ASSEMBLY BILL NO. 429–ASSEMBLYMEN SMITH, ANDERSON, HARDY; BUCKLEY, GANSERT, LESLIE AND PARNELL

MARCH 16, 2009

JOINT SPONSOR: SENATOR MATHEWS

Referred to Concurrent Committees on Education and Ways and Means

SUMMARY—Revises provisions governing the required minimum expenditures for textbooks, instructional supplies and instructional hardware. (BDR 34-855)

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

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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 the provisions governing the required minimum expenditures for textbooks, instructional supplies and instructional hardware; revising provisions governing certain reporting required of university schools for profoundly gifted pupils; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each school district to expend a certain minimum amount of money each fiscal year for textbooks, instructional supplies and instructional hardware, as determined by a formula developed by the Department of Education, in consultation with the Budget Division of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau. (NRS 387.206) These requirements were enacted by the 20th Special Session of the Legislature in 2003. (Chapter 5, Statutes of Nevada 2003, 20th Special Session, p. 202) That bill also provided that of the amounts included in the basic support amounts established for the 2003-2005 biennium, $64,425,447 must be expended for textbooks, instructional supplies and instructional hardware for Fiscal Year 2003-2004, and $66,721,434 must be expended for Fiscal Year 2004-2005. (Chapter 5, Statutes of Nevada 2003, 20th Special Session, p. 252) **Section 1** of this bill adds instructional software to these minimum expenditure requirements. **Section 1** also requires the Department of Education, in consultation with the Budget Division and the Fiscal Analysis Division, to determine the combined minimum amount of money required to be expended for each fiscal year for textbooks, instructional supplies, instructional software and instructional hardware. That amount must be determined by increasing the amount that was established by the 20th Special Session of the Legislature for Fiscal Year 2004-2005 by the percentage of the change in pupil enrollment, plus any inflationary adjustment approved by the Legislature after 2004-2005. **Section 1** further provides that charter schools and university schools for profoundly gifted pupils are subject to these minimum expenditure requirements.

Existing law creates university schools for profoundly gifted pupils. (Chapter 392A of NRS) **Section 2** of this bill amends the reporting requirements of a university school for profoundly gifted pupils to require reporting on the expenditures of the school for the preceding fiscal year and the proposed expenditures for the current fiscal year. (NRS 392A.073) This information may then be used by the Department to determine whether the university school for profoundly gifted pupils has met the minimum expenditure requirements for textbooks, instructional supplies, instructional software and instructional hardware.

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

Section 1. NRS 387.206 is hereby amended to read as follows:

387.206 1. On or before July 1 of each year, the Department, in consultation with the Budget Division of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau, shall ***determine the combined minimum amount of money required to be expended during that fiscal year for textbooks, instructional supplies, instructional software and instructional hardware by all school districts, charter schools and university schools for profoundly gifted pupils. The amount must be determined by increasing the amount that was established for the Fiscal Year 2004-2005 by the percentage of the change in enrollment between Fiscal Year 2004-2005 and the fiscal year for which the amount is being established, plus any inflationary adjustment approved by the Legislature after Fiscal Year 2004-2005.***

2. The Department, in consultation with the Budget Division of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau, shall develop or revise, as applicable, a formula for determining the minimum amount of money that each school district ***, charter school and university school for profoundly gifted pupils*** is required to expend each fiscal year for textbooks, instructional supplies ***, instructional software*** and instructional hardware. ***The sum of all of the minimum amounts determined pursuant to this subsection must be equal to the combined minimum amount determined pursuant to subsection 1.*** The formula must be used only to develop expenditure requirements and must not be used to alter the distribution of money for basic support to school districts ~~[.]~~ ***, charter schools or university schools for profoundly gifted pupils.***

~~[2.]~~ ***3.*** Upon approval of the formula pursuant to subsection ~~[1,]~~ ***2,*** the Department shall provide written notice to each school district ***, charter school and university school for profoundly gifted pupils*** within the first 30 days of each fiscal year that sets forth the required minimum combined amount of money that the school district ***, charter school and university school for profoundly gifted pupils*** must expend for textbooks, instructional supplies ***, instructional software*** and instructional hardware for that fiscal year.

~~[3.]~~ ***4.*** On or before January 1 of each year, the Department shall determine whether each school district ***, charter school and university school for profoundly gifted pupils*** has expended, during the immediately preceding fiscal year, the required minimum amount of money set forth in the notice provided pursuant to subsection ~~[2.]~~ ***3.*** In making this determination, the Department shall use the report submitted by ~~[the]~~ ***:***

(a) The school district pursuant to NRS 387.303.

~~[4.]~~ ***(b) The charter school pursuant to NRS 386.600.***

(c) The university school for profoundly gifted pupils pursuant to NRS 392A.073.

5. Except as otherwise provided in subsection ~~[5,]~~ ***6,*** if the Department determines that a school district ***, charter school or university school for profoundly gifted pupils, as applicable,*** has not expended the required minimum amount of money set forth in the notice provided pursuant to subsection ~~[2,]~~ ***3,*** a reduction must be made from the basic support allocation otherwise payable to that school district ***, charter school or university school for profoundly gifted pupils, as applicable,*** in an amount that is equal to the difference between the actual combined expenditure for textbooks, instructional supplies ***, instructional software*** and instructional hardware and the minimum required combined expenditure set forth in the notice provided pursuant to subsection ~~[2.]~~ ***3.*** A reduction in the amount of the basic support allocation pursuant to this subsection:

(a) Does not reduce the amount that the school district ***, charter school or university school for profoundly gifted pupils, as applicable,*** is required to expend on textbooks, instructional supplies ***, instructional software*** and instructional hardware in the current fiscal year; and

(b) Must not exceed the amount of basic support that was provided to the school district ***, charter school or university school for profoundly gifted pupils, as applicable,*** for the fiscal year in which the minimum expenditure amount was not satisfied.

~~[5.]~~ ***6.*** If the actual enrollment of pupils in a school district ***, charter school or university school for profoundly gifted pupils*** is less than the enrollment included in the projections used in the ~~[school district's]~~ biennial budget ***of the school district*** submitted pursuant to NRS 387.303, ***the budget of the charter school submitted pursuant to NRS 386.600 or the report of the university school for profoundly gifted pupils submitted pursuant to NRS 392A.073, as applicable,*** the required expenditure for textbooks, instructional supplies ***, instructional software*** and instructional hardware pursuant to this section must be reduced proportionately.

Sec. 2. NRS 392A.073 is hereby amended to read as follows:

392A.073 ***1.*** The governing body of a university school for profoundly gifted pupils shall submit to the Department in a format prescribed by the Department such information as requested by the Superintendent of Public Instruction for purposes of accountability reporting for the university school.

2. The governing body of a university school for profoundly gifted pupils shall, on or before November 15 of each year, submit to the Department in a format prescribed by the Department the following information:

(a) The actual expenditures of the university school for profoundly gifted pupils in the fiscal year immediately preceding the report; and

(b) The proposed expenditures of the university school for profoundly gifted pupils for the current fiscal year.

Sec. 3. This act becomes effective on July 1, 2009.

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