

SENATE BILL NO. 284—COMMITTEE ON FINANCE

(ON BEHALF OF THE NEVADA ASSOCIATION OF SCHOOL BOARDS)

MARCH 23, 2005

Referred to Committee on Finance

SUMMARY—Revises provisions governing education and makes appropriations for education. (BDR 34-550)

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; requiring the Superintendent of Public Instruction to prepare a compilation of certain information for inclusion in the biennial budgetary request for the State Distributive School Account; providing that a certain percentage in the ending fund balance of the general fund of a school district is not subject to negotiations; revising provisions governing the calculation of basic support to provide kindergarten for a full school day; authorizing school districts to develop alternative plans for the reduction of pupil-teacher ratios in certain grades; making various appropriations for education and for educational personnel; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Education to consult with the Superintendent of Schools of each school district to prepare the biennial budgetary request for the State Distributive School Account. (NRS 387.304)

This bill requires the Superintendent of Public Instruction to prepare a compilation of certain information for inclusion in the biennial budgetary request for the State Distributive School Account.

This bill also prohibits a certain percentage of the ending fund balance in a school district's general fund from being used to: (1) raise salaries or increase benefits of employees; or (2) settle negotiations or arbitrate disputes between the school district and an employee organization.



Under existing law, apportionments made from the State Distributive School Account to each school district and charter school are based upon the number of pupils enrolled. The apportionment for kindergarten is computed to reflect that pupils do not attend kindergarten for a full school day. (NRS 387.1233)

This bill revises the calculation of basic support to reflect full-day attendance of kindergarten pupils. This bill also makes an appropriation to the Department of Education for distribution during the first fiscal year to school districts, other than the Clark County School District, for the purchase of the necessary facilities, equipment and supplies to provide full-day kindergarten in the 2006-2007 school year. The appropriation for the second fiscal year must be distributed to all school districts to provide full-day kindergarten in the 2006-2007 school year.

Existing law requires each school district to comply with a pupil-teacher ratio of 15 to 1 in kindergarten and grades 1 through 3. (NRS 388.700-388.720) Since the 1999 Legislative Session, certain rural school districts have been authorized to carry out alternative pupil-teacher ratios in grades 1 through 6. (Chapter 543, Statutes of Nevada 1999, at page 2841; Chapter 569, Statutes of Nevada 2001, at page 2856; Chapter 5, Statutes of Nevada 2003, 20th Special Session, at page 239)

This bill authorizes each school district to establish alternative pupil-teacher ratios for grades 1 through 6 and establishes the maximum ratio for each grade. The State Board of Education must approve any such plan.

This bill further makes various appropriations for: (1) inflationary costs of school districts; (2) textbooks and instructional equipment; (3) increasing salaries and associated benefits, excluding health insurance, for teachers and licensed educational personnel; (4) health insurance for licensed educational personnel; (5) signing bonuses to licensed educational personnel and school nurses; (6) various student programs and career and technical education courses; and (7) professional development for teachers.

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

Section 1. Chapter 385 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Superintendent of Public Instruction shall compile information from each school district for the Department in preparing its biennial budgetary request for the State Distributive School Account prepared by the Department. In compiling the request, the Superintendent shall take into account, without limitation:

(a) The projected enrollment of pupils for each school district and for the school districts as a whole;

(b) The projected costs of salaries and benefits for existing and newly hired teachers, and for other school district employees, including, without limitation, the cost of merit increases and the cost of living adjustments recommended by the Superintendent of Public Instruction;

(c) The projected costs of supplies, equipment, services, fuel and utilities based upon such published indexes, reports and



1 *research as the Superintendent of Public Instruction considers are*
2 *credible and reliable regarding those costs to schools;*

3 (d) *The projected cost of existing and proposed educational*
4 *programs, including, without limitation, enhancements to existing*
5 *programs that are not included in the per pupil basic support*
6 *guarantee; and*

7 (e) *The revenue that is anticipated to be available for the*
8 *general operations of school districts other than money available*
9 *from the State General Fund.*

10 2. *The compilation prepared pursuant to subsection 1 must be*
11 *included with the biennial budgetary request for the State*
12 *Distributive School Account prepared by the Department.*

13 **Sec. 2.** Chapter 387 of NRS is hereby amended by adding
14 thereto a new section to read as follows:

15 *Any ending fund balance maintained in the general fund of a*
16 *school district of up to 8.3 percent must not be used to:*

17 1. *Settle or arbitrate disputes between a recognized*
18 *organization representing employees of a school district and the*
19 *school district, or to settle any negotiations.*

20 2. *Adjust the district-wide schedules of salaries and benefits*
21 *of the employees of a school district.*

22 **Sec. 3.** NRS 387.1233 is hereby amended to read as follows:

23 387.1233 1. Except as otherwise provided in subsection 2,
24 basic support of each school district must be computed by:

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

27 (1) ~~{Six-tenths the count of pupils enrolled in the~~
28 ~~kindergarten department on the last day of the first school month of~~
29 ~~the school district for the school year, including, without limitation,~~
30 ~~the count of pupils who reside in the county and are enrolled in any~~
31 ~~charter school on the last day of the first school month of the school~~
32 ~~district for the school year.~~

33 ~~——(2)}~~ The count of pupils enrolled in *kindergarten and* grades
34 1 to 12, inclusive, on the last day of the first school month of the
35 school district for the school year, including, without limitation, the
36 count of pupils who reside in the county and are enrolled in any
37 charter school on the last day of the first school month of the school
38 district for the school year.

39 ~~{(3)}~~ (2) The count of pupils not included under
40 subparagraph (1) ~~for (2)}~~ who are enrolled full time in a program of
41 distance education provided by that school district or a charter
42 school located within that school district on the last day of the first
43 school month of the school district for the school year.



~~[(4)]~~ (3) The count of pupils who reside in the county and are enrolled:

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

(II) In a charter school and are concurrently enrolled part time in a program of distance education provided by a school district or another charter school on the last day of the first school month of the school district for the school year, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph ~~[(2)]~~ (1).

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

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

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

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

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

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



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

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

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

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

Sec. 4. NRS 387.124 is hereby amended to read as follows:

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

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



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

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

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

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

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

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

5. The governing body of a charter school may submit a written request to the Superintendent of Public Instruction to



1 receive, in the first year of operation of the charter school, an
2 apportionment 30 days before the apportionment is required to be
3 made pursuant to subsection 1. Upon receipt of such a request, the
4 Superintendent of Public Instruction may make the apportionment
5 30 days before the apportionment is required to be made. A charter
6 school may receive all four apportionments in advance in its first
7 year of operation.

8 6. If the State Controller finds that such an action is needed to
9 maintain the balance in the State General Fund at a level sufficient
10 to pay the other appropriations from it, he may pay out the
11 apportionments monthly, each approximately one-twelfth of the
12 yearly apportionment less any amount set aside as a reserve. If such
13 action is needed, the State Controller shall submit a report to the
14 Department of Administration and the Fiscal Analysis Division of
15 the Legislative Counsel Bureau documenting reasons for the action.

16 **Sec. 5.** NRS 387.1243 is hereby amended to read as follows:

17 387.1243 1. The first apportionment based on an estimated
18 number of pupils and special education program units and
19 succeeding apportionments are subject to adjustment from time to
20 time as the need therefor may appear.

21 2. The apportionments to a school district may be adjusted
22 during a fiscal year by the Department of Education, upon approval
23 by the State Board of Examiners and the Interim Finance
24 Committee, if the Department of Taxation and the county assessor
25 in the county in which the school district is located certify to the
26 Department of Education that the school district will not receive the
27 tax levied pursuant to subsection 1 of NRS 387.195 on property of
28 the Federal Government located within the county if:

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

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

37 ➤ If a lessee or user pays the tax owed after the school district's
38 apportionment has been increased in accordance with the provisions
39 of this subsection to compensate for the tax owed, the school district
40 shall repay to the State Distributive School Account in the State
41 General Fund an amount equal to the tax received from the lessee or
42 user for the year in which the school district received an increased
43 apportionment, not to exceed the increase in apportionments made
44 to the school district pursuant to this subsection.



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

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

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

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

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

Sec. 6. NRS 387.304 is hereby amended to read as follows:

387.304 The Department shall:

1. Conduct an annual audit of the count of pupils for apportionment purposes reported by each school district pursuant to NRS 387.123 and the data reported by each school district *pursuant to NRS 388.710* that is used to measure the effectiveness of the implementation of ~~[the]~~ a plan developed by each school district to reduce the pupil-teacher ratio ~~[in kindergarten and grades 1, 2 and 3.]~~ as required by NRS ~~[388.710.]~~ 388.720.



2. Review each school district's report of the annual audit conducted by a public accountant as required by NRS 354.624, and the annual report prepared by each district as required by NRS 387.303, and report the findings of the review to the State Board and the Legislative Committee on Education, with any recommendations for legislation, revisions to regulations or training needed by school district employees. The report by the Department must identify school districts which failed to comply with any statutes or administrative regulations of this State or which had any:

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

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

(c) Deficit cash balances in any fund;

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

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

3. In preparing its biennial budgetary request for the State Distributive School Account, consult with the superintendent of schools of each school district or a person designated by the superintendent.

4. Provide, in consultation with the Budget Division of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau, training to the financial officers of school districts in matters relating to financial accountability.

Sec. 7. NRS 388.700 is hereby amended to read as follows:

388.700 1. Except as otherwise provided in subsections 2, 3 and 6, after the last day of the first month of the school year, the ratio in each school district of pupils ~~[per class in kindergarten and grades 1, 2 and 3]~~ per licensed teacher designated to teach ~~[those classes full-time must not exceed 15 to 1]~~, *on a full-time basis*, in classes where core curriculum is taught ~~[]~~:

(a) In kindergarten and grades 1, 2 and 3, must not exceed 15 to 1; or

(b) If a plan is approved pursuant to subsection 2 of NRS 388.720, must not exceed the ratio set forth in that plan for the grade levels specified in the plan.

➔ In determining this ratio, all licensed educational personnel who teach ~~[kindergarten or grade 1, 2 or 3]~~ *a grade level specified in paragraph (a) or a grade level specified in a plan that is approved pursuant to subsection 2 of NRS 388.720, as applicable for the school district*, must be counted except teachers of art, music, physical education or special education, counselors, librarians, administrators, deans and specialists.



2. A school district may, within the limits of any plan adopted pursuant to NRS 388.720, assign a pupil whose enrollment in a grade occurs after the last day of the first month of the school year to any existing class regardless of the number of pupils in the class.

3. The State Board may grant to a school district a variance from the limitation on the number of pupils per class set forth in subsection 1 for good cause, including the lack of available financial support specifically set aside for the reduction of pupil-teacher ratios.

4. The State Board shall, on or before February 1 of each odd-numbered year, report to the Legislature on:

(a) Each variance granted by it during the preceding biennium, including the specific justification for the variance.

(b) The data reported to it by the various school districts pursuant to subsection 2 of NRS 388.710, including an explanation of that data, and the current pupil-teacher ratios per class in ~~kindergarten and grades 1, 2 and 3.~~ *the grade levels specified in paragraph (a) of subsection 1 or the grade levels specified in a plan that is approved pursuant to subsection 2 of NRS 388.720, as applicable for the school district.*

5. The Department shall, on or before November 15 of each year, report to the Chief of the Budget Division of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau:

(a) The number of teachers employed;

(b) The number of teachers employed in order to attain the ratio required by subsection 1;

(c) The number of pupils enrolled; and

(d) The number of teachers assigned to teach in the same classroom with another teacher or in any other arrangement other than one teacher assigned to one classroom of pupils,

➔ during the current school year in ~~kindergarten and grades 1, 2 and 3.~~ *the grade levels specified in paragraph (a) of subsection 1 or the grade levels specified in a plan that is approved pursuant to subsection 2 of NRS 388.720, as applicable,* for each school district.

6. The provisions of this section do not apply to a charter school or to a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

Sec. 8. NRS 388.710 is hereby amended to read as follows:

388.710 1. The State Board, in consultation with the trustees of the school districts and the recognized associations representing licensed educational personnel, after receiving comments from the general public, shall determine the data that must be monitored by each school district and used to measure the effectiveness of the



1 implementation of ~~the~~ a plan developed by each school district to
2 reduce the pupil-teacher ratio ~~per class in kindergarten and grades~~
3 ~~1, 2 and 3.~~ pursuant to NRS 388.720.

4 2. Each school district shall report the data to the State Board
5 as required by the State Board.

6 **Sec. 9.** NRS 388.720 is hereby amended to read as follows:

7 388.720 ~~Each~~

8 *1. Except as otherwise provided in subsection 2, each* school
9 district together with the recognized associations representing
10 licensed educational personnel shall develop a plan to reduce the
11 district's pupil-teacher ratio per class in kindergarten and grades 1, 2
12 and 3 within the limits of available financial support specifically set
13 aside for this purpose and submit that plan to the State Board.

14 *2. In lieu of complying with the pupil-teacher ratio prescribed*
15 *in paragraph (a) of subsection 1 of NRS 388.700, a school district*
16 *may, in consultation with the recognized associations representing*
17 *licensed educational personnel, develop a plan to reduce the*
18 *district's pupil-teacher ratios per class for specified grade levels in*
19 *elementary schools. Alternative ratios for grade 6 may only be*
20 *approved for those school districts that include grade 6 in*
21 *elementary school. The alternative pupil-teacher ratios must not:*

22 *(a) Exceed 22 to 1 in grades 1, 2 and 3; and*

23 *(b) Exceed 25 to 1 in grades 4 and 5 or grades 4, 5 and 6, as*
24 *applicable.*

25 *3. The State Board shall approve a plan submitted pursuant*
26 *to subsection 2 if the plan:*

27 *(a) Reduces the district's pupil-teacher ratio in the elementary*
28 *schools within the school district; and*

29 *(b) Is fiscally neutral in such a manner as to ensure that the*
30 *plan will not cost more to carry out than a plan that complies with*
31 *the ratios prescribed in paragraph (a) of subsection 1 of*
32 *NRS 388.700.*

33 **Sec. 10.** NRS 388.854 is hereby amended to read as follows:

34 388.854 1. Except as otherwise provided in this subsection,
35 before a pupil may enroll full time or part time in a program of
36 distance education that is provided by a school district other than the
37 school district in which the pupil resides, the pupil must obtain the
38 written permission of the board of trustees of the school district in
39 which the pupil resides. Before a pupil who is enrolled in a public
40 school of a school district may enroll part time in a program of
41 distance education that is provided by a charter school, the pupil
42 must obtain the written permission of the board of trustees of the
43 school district in which the pupil resides. A pupil who enrolls full
44 time in a program of distance education that is provided by a charter



1 school is not required to obtain the approval of the board of trustees
2 of the school district in which the pupil resides.

3 2. If the board of trustees of a school district grants permission
4 pursuant to subsection 1, the board of trustees shall enter into a
5 written agreement with the board of trustees or governing body, as
6 applicable, that provides the program of distance education. A
7 separate agreement must be prepared for each year that a pupil
8 enrolls in a program of distance education. The written agreement
9 must:

10 (a) Contain a statement prepared by the board of trustees of the
11 school district in which the pupil resides indicating that the board of
12 trustees understands that the Superintendent of Public Instruction
13 will make appropriate adjustments in the apportionments to the
14 school district pursuant to NRS 387.124 to account for the pupil's
15 enrollment in the program of distance education;

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

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

29 (d) Include any other information required by the State Board by
30 regulation.

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



1 the board of trustees or governing body that provides the program of
2 distance education.

3 **Sec. 11.** NRS 388.858 is hereby amended to read as follows:

4 388.858 1. If a pupil is enrolled in a charter school, he may
5 enroll full time in a program of distance education only if the charter
6 school in which he is enrolled provides the program of distance
7 education.

8 2. Before a pupil who is enrolled in a charter school may enroll
9 part time in a program of distance education that is provided by a
10 school district or another charter school, the pupil must obtain the
11 written permission of the governing body of the charter school in
12 which the pupil is enrolled.

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

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

26 (b) Contain a statement prepared by the governing body of the
27 charter school in which the pupil is enrolled and the board of
28 trustees or governing body that provides the program of distance
29 education setting forth the percentage of the total time services will
30 be provided to the pupil through the program of distance education
31 per school day in proportion to the total time services are provided
32 during a school day to pupils who are counted pursuant to
33 subparagraph ~~(2)~~ (1) of paragraph (a) of subsection 1 of NRS
34 387.1233 for the school district in which the pupil resides;

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

38 (d) Include any other information required by the State Board by
39 regulation.

40 4. On or before September 1 or January 1 of each year, as
41 applicable for the semester of enrollment, a written agreement must
42 be filed with the Superintendent of Public Instruction for each pupil
43 who is enrolled in a charter school and who is enrolled part time in a
44 program of distance education provided by a school district or
45 another charter school. If an agreement is not filed for such a pupil,



1 the Superintendent of Public Instruction shall not apportion money
2 for that pupil to the governing body of the charter school in which
3 the pupil is enrolled, or the board of trustees or governing body that
4 provides the program of distance education.

5 **Sec. 12.** 1. There is hereby appropriated from the State
6 General Fund to the State Distributive School Account the
7 following sums to pay for the inflation of certain projected costs:

8 For the Fiscal Year 2005-2006..... \$9,992,310

9 For the Fiscal Year 2006-2007..... \$21,133,508

10 2. The money appropriated by subsection 1 must be distributed
11 to the school districts throughout this State to pay for the inflation of
12 the costs projected by the school districts for utilities, property and
13 liability insurance, health insurance and educational supplies,
14 material and equipment in preparing the biennial budgetary request
15 for the State Distributive School Account for the 2005-2007
16 biennium. The money allocated pursuant to this subsection must be
17 in addition to the money that is otherwise distributed to school
18 districts from the State Distributive School Account for those costs
19 for the 2005-2007 biennium.

20 **Sec. 13.** 1. There is hereby appropriated from the State
21 General Fund to the State Distributive School Account the
22 following sums for textbooks, instructional supplies, instructional
23 equipment and instructional software:

24 For the Fiscal Year 2005-2006..... \$20,221,950

25 For the Fiscal Year 2006-2007..... \$21,056,950

26 2. To the extent money is available from the appropriation
27 made by subsection 1, the money must be distributed to the school
28 districts throughout this State in an amount equal to \$50 per pupil
29 enrolled in each school district. A school district shall use the
30 money only for textbooks, instructional supplies, instructional
31 equipment and instructional software. A school district may not use
32 the money to:

33 (a) Reduce or supplant the money which would otherwise be
34 expended by the school district for textbooks, instructional supplies,
35 instructional equipment and instructional software.

36 (b) Satisfy the expenditure requirements of NRS 387.206 or
37 387.207.

38 **Sec. 14.** 1. There is hereby appropriated from the State
39 General Fund to the Department of Education the following sums to
40 provide increases in salaries and associated benefits, excluding
41 health insurance, for teachers and other licensed educational
42 personnel:

43 For the Fiscal Year 2005-2006..... \$55,234,492

44 For the Fiscal Year 2006-2007..... \$117,298,259



2. The money from the appropriation made by subsection 1 must be apportioned in the same proportions per pupil as established by the Department of Education for the various county school districts for the 2005-2006 Fiscal Year and for the 2006-2007 Fiscal Year. Each school district shall use the money to provide increases in salaries and associated benefits, excluding health insurance, of approximately 3 percent per fiscal year for the teachers and other licensed educational personnel employed by the school district.

3. 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. 15. 1. There is hereby appropriated from the State General Fund to the State Distributive School Account the following sums for expenses related to providing health insurance for licensed educational personnel:

For the Fiscal Year 2005-2006..... \$20,067,029

For the Fiscal Year 2006-2007..... \$45,113,007

2. The money appropriated by subsection 1 must be distributed to the school districts throughout this State to increase the amount of money available to pay the costs of health insurance for the licensed educational personnel of each school district. The money allocated pursuant to this subsection must be in addition to the money that is otherwise distributed to school districts from the State Distributive School Account for the 2005-2007 biennium.

Sec. 16. 1. There is hereby appropriated from the State General Fund to the Department of Education the following sums to provide signing bonuses to licensed educational personnel and school nurses who are newly hired by school districts:

For the Fiscal Year 2005-2006..... \$5,600,000

For the Fiscal Year 2006-2007..... \$6,000,000

2. A person may not receive a signing bonus until he has been employed with a school district in this State for at least 30 days. A school administrator is not eligible for a signing bonus pursuant to this section. A person may not receive more than one signing bonus pursuant to this section. A person who is employed with a school district in this State before July 1, 2005, and who subsequently transfers to another school district in this State is not eligible to receive a signing bonus pursuant to this section.

3. A school district that wishes to provide signing bonuses to its newly hired licensed educational personnel and school nurses shall submit information to the Department of Education, in a format prescribed by the Department, concerning the number of



1 licensed educational personnel and school nurses who are newly
2 hired by the school district for:

3 (a) The 2005-2006 school year.

4 (b) The 2006-2007 school year.

5 ➤ A school district shall submit a request for each fiscal year that it
6 wishes to provide signing bonuses pursuant to this section.

7 4. Within the limits of the money available from the
8 appropriation made by subsection 1, the Department of Education
9 shall use the money to provide signing bonuses to:

10 (a) Licensed educational personnel, excluding school
11 administrators, and to school nurses who are newly hired for the
12 2005-2006 school year; and

13 (b) Licensed educational personnel, excluding school
14 administrators, and to school nurses who are newly hired for the
15 2006-2007 school year.

16 ➤ The amount of a bonus paid to each employee must not exceed
17 \$2,000.

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

23 **Sec. 17.** 1. There is hereby appropriated from the State
24 General Fund to the Department of Education the following sums
25 for tutoring, summer school, intersession programs, programs of
26 distance education and district support teams:

27 For the Fiscal Year 2005-2006..... \$23,000,000

28 For the Fiscal Year 2006-2007..... \$24,000,000

29 2. A school district may apply to the Department of Education
30 for a grant of money from the appropriation made by subsection 1 to
31 provide:

32 (a) Programs of tutoring for pupils;

33 (b) Summer school;

34 (c) Special programs for pupils between sessions;

35 (d) Programs of distance education for pupils; or

36 (e) District support teams for certain schools,

37 ➤ or any combination thereof.

38 3. An application submitted pursuant to subsection 2 must
39 include an explanation of each type of program or district support
40 team that the school district will provide with the money. The
41 Department shall review each application and distribute the money
42 based upon the number of pupils in each school district who fall
43 under the criteria set forth in paragraphs (a) and (b) and not based
44 upon the designation of the public schools in which those pupils are
45 enrolled. Within the limits of money made available by the



1 appropriation, the Department of Education shall distribute the
2 money to the school districts with approved applications based upon
3 the number of pupils enrolled in the school district who:

4 (a) Scored below the 50th percentile on the criterion-referenced
5 examinations administered pursuant to NRS 389.550 or the norm-
6 referenced examinations administered pursuant to NRS 389.015.

7 (b) Failed the high school proficiency examination on the first
8 administration of that examination.

9 4. If a school district receives a grant of money, the school
10 district shall ensure that the individual public schools located within
11 the school district are given the opportunity to select which program
12 or combination of programs will be most effective in improving the
13 academic achievement of pupils enrolled in the school or enhancing
14 the education of pupils enrolled in the school.

15 5. The sums appropriated by subsection 1 are available for
16 either fiscal year. Any remaining balance of those sums must not be
17 committed for expenditure after June 30, 2007, and must be reverted
18 to the State General Fund on or before September 21, 2007.

19 **Sec. 18.** 1. There is hereby appropriated from the State
20 General Fund to the State Distributive School Account the
21 following sums for English language learner programs:

22 For the Fiscal Year 2005-2006.....	\$27,838,800
23 For the Fiscal Year 2006-2007.....	\$33,016,800

24 2. The money appropriated by subsection 1 must be distributed
25 to the school districts throughout this State based upon the number
26 of pupils enrolled in English language learner programs in each
27 school district. The money allocated pursuant to this subsection
28 must be in addition to the money that is otherwise distributed to
29 school districts from the State Distributive School Account for the
30 2005-2007 biennium for per pupil basic support.

31 **Sec. 19.** 1. There is hereby appropriated from the State
32 General Fund to the Department of Education the following sums
33 for distribution to school districts to prepare for and provide full-day
34 kindergarten:

35 For the Fiscal Year 2005-2006.....	\$12,045,000
36 For the Fiscal Year 2006-2007.....	\$59,907,821

37 2. The Department of Education shall distribute the money
38 appropriated pursuant to subsection 1 for the Fiscal Year 2005-2006
39 to school districts for the purchase of the necessary facilities,
40 equipment and supplies to provide full-day kindergarten in the
41 2006-2007 school year. The Clark County School District is not
42 eligible to receive a distribution of money pursuant to this
43 subsection for the purchase of school facilities.

44 3. The Department of Education shall distribute the money
45 appropriated pursuant to subsection 1 for the Fiscal Year 2006-2007



1 to the 17 school districts to provide full-day kindergarten in the
2 2006-2007 school year. The amount allocated to each school district
3 must be based upon the number of pupils estimated to enroll in full-
4 day kindergarten in the school district for the 2006-2007 school
5 year.

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

11 **Sec. 20.** 1. There is hereby appropriated from the State
12 General Fund to the State Distributive School Account the
13 following sums for the addition of 5 days of school to be used for
14 professional development:

15 For the Fiscal Year 2005-2006..... \$32,051,820

16 For the Fiscal Year 2006-2007..... \$33,812,635

17 2. The money appropriated by subsection 1 must be used by
18 the Department of Education for allocation to the 17 school districts
19 in a fair and equitable manner. A school district that receives an
20 allocation of money shall use the money to provide 5 days of school
21 for the 2005-2006 school year and 5 days of school for the 2006-
22 2007 school year for the professional development of teachers. The
23 5 days of school for each school year must be in addition to the 180
24 days required by NRS 388.090 and must be used solely for the
25 professional development of teachers to ensure that the 180 days
26 required by NRS 388.090 are used for the instruction of pupils.

27 **Sec. 21.** 1. There is hereby appropriated from the State
28 General Fund to the Department of Education the following sums
29 for the support of programs of education for certain pupils who are
30 temporarily removed from the classroom and assigned to a
31 temporary alternative placement:

32 For the Fiscal Year 2005-2006..... \$32,759,559

33 For the Fiscal Year 2006-2007..... \$34,112,259

34 2. A school district may apply to the Department of Education
35 for a grant of money from the appropriation made by subsection 1.
36 An application must include:

37 (a) A description of the manner in which the school district
38 ensures that the public schools within the school district comply
39 with NRS 392.4642 to 392.4648, inclusive.

40 (b) A plan for the school district to use a grant of money to
41 provide programs of education to pupils who are temporarily
42 removed from the classroom and assigned to a temporary alternative
43 placement pursuant to NRS 392.4642 to 392.4648, inclusive,
44 including, without limitation, the payment of salaries and benefits to
45 teachers who provide the programs of education to those pupils.



- (c) The proposed budget for the plan set forth in paragraph (b).
(d) Any additional information requested by the Department.

3. The Department shall distribute the money appropriated by subsection 1 to school districts with approved applications based upon the number of elementary schools and secondary schools in each school district. A school district that receives a grant of money shall use the money to pay the salaries and benefits of teachers who provide programs of education to pupils who are temporarily removed from the classroom and assigned to a temporary alternative placement pursuant to NRS 392.4642 to 392.4648, inclusive.

4. If a school district receives a grant of money for the 2005-2006 Fiscal Year and the school district desires to receive a grant of money for the 2006-2007 Fiscal Year, it must submit another application pursuant to subsection 2.

5. 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. 22. 1. There is hereby appropriated from the State General Fund to the Department of Education the following sums for school districts to offer career and technical education courses:

For the Fiscal Year 2005-2006.....	\$6,000,000
For the Fiscal Year 2006-2007.....	\$6,000,000

2. The Department of Education shall distribute the money appropriated by subsection 1 to the 17 school districts based upon the number of pupils enrolled in each school district in career and technical education courses. A school district that receives a grant of money pursuant to this subsection must use the money to purchase equipment, supplies, software and related technology, and to pay other costs associated with providing career and technical education courses.

3. The sums appropriated by subsection 1 are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2007, and must be reverted to the State General Fund on or before September 21, 2007.

Sec. 23. 1. This section and sections 1, 2, 6 to 9, inclusive, and 12 to 22, inclusive, of this act become effective on July 1, 2005.

2. Sections 3, 4, 5, 10 and 11 of this act become effective on July 1, 2006.



