

ASSEMBLY BILL NO. 198—ASSEMBLYMEN PERKINS, BUCKLEY, PARNELL, GIUNCHIGLIANI, SMITH, ANDERSON, ARBERRY JR., ATKINSON, CLABORN, CONKLIN, DENIS, GERHARDT, HOGAN, HORNE, KIRKPATRICK, KOIVISTO, LESLIE, MANENDO, MCCLAIN, MCCLEARY, MORTENSEN, MUNFORD, OCEGUERA, OHRENSCHALL, PARKS, PIERCE AND SHERER

MARCH 10, 2005

JOINT SPONSORS: SENATORS TITUS, HORSFORD, WIENER, SCHNEIDER, CARLTON AND COFFIN

Referred to Concurrent Committees on Education and Ways and Means

SUMMARY—Provides for full-day kindergarten. (BDR 34-1197)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Contains Appropriation not 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 education; revising provisions governing the calculation of basic support for purposes of apportionments from the State Distributive School Account to include pupils enrolled in kindergarten for a full school day; making an appropriation for school districts to provide kindergarten for a full school day; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Under existing law, apportionments are made from the State Distributive
- 2 School Account to the school districts and charter schools based upon the number
- 3 of pupils enrolled. The apportionment for kindergarten is computed to reflect that
- 4 pupils do not attend kindergarten for a full school day. (NRS 387.1233)
- 5 This bill revises the calculation of basic support to reflect full-day attendance of
- 6 kindergarten pupils. This bill also makes an appropriation to the Department of
- 7 Education of \$12,045,000 in Fiscal Year 2005-2006 and \$59,907,821 in Fiscal Year
- 8 2006-2007. The appropriation for the first fiscal year must be distributed to school



9 districts, other than the Clark County School District, for the purchase of
10 the necessary facilities, equipment and supplies for full-day kindergarten in the
11 2006-2007 school year. The appropriation for the second fiscal year must be
12 distributed to all school districts to provide full-day kindergarten in the 2006-2007
13 school year.

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

1 **Section 1.** NRS 387.1233 is hereby amended to read as
2 follows:

3 387.1233 1. Except as otherwise provided in subsection 2,
4 basic support of each school district must be computed by:

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

7 (1) ~~{Six tenths the count of pupils enrolled in the~~
8 ~~kindergarten department on the last day of the first school month of~~
9 ~~the school district for the school year, including, without limitation,~~
10 ~~the count of pupils who reside in the county and are enrolled in any~~
11 ~~charter school on the last day of the first school month of the school~~
12 ~~district for the school year.~~

13 ~~—(2)}~~ The count of pupils enrolled in *kindergarten and*
14 grades 1 to 12, inclusive, on the last day of the first school month of
15 the school district for the school year, including, without limitation,
16 the count of pupils who reside in the county and are enrolled in any
17 charter school on the last day of the first school month of the school
18 district for the school year.

19 ~~{(3)}~~ (2) The count of pupils not included under
20 subparagraph (1) ~~{or (2)}~~ who are enrolled full time in a program of
21 distance education provided by that school district or a charter
22 school located within that school district on the last day of the first
23 school month of the school district for the school year.

24 ~~{(4)}~~ (3) The count of pupils who reside in the county and
25 are enrolled:

26 (I) In a public school of the school district and are
27 concurrently enrolled part time in a program of distance education
28 provided by another school district or a charter school on the last
29 day of the first school month of the school district for the school
30 year, expressed as a percentage of the total time services are
31 provided to those pupils per school day in proportion to the total
32 time services are provided during a school day to pupils who are
33 counted pursuant to subparagraph ~~{(2)}~~ (1).

34 (II) In a charter school and are concurrently enrolled part
35 time in a program of distance education provided by a school district



1 or another charter school on the last day of the first school month of
2 the school district for the school year, expressed as a percentage of
3 the total time services are provided to those pupils per school day in
4 proportion to the total time services are provided during a school
5 day to pupils who are counted pursuant to subparagraph ~~[(2)]~~ (1).

6 ~~[(5)]~~ (4) The count of pupils not included under
7 subparagraph (1), ~~[(2), (3) or (4)]~~ (2) or (3) who are receiving
8 special education pursuant to the provisions of NRS 388.440 to
9 388.520, inclusive, on the last day of the first school month of the
10 school district for the school year, excluding the count of pupils who
11 have not attained the age of 5 years and who are receiving special
12 education pursuant to subsection 1 of NRS 388.490 on that day.

13 ~~[(6)]~~ (5) Six-tenths the count of pupils who have not attained
14 the age of 5 years and who are receiving special education pursuant
15 to subsection 1 of NRS 388.490 on the last day of the first school
16 month of the school district for the school year.

17 ~~[(7)]~~ (6) The count of children detained in facilities for the
18 detention of children, alternative programs and juvenile forestry
19 camps receiving instruction pursuant to the provisions of NRS
20 388.550, 388.560 and 388.570 on the last day of the first school
21 month of the school district for the school year.

22 ~~[(8)]~~ (7) The count of pupils who are enrolled in classes for
23 at least one semester pursuant to subsection 4 of NRS 386.560,
24 subsection 4 of NRS 386.580 or subsection 3 of NRS 392.070,
25 expressed as a percentage of the total time services are provided to
26 those pupils per school day in proportion to the total time services
27 are provided during a school day to pupils who are counted pursuant
28 to subparagraph ~~[(2)]~~ (1).

29 (b) Multiplying the number of special education program units
30 maintained and operated by the amount per program established for
31 that school year.

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

33 2. If the enrollment of pupils in a school district or a charter
34 school that is located within the school district on the last day of the
35 first school month of the school district for the school year is less
36 than the enrollment of pupils in the same school district or charter
37 school on the last day of the first school month of the school district
38 for either or both of the immediately preceding 2 school years, the
39 largest number must be used from among the 3 years for purposes of
40 apportioning money from the State Distributive School Account to
41 that school district or charter school pursuant to NRS 387.124.

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



1 4. Pupils who are incarcerated in a facility or institution
2 operated by the Department of Corrections must not be counted for
3 the purpose of computing basic support pursuant to this section. The
4 average daily attendance for such pupils must be reported to the
5 Department of Education.

6 5. Pupils who are enrolled in courses which are approved by
7 the Department as meeting the requirements for an adult to earn a
8 high school diploma must not be counted for the purpose of
9 computing basic support pursuant to this section.

10 **Sec. 2.** NRS 387.124 is hereby amended to read as follows:

11 387.124 Except as otherwise provided in this section and
12 NRS 387.528:

13 1. On or before August 1, November 1, February 1 and May 1
14 of each year, the Superintendent of Public Instruction shall
15 apportion the State Distributive School Account in the State General
16 Fund among the several county school districts and charter schools
17 in amounts approximating one-fourth of their respective yearly
18 apportionments less any amount set aside as a reserve. The
19 apportionment to a school district, computed on a yearly basis,
20 equals the difference between the basic support and the local funds
21 available pursuant to NRS 387.1235, minus all the funds attributable
22 to pupils who reside in the county but attend a charter school and all
23 the funds attributable to pupils who reside in the county and are
24 enrolled full time or part time in a program of distance education
25 provided by another school district or a charter school. No
26 apportionment may be made to a school district if the amount of the
27 local funds exceeds the amount of basic support. If an agreement is
28 not filed for a pupil who is enrolled in a program of distance
29 education as required by NRS 388.854, the Superintendent of Public
30 Instruction shall not apportion money for that pupil to the board of
31 trustees of the school district in which the pupil resides, or the board
32 of trustees or governing body that provides the program of distance
33 education.

34 2. Except as otherwise provided in subsection 3, the
35 apportionment to a charter school, computed on a yearly basis, is
36 equal to the sum of the basic support per pupil in the county in
37 which the pupil resides plus the amount of local funds available per
38 pupil pursuant to NRS 387.1235 and all other funds available for
39 public schools in the county in which the pupil resides minus all the
40 funds attributable to pupils who are enrolled in the charter school
41 but are concurrently enrolled part time in a program of distance
42 education provided by a school district or another charter school. If
43 the apportionment per pupil to a charter school is more than the
44 amount to be apportioned to the school district in which a pupil who



1 is enrolled in the charter school resides, the school district in which
2 the pupil resides shall pay the difference directly to the charter
3 school.

4 3. Except as otherwise provided in this subsection, the
5 apportionment to a charter school that is sponsored by the State
6 Board, computed on a yearly basis, is equal to:

7 (a) The sum of the basic support per pupil in the county in
8 which the pupil resides plus the amount of local funds available per
9 pupil pursuant to NRS 387.1235 and all other funds available for
10 public schools in the county in which the pupil resides; or

11 (b) The statewide average per pupil amount for pupils who are
12 enrolled full time,

13 ➔ whichever is greater. If the calculation set forth in paragraph (a)
14 is less than the calculation pursuant to paragraph (b), the school
15 district in which the charter school is located shall pay the difference
16 directly to the charter school. If a charter school provides a program
17 of distance education pursuant to NRS 388.820 to 388.874,
18 inclusive, the apportionment to the charter school for pupils who are
19 enrolled in the program of distance education must be calculated as
20 set forth in subsection 2 or 4, as applicable.

21 4. In addition to the apportionments made pursuant to this
22 section, an apportionment must be made to a school district or
23 charter school that provides a program of distance education for
24 each pupil who is enrolled part time in the program if an agreement
25 is filed for that pupil pursuant to NRS 388.854 or 388.858, as
26 applicable. The amount of the apportionment must be equal to the
27 percentage of the total time services are provided to the pupil
28 through the program of distance education per school day in
29 proportion to the total time services are provided during a school
30 day to pupils who are counted pursuant to subparagraph ~~(2)~~ (1) of
31 paragraph (a) of subsection 1 of NRS 387.1233 for the school
32 district in which the pupil resides.

33 5. The governing body of a charter school may submit a
34 written request to the Superintendent of Public Instruction to
35 receive, in the first year of operation of the charter school, an
36 apportionment 30 days before the apportionment is required to be
37 made pursuant to subsection 1. Upon receipt of such a request, the
38 Superintendent of Public Instruction may make the apportionment
39 30 days before the apportionment is required to be made. A charter
40 school may receive all four apportionments in advance in its first
41 year of operation.

42 6. If the State Controller finds that such an action is needed to
43 maintain the balance in the State General Fund at a level sufficient
44 to pay the other appropriations from it, he may pay out the



1 apportionments monthly, each approximately one-twelfth of the
2 yearly apportionment less any amount set aside as a reserve. If such
3 action is needed, the State Controller shall submit a report to the
4 Department of Administration and the Fiscal Analysis Division of
5 the Legislative Counsel Bureau documenting reasons for the action.

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

7 387.1243 1. The first apportionment based on an estimated
8 number of pupils and special education program units and
9 succeeding apportionments are subject to adjustment from time to
10 time as the need therefor may appear.

11 2. The apportionments to a school district may be adjusted
12 during a fiscal year by the Department of Education, upon approval
13 by the State Board of Examiners and the Interim Finance
14 Committee, if the Department of Taxation and the county assessor
15 in the county in which the school district is located certify to the
16 Department of Education that the school district will not receive the
17 tax levied pursuant to subsection 1 of NRS 387.195 on property of
18 the Federal Government located within the county if:

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

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

27 ➡ If a lessee or user pays the tax owed after the school district's
28 apportionment has been increased in accordance with the provisions
29 of this subsection to compensate for the tax owed, the school district
30 shall repay to the State Distributive School Account in the State
31 General Fund an amount equal to the tax received from the lessee or
32 user for the year in which the school district received an increased
33 apportionment, not to exceed the increase in apportionments made
34 to the school district pursuant to this subsection.

35 3. On or before August 1 of each year, the board of trustees of
36 a school district shall provide to the Department, in a format
37 prescribed by the Department, the count of pupils calculated
38 pursuant to subparagraph ~~(8)~~ (7) of paragraph (a) of subsection 1
39 of NRS 387.1233 who completed at least one semester during the
40 immediately preceding school year. The count of pupils submitted
41 to the Department must be included in the final adjustment
42 computed pursuant to subsection 4.

43 4. A final adjustment for each school district and charter school
44 must be computed as soon as practicable following the close of the



1 school year, but not later than August 25. The final computation
2 must be based upon the actual counts of pupils required to be made
3 for the computation of basic support and the limits upon the support
4 of special education programs, except that for any year when the
5 total enrollment of pupils and children in a school district or a
6 charter school located within the school district described in
7 paragraphs (a), (b), (c) and (e) of subsection 1 of NRS 387.123 is
8 greater on the last day of any school month of the school district
9 after the second school month of the school district and the increase
10 in enrollment shows at least:

11 (a) A 3-percent gain, basic support as computed from first-
12 month enrollment for the school district or charter school must be
13 increased by 2 percent.

14 (b) A 6-percent gain, basic support as computed from first-
15 month enrollment for the school district or charter school must be
16 increased by an additional 2 percent.

17 5. If the final computation of apportionment for any school
18 district or charter school exceeds the actual amount paid to the
19 school district or charter school during the school year, the
20 additional amount due must be paid before September 1. If the final
21 computation of apportionment for any school district or charter
22 school is less than the actual amount paid to the school district or
23 charter school during the school year, the difference must be repaid
24 to the State Distributive School Account in the State General Fund
25 by the school district or charter school before September 25.

26 **Sec. 4.** NRS 388.854 is hereby amended to read as follows:

27 388.854 1. Except as otherwise provided in this subsection,
28 before a pupil may enroll full time or part time in a program of
29 distance education that is provided by a school district other than the
30 school district in which the pupil resides, the pupil must obtain the
31 written permission of the board of trustees of the school district in
32 which the pupil resides. Before a pupil who is enrolled in a public
33 school of a school district may enroll part time in a program of
34 distance education that is provided by a charter school, the pupil
35 must obtain the written permission of the board of trustees of the
36 school district in which the pupil resides. A pupil who enrolls full
37 time in a program of distance education that is provided by a charter
38 school is not required to obtain the approval of the board of trustees
39 of the school district in which the pupil resides.

40 2. If the board of trustees of a school district grants permission
41 pursuant to subsection 1, the board of trustees shall enter into a
42 written agreement with the board of trustees or governing body, as
43 applicable, that provides the program of distance education. A
44 separate agreement must be prepared for each year that a pupil



1 enrolls in a program of distance education. The written agreement
2 must:

3 (a) Contain a statement prepared by the board of trustees of the
4 school district in which the pupil resides indicating that the board of
5 trustees understands that the Superintendent of Public Instruction
6 will make appropriate adjustments in the apportionments to the
7 school district pursuant to NRS 387.124 to account for the pupil's
8 enrollment in the program of distance education;

9 (b) If the pupil plans to enroll part time in the program of
10 distance education, contain a statement prepared by the board of
11 trustees of the school district in which the pupil resides and the
12 board of trustees or governing body that provides the program of
13 distance education setting forth the percentage of the total time
14 services will be provided to the pupil through the program of
15 distance education per school day in proportion to the total time
16 services are provided during a school day to pupils who are counted
17 pursuant to subparagraph ~~(2)~~ (1) of paragraph (a) of subsection 1
18 of NRS 387.1233 for the school district in which the pupil resides;

19 (c) Be signed by the board of trustees of the school district in
20 which the pupil resides and the board of trustees or governing body
21 that provides the program of distance education; and

22 (d) Include any other information required by the State Board by
23 regulation.

24 3. On or before September 1 of each year or January 1 of each
25 year, as applicable for the semester of enrollment, a written
26 agreement must be filed with the Superintendent of Public
27 Instruction for each pupil who is enrolled full time in a program of
28 distance education provided by a school district other than the
29 school district in which the pupil resides. On or before September 1
30 or January 1 of each year, as applicable for the semester of
31 enrollment, a written agreement must be filed with the
32 Superintendent of Public Instruction for each pupil who is enrolled
33 in a public school of the school district and who is enrolled part time
34 in a program of distance education provided by a charter school. If
35 an agreement is not filed for a pupil who is enrolled in a program of
36 distance education as required by this section, the Superintendent of
37 Public Instruction shall not apportion money for that pupil to the
38 board of trustees of the school district in which the pupil resides, or
39 the board of trustees or governing body that provides the program of
40 distance education.

41 **Sec. 5.** NRS 388.858 is hereby amended to read as follows:

42 388.858 1. If a pupil is enrolled in a charter school, he may
43 enroll full time in a program of distance education only if the charter



1 school in which he is enrolled provides the program of distance
2 education.

3 2. Before a pupil who is enrolled in a charter school may enroll
4 part time in a program of distance education that is provided by a
5 school district or another charter school, the pupil must obtain the
6 written permission of the governing body of the charter school in
7 which the pupil is enrolled.

8 3. If the governing body of a charter school grants permission
9 pursuant to subsection 2, the governing body shall enter into a
10 written agreement with the board of trustees or governing body, as
11 applicable, that provides the program of distance education. A
12 separate agreement must be prepared for each year that a pupil
13 enrolls in a program of distance education. The written agreement
14 must:

15 (a) Contain a statement prepared by the governing body of the
16 charter school in which the pupil is enrolled indicating that the
17 governing body understands that the Superintendent of Public
18 Instruction will make appropriate adjustments in the apportionments
19 to the charter school pursuant to NRS 387.124 to account for the
20 pupil's enrollment in the program of distance education;

21 (b) Contain a statement prepared by the governing body of the
22 charter school in which the pupil is enrolled and the board of
23 trustees or governing body that provides the program of distance
24 education setting forth the percentage of the total time services will
25 be provided to the pupil through the program of distance education
26 per school day in proportion to the total time services are provided
27 during a school day to pupils who are counted pursuant to
28 subparagraph ~~(2)~~ (1) of paragraph (a) of subsection 1 of NRS
29 387.1233 for the school district in which the pupil resides;

30 (c) Be signed by the governing body of the charter school in
31 which the pupil is enrolled and the board of trustees or governing
32 body that provides the program of distance education; and

33 (d) Include any other information required by the State Board by
34 regulation.

35 4. On or before September 1 or January 1 of each year, as
36 applicable for the semester of enrollment, a written agreement must
37 be filed with the Superintendent of Public Instruction for each pupil
38 who is enrolled in a charter school and who is enrolled part time in a
39 program of distance education provided by a school district or
40 another charter school. If an agreement is not filed for such a pupil,
41 the Superintendent of Public Instruction shall not apportion money
42 for that pupil to the governing body of the charter school in which
43 the pupil is enrolled, or the board of trustees or governing body that
44 provides the program of distance education.



Sec. 6. 1. The following sums are hereby appropriated from the State General Fund to the Department of Education for distribution to school districts to prepare for and provide full-day kindergarten:

For the Fiscal Year 2005-2006..... \$12,045,000

For the Fiscal Year 2006-2007..... \$59,907,821

2. The Department of Education shall distribute the money appropriated pursuant to subsection 1 for the Fiscal Year 2005-2006 to school districts for the purchase of the necessary facilities, equipment and supplies to provide full-day kindergarten in the 2006-2007 school year. The Clark County School District is not eligible to receive a distribution of money pursuant to this subsection for the purchase of school facilities.

3. The Department of Education shall distribute the money appropriated pursuant to subsection 1 for the Fiscal Year 2006-2007 to the 17 school districts to provide full-day kindergarten in the 2006-2007 school year. The amount allocated to each school district must be based upon the number of pupils estimated to enroll in full-day kindergarten in the school district for the 2006-2007 school year.

4. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years and must be reverted to the State General Fund on or before September 21, 2007.

Sec. 7. 1. This section and section 6 of this act become effective on July 1, 2005.

2. Sections 1 to 5, inclusive, of this act become effective on July 1, 2006.



