programs of remedial study.

42 6. Before a school amends a plan for expenditure of an allocation of
43 money received pursuant to subsection 3, the school district must submit

1 the proposed amendment to the Department of Education to receive joint
2 approval from the Department of Education, the Budget Division of the
3 Department of Administration and the Legislative Bureau of Educational
4 Accountability and Program Evaluation, or the Interim Finance Committee.

5 7. The sums authorized for expenditure in subsection 1 are available
6 for either fiscal year. Any remaining balance of those sums must not be
7 committed for expenditure after June 30, 2001, and reverts to the state
8 distributive school account as soon as all payments of money committed
9 have been made.

10 **Sec. 19.** 1. The Department of Education is hereby authorized to
11 allocate from the state distributive school account the following sums for
12 remedial education programs or tutoring for pupils who need additional
13 instructional time in order to pass or to reach a level considered proficient.
14 Programs funded under this section must be conducted before or after
15 school, on weekends, during the summer or between sessions in schools
16 with year-round school calendars.

17 For the fiscal year 1999-2000\$1,000,000

18 For the fiscal year 2000-2001\$1,000,000

19 The money allocated must be used to provide remedial education programs
20 or tutoring programs that have been approved by the Department as being
21 effective in improving pupil achievement.

22 2. To receive an allocation from the amounts authorized in subsection
23 1, a school district must submit a written plan for providing remedial
24 instruction or tutoring. The written plan must include:

25 (a) The estimated number of pupils that will participate in the remedial
26 program;
27 (b) The curriculum that will be taught;
28 (c) A schedule of the course work or tutoring to be conducted under the
29 remedial program;
30 (d) A plan for evaluating the effectiveness of the remedial program; and
31 (e) A budget for the program.

32 3. Upon receipt of such an application, the Department of Education
33 shall review the application jointly with the Budget Division of the
34 Department of Administration and the Legislative Bureau of Educational
35 Accountability and Program Evaluation. The Department of Education
36 shall transmit the application to the State Board of Examiners with the
37 recommendation of the Department concerning the allocation of money
38 based upon each application so received. The State Board of Examiners, or
39 the Clerk of the Board if authorized by the Board to act on its behalf, shall
40 consider each such application and, if it finds that an allocation should be
41 made, recommend the amount of the allocation to the Interim Finance
42 Committee. The Interim Finance Committee shall consider each such
43 recommendation, but is not bound to follow the recommendation of the

1 State Board of Examiners when determining the allocation to be received
2 by a school district.

3 4. A school that receives an allocation of money pursuant to subsection
4 shall use the money to:

5 (a) Pay the costs incurred by the school in providing the program of
6 remedial study required by NRS 385.389. The money must first be applied
7 to those pupils who the school determines are performing at a level which
8 poses the highest risk of failure.

9 (b) Pay for the salaries, training or other compensation of teachers and
10 other educational personnel to provide the program of remedial study,
11 instructional materials required for the remedial study, equipment necessary
12 to offer the program of remedial study and all other additional operating
13 costs attributable to the program of remedial study.

14 (c) Supplement and not replace the money the school would otherwise
15 expend for programs of remedial study.

16 5. The sums authorized for expenditure in subsection 1 are available
17 for either fiscal year. Any remaining balance of those sums must not be
18 committed for expenditure after June 30, 2001, and reverts to the state
19 distributive school account as soon as all payments of money committed
20 have been made.

21 **Sec. 20.** 1. The Department of Education is hereby authorized to
22 transfer the following sums from the state distributive school account to
23 develop or purchase and to score the examinations required to be
24 administered statewide to measure the achievement of pupils in standards
25 of content and performance, commencing in the 2000-2001 school year:

26 For the fiscal year 1999-2000 \$300,000

27 For the fiscal year 2000-2001 \$300,000

28 On or before December 1, 2000, the State Board of Education shall,
29 pursuant to the recommendations of the Council to Establish Academic
30 Standards for Public Schools, develop or purchase examinations that
31 measure the achievement and proficiency of pupils in grades 3 and 5 on the
32 standards of content and performance established by the Council for
33 English and mathematics. The examinations must be scored by a single
34 entity, the Department of Education or a school district on behalf of the
35 other school districts.

36 2. The examinations must be administered to all pupils who are
37 required to take such examinations, pursuant to section 24 of Senate Bill
38 No. 466 of this session, commencing in the spring semester of 2001. In the
39 first year that the examinations are administered, the results of the
40 examinations must be used solely to gather information and data
41 concerning the examinations. The examinations or test questions to be used
42 in the examinations must be tested in a pilot project in the Spring of 2000.

1 3. The State Board of Education shall adopt regulations that require the
2 board of trustees of each school district and the governing body of each
3 charter school to submit to the Superintendent of Public Instruction, the
4 Department of Education, the Council to Establish Academic Standards for
5 Public Schools and the Legislative Bureau of Educational Accountability
6 and Program Evaluation, in the form and manner prescribed by the
7 superintendent, the results of the examinations administered pursuant to this
8 section. The State Board shall not include in the regulations any provision
9 that would violate the confidentiality of the test scores of an individual
10 pupil.

11 4. The board of trustees of each school district shall review the results
12 of the examinations administered pursuant to subsection 2 to pupils
13 enrolled in public schools within the school district. Based upon such a
14 review, the board of trustees of each school district shall:

15 (a) Identify the need, if any, for the acquisition of the knowledge and
16 skills required of teachers to teach pupils the subjects relating to the
17 standards of content and performance.

18 (b) Recommend programs for the acquisition of the knowledge and
19 skills by teachers, as identified by the review.

20 (c) Review the curriculum of the school regarding the standards of
21 content and performance.

22 5. The sums authorized for expenditure in subsection 1 are available
23 for either fiscal year. Any remaining balance of those sums must not be
24 committed for expenditure after June 30, 2001, and reverts to the state
25 distributive school account as soon as all payments of money committed
26 have been made.

27 **Sec. 21.** 1. The Department of Education is hereby authorized to
28 transfer the following sums from the state distributive school account to
29 contract with a nationally recognized testing company to take over the
30 development, printing, administration and scoring of the high school
31 proficiency examination required by NRS 389.015:

32 For the fiscal year 1999-2000 \$900,000

33 For the fiscal year 2000-2001 \$900,000

34 2. The standards established by the Council to Establish Academic
35 Standards for Public Schools and adopted by the State Board of Education
36 in August of 1998 must be phased into the high school proficiency
37 examination as new forms are prepared. The examinations, or test questions
38 to be used in the examinations, must be tested in a pilot project in the Fall
39 of 2000.

40 3. Beginning in school year 2001-2002, the high school proficiency
41 examination required by subsection 6 of NRS 389.015, which pupils must
42 pass to receive a standard high school diploma, must measure pupils'
43 performance on the standards of content and performance adopted by the

1 State Board of Education in August of 1998. The high school proficiency
2 examination covering the academic standards must be administered to
3 pupils in grade 11 in the school year 2001-2002, who must pass the
4 examination before the end of grade 12 to receive a standard diploma in
5 school year 2002-2003. Pupils who graduate from high school in school
6 year 2001-2002 must pass the preceding year's high school proficiency
7 examination.

8 4. The examinations must be scored by a single private entity, the
9 Department of Education or a school district on behalf of the other school
10 districts.

11 5. In the first year that the examinations are administered, the results of
12 the examinations must be used solely to gather information and data
13 concerning the examinations. The State Board of Education shall adopt
14 regulations that require the board of trustees of each school district and the
15 governing body of each charter school to submit to the Superintendent of
16 Public Instruction, the Department of Education, the Council to Establish
17 Academic Standards for Public Schools and the Legislative Bureau of
18 Educational Accountability and Program Evaluation, in the form and
19 manner prescribed by the superintendent, the results of the examinations
20 administered pursuant to this section. The State Board of Education shall
21 not include in the regulations any provision that would violate the
22 confidentiality of the test scores of an individual pupil.

23 6. The board of trustees of each school district shall review the results
24 of examinations administered pursuant to subsection 3 to pupils enrolled in
25 public schools within the school district. Based upon such a review, the
26 board of trustees of each school district shall:

27 (a) Identify the need, if any, for the acquisition of the knowledge and
28 skills required of teachers to teach pupils the subjects relating to the
29 standards of content and performance.

30 (b) Recommend programs for the acquisition of the knowledge and
31 skills by teachers, as identified by the review.

32 (c) Review the curriculum of the school regarding the standards of
33 content and performance.

34 7. The sums authorized for expenditure in subsection 1 are available
35 for either fiscal year with the approval of the Interim Finance Committee.
36 Any remaining balance of those sums must not be committed for
37 expenditure after June 30, 2001, and reverts to the state distributive school
38 account as soon as all payments of money committed have been made.

39 **Sec. 22.** Section 4 of chapter 333, Statutes of Nevada 1997, at page
40 1229, is hereby amended to read as follows:

41 **Sec. 4.** 1. An advisory committee for the statewide
42 automated system of information concerning pupils is hereby
43 created. The advisory committee consists of:

(a) One representative of each school district, appointed by the board of trustees.

(b) Two representatives of the state board of education, appointed by the president of the board.

(c) One representative of the budget division of the department of administration, appointed by the chief of the budget division.

(d) Two members of the legislature. One of the members must be appointed by the majority leader of the senate and one of the members must be appointed by the speaker of the assembly.

2. The term of each member of the advisory committee commences on August 1, 1997, and expires on June 30, [1999.]

2001.

3. *For each day or portion of a day during which a member of the advisory committee who is a legislator attends a meeting of the advisory committee or is otherwise engaged in the business of the advisory committee, except during a regular or special session of the legislature, he is entitled to receive the:*

(a) Compensation provided for a majority of the members of the legislature during the first 60 days of the preceding session;

(b) Per diem allowance provided for state officers and employees generally; and

(c) Travel expenses provided pursuant to NRS 218.2207.

The compensation, per diem allowances and travel expenses of the legislative members of the advisory committee must be paid from the legislative fund.

4. The members of the advisory committee **who are not legislators** serve without compensation, except that for each day or portion of a day during which a member of the advisory committee attends a meeting of the advisory committee or is otherwise engaged in the work of the advisory committee, he is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

4.5. The superintendent of public instruction shall hold at least eight meetings with the advisory committee and during those meetings report to and consider any suggestions of the advisory committee concerning the establishment and maintenance of the statewide automated system of information concerning pupils.

Sec. 23. 1. The Department of Education is hereby authorized to transfer from the state distributive school account to the Clark County School District in each fiscal year of the 1999-2001 biennium the following sums for the continued implementation and maintenance of a statewide automated system of information concerning pupils pursuant to NRS 386.650:

1 For fiscal year 1999-2000 \$1,700,000

2 For fiscal year 2000-2001.....\$1,700,000

3 2. The money allocated to the Clark County School District must be
4 used for the purchase of hardware, networking and software for information
5 relating to pupils, and training and other related services that are
6 nonrecurring, including, without limitation, assistance in the integration of
7 the statewide automated system of information concerning pupils. The
8 allocations made by subsection 1 must be used in accordance with the
9 program established by the school districts for the statewide automated
10 system of information concerning pupils pursuant to NRS 386.650.

11 3. To receive money pursuant to subsection 1, the Board of Trustees of
12 the Clark County School District shall enter into a written agreement with
13 the Department of Education. The written agreement must prescribe the
14 duties of the school district and the Department of Education in continuing
15 to implement and maintain the statewide automated system of information
16 concerning pupils. The Clark County School District shall not use the
17 money to:

18 (a) Settle or arbitrate disputes or negotiate settlements between an
19 organization that represents employees of the school district and the school
20 district; or

21 (b) Adjust the schedules of salaries and benefits of the employees of the
22 school district, excluding any overtime costs incurred by an employee of
23 the school district while working on the establishment and maintenance of
24 the statewide automated system of information concerning pupils.

25 4. The Department of Education is hereby authorized to spend
26 \$300,000 from the state distributive school account in each year of the
27 1999-2001 biennium in the following manner:

28 (a) Contractual services that are necessary to plan, install and evaluate
29 hardware and software and provide technical assistance for the statewide
30 automated system of information concerning pupils; and

31 (b) The payment of the per diem allowances and travel expenses for the
32 nonlegislative members of the advisory committee for the statewide
33 automated system of information concerning pupils created pursuant to
34 section 4 of chapter 333, Statutes of Nevada 1997.

35 5. The sums authorized for expenditure in subsection 1 are available
36 for either fiscal year. Any remaining balance of those sums must not be
37 committed for expenditure after June 30, 2001, and reverts to the state
38 distributive school account as soon as all payments of money committed
39 have been made.

40 6. The Superintendent of Public Instruction shall, during the 1999-
41 2001 biennium, report semiannually to the Interim Finance Committee and
42 annually to the Legislative Committee on Education concerning the
43 expenditures described in subsections 2 and 4 of this section.

1 7. The Department of Education shall, on or before February 15, 2001,
2 provide a report to the 71st session of the Nevada Legislature which
3 includes all expenditures described in sections 2 and 4 of this section.

4 8. For the purposes of carrying out the provisions of this section, the
5 Department of Education is not subject to the provisions of chapter 233F or
6 242 of NRS.

7 **Sec. 24.** 1. The Department of Education is hereby authorized to
8 spend the following amounts from the state distributive school account
9 during the 1999-2001 biennium:

10 (a) For the Commission on Educational Technology to grant to local
11 school districts for schools that were unable to reach the minimal level of
12 educational technology for the classroom or computer laboratory
13 recommended by the Commission, \$1,300,000 for fiscal year 1999-2000
14 and \$1,400,000 for fiscal year 2000-2001.

15 (b) For the Commission on Educational Technology to grant to school
16 libraries for licenses to access research databases and other on-line
17 resources appropriate for pupils, \$500,000 in fiscal year 1999-2000.

18 (c) For the Commission on Educational Technology to grant to local
19 school districts to pay for maintenance contracts for software, \$500,000 in
20 fiscal year 1999-2000 and \$500,000 in fiscal year 2000-2001.

21 (d) For transfer to the Clark County School District to continue
22 implementing the uniform, statewide satellite downlink project, \$400,000
23 in fiscal year 1999-2000 and \$400,000 in fiscal year 2000-2001.

24 (e) For the school to careers program to provide base-level grants of
25 \$25,000 to each school district and institution of higher education within
26 the University and Community College System, with the remaining funds
27 allocated among the school districts on a per-pupil basis, \$1,000,000 in
28 fiscal year 1999-2000 and \$1,000,000 in fiscal year 2000-2001.

29 (f) For grants to school districts and community-based organizations for
30 early childhood education and family literacy programs for pre-school
31 children and their parents, \$500,000 in fiscal year 1999-2000 and \$500,000
32 in fiscal year 2000-2001.

33 2. Except for paragraph (b) of subsection 1, the sums authorized for
34 expenditure in subsection 1 are available for either fiscal year. Any
35 remaining balance of those sums must not be committed for expenditure
36 after June 30, 2001, and reverts to the state distributive school account as
37 soon as all payments of money committed have been made.

38 **Sec. 25.** The sums appropriated or authorized in sections 16 to 21,
39 inclusive, and sections 23 and 24 of this act:

40 1. Must be accounted for separately from any other money received by
41 the school districts of this state and used only for the purposes specified in
42 the applicable section of this act.

1 2. May not be used to settle or arbitrate disputes between a recognized
2 organization representing employees of a school district and the school
3 district, or to settle any negotiations.

4 3. May not be used to adjust the district-wide schedules of salaries and
5 benefits of the employees of a school district.

6 **Sec. 26.** The Department of Education is hereby authorized to spend
7 from the state distributive school account the sum of \$3,687,525 to be
8 apportioned among the school districts for the fiscal year 1999-2000 in the
9 amounts listed below to replace the revenue from the tax on net proceeds of
10 minerals that will be collected during fiscal year 1999-2000 but are,
11 pursuant to sections 3 and 4 of this act, reserved for expenditure in fiscal
12 year 2000-2001:

13
14 Payment for Tax
15 on Net Proceeds

<u>School District</u>	<u>of Minerals</u>
Carson City.....	\$ 0
Churchill.....	\$30,000
Clark	\$42,000
Douglas.....	\$300
Elko	\$975,000
Esmeralda.....	\$4,500
Eureka.....	\$900,000
Humboldt.....	\$26,250
Lander.....	\$1,275,000
Lincoln	\$375
Lyon.....	\$975
Mineral	\$7,500
Nye	\$142,500
Pershing.....	\$195,000
Storey.....	\$4,500
Washoe	\$4,875
White Pine	<u>\$78,750</u>
	\$3,687,525

36 For the fiscal year 1999-2000, the sums apportioned to each school district
37 shall be considered as the portion of the tax of 75 cents on each \$100 of
38 assessed valuation of taxable property within the county for the support of
39 public schools within the county school district which is attributable to the
40 school districts' share of the tax on net proceeds of minerals.

41 **Sec. 27.** Beginning on July 1, 1999, estate tax receipts must be
42 deposited into the fund for school improvement and an amount not to
43 exceed \$13,891,737 must be transferred from the fund for school

1 improvement to the state distributive school account in each fiscal year of
2 the 1999-2001 biennium.

3 **Sec. 28.** Section 55 of chapter 473, Statutes of Nevada 1997, at page
4 1784, is hereby amended to read as follows:

5 **Sec. 55.** 1. There is hereby appropriated from the state
6 general fund to the department of education for the fiscal year 1998-
7 1999 **[the]**:

8 (a) **The** sum of **[\$271,500]** **\$201,500** to pay the costs incurred by
9 the department of education for developing, writing and printing the
10 examinations required of pupils pursuant to paragraph (b) of
11 subsection 4 of section 45 of **[this act.] chapter 473, Statutes of**

12 **Nevada 1997; and**

13 (b) **The sum of \$70,000 to pay the costs incurred by the**
14 **department of education for writing test questions and developing**
15 **additional forms for the high school proficiency examination**
16 **required by NRS 389.015.**

17 2. Any remaining balance of the **[appropriation]** **appropriations**
18 made by subsection 1 must not be committed for expenditure after
19 June 30, 1999, and reverts to the state general fund as soon **as** all
20 payments of money committed have been made.

21 **Sec. 29.** Each school district shall expend the revenue made available
22 through this act, as well as other revenue from state, local and federal
23 sources, in a manner that is designed to attain the goals of the Legislature
24 regarding educational reform in this state, especially with regard to
25 assisting pupils in need of remediation and pupils who are not proficient in
26 the English language.

27 **Sec. 30.** 1. Section 28 of this act becomes effective upon passage
28 and approval.

29 2. This section and the remaining sections of this act become effective
30 on July 1, 1999.