

ASSEMBLY BILL NO. 272—COMMITTEE ON WAYS AND MEANS

(ON BEHALF OF STATE PLANNING COMMISSION FOR THE
NEW CONSTRUCTION, DESIGN, MAINTENANCE AND
REPAIR OF SCHOOL FACILITIES)

MARCH 5, 2001

Referred to Committee on Ways and Means

SUMMARY—Revises provisions governing calculation of basic support of school districts to provide money for maintenance and repair of school buildings. (BDR 34-1068)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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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; revising provisions governing the calculation of basic support of school districts to include a calculation for the maintenance and repair of school buildings and facilities; requiring that the money received from the additional calculation be placed in the county school district buildings and sites fund or a separate account; limiting the use of the money in the fund or account; 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.** NRS 387.121 is hereby amended to read as follows:
2 387.121 The legislature declares that the proper objective of state
3 financial aid to public education is to ensure each Nevada child a
4 reasonably equal educational opportunity ~~that~~ *in reasonably maintained*
5 *school buildings and facilities*. Recognizing wide local variations in
6 wealth and costs per pupil, this state should supplement local financial
7 ability to whatever extent necessary in each school district to provide
8 ~~programs~~ :
9 1. *Programs* of instruction in both compulsory and elective subjects
10 that offer full opportunity for every Nevada child to receive the benefit of
11 the purposes for which public schools are maintained ~~that~~ ; and
12 2. *Reasonably maintained school buildings and facilities*.
13 Therefore the quintessence of the state's financial obligation for such
14 programs *and the maintenance of such facilities* can be expressed in a
15 formula partially on a per pupil basis and partially on a per program basis



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1 as: State financial aid to school districts equals the difference between
2 school district basic support guarantee and local available funds produced
3 by mandatory taxes minus all the local funds attributable to pupils who
4 reside in the county but attend a charter school. This formula is designated
5 the Nevada plan.

6 **Sec. 2.** NRS 387.1233 is hereby amended to read as follows:

7 387.1233 1. *The total basic support of each school district consists*
8 *of the sum of the basic support for the operation of programs of public*
9 *education calculated pursuant to this subsection plus the basic support*
10 *for the maintenance, repair, renovation and reconstruction of school*
11 *buildings and facilities of the school district calculated pursuant to*
12 *subsection 6.* Except as otherwise provided in subsection 2, basic support
13 of each school district *for the operation of programs of public education*
14 must be computed by:

15 (a) Multiplying the basic support guarantee per pupil established for that
16 school district for that school year by the sum of:

17 (1) Six-tenths the count of pupils enrolled in the kindergarten
18 department on the last day of the first school month of the school district
19 for the school year, including, without limitation, the count of pupils who
20 reside in the county and are enrolled in any charter school on the last day
21 of the first school month of the school district for the school year.

22 (2) The count of pupils enrolled in grades 1 to 12, inclusive, on the
23 last day of the first school month of the school district for the school year,
24 including, without limitation, the count of pupils who reside in the county
25 and are enrolled in any charter school on the last day of the first school
26 month of the school district for the school year.

27 (3) The count of pupils not included under subparagraph (1) or (2)
28 who are receiving special education pursuant to the provisions of NRS
29 388.440 to 388.520, inclusive, on the last day of the first school month of
30 the school district for the school year, excluding the count of pupils who
31 have not attained the age of 5 years and who are receiving special
32 education pursuant to subsection 1 of NRS 388.490 on that day.

33 (4) Six-tenths the count of pupils who have not attained the age of 5
34 years and who are receiving special education pursuant to subsection 1 of
35 NRS 388.490 on the last day of the first school month of the school district
36 for the school year.

37 (5) The count of children detained in detention homes, alternative
38 programs and juvenile forestry camps receiving instruction pursuant to the
39 provisions of NRS 388.550, 388.560 and 388.570 on the last day of the
40 first school month of the school district for the school year.

41 (6) The count of pupils who are enrolled in classes for at least one
42 semester pursuant to subsection 4 of NRS 386.560 or subsection 3 of NRS
43 392.070, expressed as a percentage of the total time services are provided
44 to those pupils per school day in proportion to the total time services are
45 provided during a school day to pupils who are counted pursuant to
46 subparagraph (2).

47 (b) Multiplying the number of special education program units
48 maintained and operated by the amount per program established for that
49 school year.



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1 (c) Adding the amounts computed in paragraphs (a) and (b).

2 2. If the enrollment of pupils in a school district or a charter school
3 that is located within the school district on the last day of the first school
4 month of the school district for the school year is less than the enrollment
5 of pupils in the same school district or charter school on the last day of the
6 first school month of the school district for the immediately preceding
7 school year, the larger number must be used for purposes of apportioning
8 money from the state distributive school account to that school district or
9 charter school pursuant to NRS 387.124.

10 3. Pupils who are excused from attendance at examinations or have
11 completed their work in accordance with the rules of the board of trustees
12 must be credited with attendance during that period.

13 4. Pupils who are incarcerated in a facility or institution operated by
14 the department of prisons must not be counted for the purpose of
15 computing basic support pursuant to this section. The average daily
16 attendance for such pupils must be reported to the department of education.

17 5. Part-time pupils who are enrolled in courses which are approved by
18 the department as meeting the requirements for an adult to earn a high
19 school diploma must not be counted for the purpose of computing basic
20 support pursuant to this section. The average daily attendance for such
21 pupils must be reported to the department.

22 *6. The basic support of each school district for the maintenance,
23 repair, renovation and reconstruction of school buildings and facilities of
24 the school district must be computed separately for each school district
25 and is an amount equal to 3 percent of the total value of the respective
26 school district's buildings and facilities.*

27 **Sec. 3.** NRS 387.1243 is hereby amended to read as follows:

28 387.1243 1. The *portion of the first apportionment of basic support*
29 *for the operation of programs of public education is* based on an
30 estimated number of pupils and special education program units. *The first*
31 *apportionment* and succeeding apportionments are subject to adjustment
32 from time to time as the need therefor may appear.

33 2. The apportionments to a school district may be adjusted during a
34 fiscal year by the department of education, upon approval by the board of
35 examiners and the interim finance committee, if the department of taxation
36 and the county assessor in the county in which the school district is located
37 certify to the department of education that the school district will not
38 receive the tax levied pursuant to subsection 1 of NRS 387.195 on property
39 of the Federal Government located within the county if:

40 (a) The leasehold interest, possessory interest, beneficial interest or
41 beneficial use of the property is subject to taxation pursuant to NRS
42 361.157 and 361.159 and one or more lessees or users of the property are
43 delinquent in paying the tax; and

44 (b) The total amount of tax owed but not paid for the fiscal year by any
45 such lessees and users is at least 5 percent of the proceeds that the school
46 district would have received from the tax levied pursuant to subsection 1 of
47 NRS 387.195.

48 If a lessee or user pays the tax owed after the school district's
49 apportionment has been increased in accordance with the provisions of this



1 subsection to compensate for the tax owed, the school district shall repay to
2 the *state* distributive school account in the state general fund an amount
3 equal to the tax received from the lessee or user for the year in which the
4 school district received an increased apportionment, not to exceed the
5 increase in apportionments made to the school district pursuant to this
6 subsection.

7 3. On or before August 1 of each year, the board of trustees of a school
8 district shall provide to the department, in a format prescribed by the
9 department, the count of pupils calculated pursuant to subparagraph (6) of
10 paragraph (a) of subsection 1 of NRS 387.1233 who completed at least one
11 semester during the immediately preceding school year. The count of
12 pupils submitted to the department must be included in the final adjustment
13 computed pursuant to subsection 4.

14 4. A final adjustment *of the basic support for the operation of*
15 *programs of public education* for each school district and charter school
16 must be computed as soon as practicable following the close of the school
17 year, but not later than August 25. The final computation must be based
18 upon the actual counts of pupils required to be made for the computation of
19 basic support *for the operation of programs of public education* and the
20 limits upon the support of special education programs, except that for any
21 year when the total enrollment of pupils and children in a school district or
22 a charter school located within the school district described in paragraphs
23 (a), (b), (c) and (d) of subsection 1 of NRS 387.123 is greater on the last
24 day of any school month of the school district after the second school
25 month of the school district and the increase in enrollment shows at least:

26 (a) A 3-percent gain, basic support *for the operation of programs of*
27 *public education* as computed from first month enrollment for the school
28 district or charter school must be increased by 2 percent.

29 (b) A 6-percent gain, basic support *for the operation of programs of*
30 *public education* as computed from first month enrollment for the school
31 district or charter school must be increased by an additional 2 percent.

32 5. If the final computation of apportionment for any school district or
33 charter school exceeds the actual amount paid to the school district or
34 charter school during the school year, the additional amount due must be
35 paid before September 1. If the final computation of apportionment for any
36 school district or charter school is less than the actual amount paid to the
37 school district or charter school during the school year, the difference must
38 be repaid to the state distributive school account in the state general fund
39 by the school district or charter school before September 25.

40 **Sec. 4.** NRS 387.175 is hereby amended to read as follows:

41 387.175 The county school district fund is composed of:

42 1. All local taxes for the maintenance and operation of public schools.

43 2. All money received from the Federal Government for the
44 maintenance and operation of public schools.

45 3. ~~Apportionments~~ *Except for the money that is apportioned for*
46 *deposit pursuant to paragraph (d) of subsection 2 of NRS 387.177,*
47 *apportionments* by this state as provided in NRS 387.124.

48 4. Any other receipts, including gifts, for the operation and
49 maintenance of the public schools in the county school district.



1 **Sec. 5.** NRS 387.177 is hereby amended to read as follows:
2 387.177 1. There is hereby created in each county treasury , or in a
3 separate account ~~H~~ if established under NRS 354.603, a fund to be
4 designated as the county school district buildings and sites fund.
5 2. The county school district buildings and sites fund shall be
6 composed of:
7 (a) Receipts from the rentals and sales of school property.
8 (b) Gifts to the school district for any or all of the purposes enumerated
9 in NRS 387.335.
10 (c) All moneys received from the Federal Government for the
11 construction of school facilities.
12 (d) *Apportionments by this state from the calculation of basic support*
13 *for the maintenance, repair, renovation and reconstruction of school*
14 *buildings and facilities of the school district pursuant to subsection 6 of*
15 *NRS 387.1233. Money deposited in the fund or account pursuant to this*
16 *paragraph must be accounted for separately and may be expended by the*
17 *board of trustees only for the maintenance, repair, renovation and*
18 *reconstruction of school buildings and facilities of the school district and*
19 *must not be expended for any other purpose.*
20 3. ~~{Moneys}~~ *Except as otherwise provided in paragraph (d) of*
21 *subsection 2, money* in the county school district buildings and sites fund
22 may be expended by the board of trustees, notwithstanding such
23 expenditures have not been budgeted in accordance with law, only for the
24 purposes enumerated in NRS 387.335, and no others.
25 **Sec. 6.** This act becomes effective upon passage and approval.

