

ASSEMBLY BILL NO. 367—ASSEMBLYWOMAN GIUNCHIGLIANI

MARCH 23, 2005

Referred to Committee on Ways and Means

SUMMARY—Requires uncommitted money remaining in State Distributive School Account to be distributed to school districts biennially. (BDR 34-867)

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 school financial administration; providing that the uncommitted money remaining in the State Distributive School Account does not revert to the State General Fund; requiring that such money be distributed to the school districts biennially; 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 387.030 is hereby amended to read as follows:
2 387.030 **1.** All money derived from interest on the State
3 Permanent School Fund, together with all money derived from other
4 sources provided by law, must:
5 ~~(1)~~ **(a)** Be placed in the State Distributive School Account
6 which is hereby created in the State General Fund; and
7 ~~(2)~~ **(b)** Except as otherwise provided in NRS 387.528, be
8 apportioned among the several school districts and charter schools
9 of this State at the times and in the manner provided by law.
10 **2. Any balance remaining in the State Distributive School**
11 **Account at the end of a fiscal year does not revert to the State**
12 **General Fund and must be carried forward in that Account until**
13 **the apportionments are made pursuant to this section. On or**
14 **before September 25 of each odd-numbered year, the**
15 **Superintendent of Public Instruction shall apportion to each**



1 *school district the amount remaining in the State Distributive*
2 *School Account at the end of the preceding fiscal year, including*
3 *any amount carried forward, that is not committed for*
4 *expenditure. The apportionment must be:*

5 *(a) Based upon the uncommitted balance remaining in the*
6 *Account after the final computation of apportionment is made*
7 *pursuant to subsection 5 of NRS 387.1243.*

8 *(b) Distributed to a school district in the same proportion that*
9 *the amount received by that school district in the preceding fiscal*
10 *year pursuant to NRS 387.124 bears to the total amount that was*
11 *apportioned to all school districts pursuant to that section during*
12 *that fiscal year.*

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

14 387.124 Except as otherwise provided in this section , **NRS**
15 **387.030** and ~~NRS~~ 387.528:

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

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



1 the apportionment per pupil to a charter school is more than the
2 amount to be apportioned to the school district in which a pupil who
3 is enrolled in the charter school resides, the school district in which
4 the pupil resides shall pay the difference directly to the charter
5 school.

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

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

13 (b) The statewide average per pupil amount for pupils who are
14 enrolled full-time,

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

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

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

44 6. If the State Controller finds that such an action is needed to
45 maintain the balance in the State General Fund at a level sufficient



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

7 **Sec. 3.** NRS 387.175 is hereby amended to read as follows:

8 387.175 The county school district fund is composed of:

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

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

13 3. Apportionments by this State as provided in NRS **387.030**
14 **and** 387.124.

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

17 **Sec. 4.** NRS 387.185 is hereby amended to read as follows:

18 387.185 1. Except as otherwise provided in subsection 2 and
19 NRS 387.528, all school money due each county school district
20 must be paid over by the State Treasurer to the county treasurer on
21 August 1, November 1, February 1 and May 1 of each year
22 **pursuant to NRS 387.124 and on September 25 of each odd-**
23 **numbered year pursuant to NRS 387.030**, or as soon thereafter as
24 the county treasurer may apply for it, upon the warrant of the State
25 Controller drawn in conformity with the apportionment of the
26 Superintendent of Public Instruction as provided in NRS 387.124 **H**
27 **or 387.030, as applicable.**

28 2. Except as otherwise provided in NRS 387.528, if the board
29 of trustees of a school district establishes and administers a separate
30 account pursuant to the provisions of NRS 354.603, all school
31 money due that school district must be paid over by the State
32 Treasurer to the school district on August 1, November 1,
33 February 1 and May 1 of each year **pursuant to NRS 387.124 and**
34 **on September 25 of each odd-numbered year pursuant to NRS**
35 **387.030**, or as soon thereafter as the school district may apply for it,
36 upon the warrant of the State Controller drawn in conformity with
37 the apportionment of the Superintendent of Public Instruction as
38 provided in NRS **387.030 or** 387.124 **H**, **as applicable.**

39 3. No county school district may receive any portion of the
40 public school money unless that school district has complied with
41 the provisions of this title and regulations adopted pursuant thereto.

42 4. Except as otherwise provided in this subsection, all school
43 money due each charter school must be paid over by the State
44 Treasurer to the governing body of the charter school on August 1,
45 November 1, February 1 and May 1 of each year or as soon



1 thereafter as the governing body may apply for it, upon the warrant
2 of the State Controller drawn in conformity with the apportionment
3 of the Superintendent of Public Instruction as provided in NRS
4 387.124. If the Superintendent of Public Instruction has approved,
5 pursuant to subsection 5 of NRS 387.124, a request for payment of
6 an apportionment 30 days before the apportionment is otherwise
7 required to be made, the money due to the charter school must be
8 paid by the State Treasurer to the governing body of the charter
9 school on July 1, October 1, January 1 or April 1, as applicable.
10 **Sec. 5.** This act becomes effective upon passage and approval.



