

CHAPTER.....

AN ACT relating to education; ensuring sufficient funding for K-12 public education for the 2009-2011 biennium; apportioning the State Distributive School Account in the State General Fund for the 2009-2011 biennium; authorizing certain expenditures; making appropriations for purposes relating to basic support, class-size reduction and other educational purposes; authorizing temporarily the board of trustees of a school district to use money raised through its general obligations for the purchase of equipment for the transportation of pupils; revising provisions governing local funds available for certain school districts for the 2009-2011 biennium; and providing other matters properly relating thereto.

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

Section 1. The basic support guarantee for school districts for operating purposes for the 2009-2010 Fiscal Year is an estimated weighted average of \$5,251 per pupil. For each respective school district, the basic support guarantee per pupil for the 2009-2010 Fiscal Year is:

Carson City	\$6,228
Churchill	\$6,201
Clark	\$5,025
Douglas	\$5,333
Elko	\$6,815
Esmeralda	\$17,039
Eureka	\$100
Humboldt	\$6,402
Lander	\$6,261
Lincoln	\$9,866
Lyon	\$6,673
Mineral	\$8,656
Nye	\$6,582
Pershing	\$8,368
Storey	\$6,567
Washoe	\$5,350
White Pine	\$7,111



Sec. 2. 1. The basic support guarantee for school districts for operating purposes for the 2010-2011 Fiscal Year is an estimated weighted average of \$5,395 per pupil.

2. On or before April 1, 2010, the Executive Director of the Department of Taxation shall provide to the Superintendent of Public Instruction the certified total of the amount of ad valorem taxes to be received by each school district for Fiscal Year 2010-2011 pursuant to the levy imposed under subsection 1 of NRS 387.195 and credited to the county's school district fund pursuant to subsection 4 of NRS 387.195.

3. Pursuant to NRS 362.115, on or before March 15 of each year, the Department of Taxation shall provide an estimate of the net proceeds of minerals based upon the statements required of mine operators.

4. For purposes of establishing the basic support guarantee, the estimated basic support guarantees per pupil for each school district for the 2010-2011 Fiscal Year for operating purposes are:

<u>School District</u>	<u>Basic Support Guarantee Before Adjustment</u>	<u>Estimated Ad Valorem Adjustment</u>	<u>Estimated Basic Support Guarantee as Adjusted</u>
Carson City	\$5,404	\$873	\$6,277
Churchill	\$5,344	\$844	\$6,188
Clark	\$4,091	\$1,088	\$5,179
Douglas	\$3,402	\$2,069	\$5,471
Elko	\$6,200	\$655	\$6,855
Esmeralda	\$14,856	\$3,923	\$18,779
Eureka	\$(19,513)	\$24,179	\$4,666
Humboldt	\$5,679	\$1,005	\$6,684
Lander	\$4,500	\$2,046	\$6,546
Lincoln	\$8,901	\$934	\$9,835
Lyon	\$6,062	\$757	\$6,819
Mineral	\$7,721	\$855	\$8,576
Nye	\$5,561	\$1,211	\$6,772
Pershing	\$7,236	\$1,334	\$8,570
Storey	\$119	\$6,468	\$6,587
Washoe	\$4,464	\$998	\$5,462
White Pine	\$6,606	\$1,073	\$7,679

5. The ad valorem adjustment may be made only to take into account the difference in the ad valorem taxes to be received and the



estimated enrollment of the school district between the amount estimated as of March 1, 2009, and the amount estimated as of March 1, 2010, for the 2010-2011 Fiscal Year. Estimates of net proceeds of minerals received from the Department of Taxation on or before March 15 pursuant to subsection 3 must be taken into consideration in determining the adjustment.

6. Upon receipt of the certified total of ad valorem taxes to be received by each school district for Fiscal Year 2010-2011 pursuant to subsection 2, the Superintendent of Public Instruction shall recalculate the ad valorem adjustment and the tentative basic support guarantee for operating purposes for each school district for the 2010-2011 Fiscal Year based on the certified total of ad valorem taxes provided by the Executive Director of the Department of Taxation pursuant to subsection 2. The final basic support guarantee for each school district for the 2010-2011 Fiscal Year is the amount, which is recalculated for the 2010-2011 Fiscal Year pursuant to this section, taking into consideration estimates of net proceeds of minerals received from the Department of Taxation on or before March 15, 2010. The basic support guarantee recalculated pursuant to this section must be calculated on or before May 31, 2010.

Sec. 3. 1. The basic support guarantee for each special education program unit that is maintained and operated for at least 9 months of a school year is \$39,768 in the 2009-2010 Fiscal Year and \$39,768 in the 2010-2011 Fiscal Year, except as limited by subsection 2.

2. The maximum number of units and amount of basic support for special education program units within each of the school districts, before any reallocation pursuant to NRS 387.1221, for the Fiscal Years 2009-2010 and 2010-2011 are:

<u>DISTRICT</u>	<u>Allocation of Special Education Units</u>		<u>Allocation of Special Education Units</u>	
	<u>2009-2010</u>	<u>2010-2011</u>	<u>2009-2010</u>	<u>2010-2011</u>
	<u>Units</u>	<u>Amount</u>	<u>Units</u>	<u>Amount</u>
Carson City	81	\$3,221,208	81	\$3,221,208
Churchill County	47	\$1,869,096	47	\$1,869,096
Clark County	1,925	\$76,553,400	1,925	\$76,553,400
Douglas County	70	\$2,783,760	70	\$2,783,760
Elko County	84	\$3,340,512	84	\$3,340,512
Esmeralda County	1	\$39,768	1	\$39,768
Eureka County	3	\$119,304	3	\$119,304
Humboldt County	32	\$1,272,576	32	\$1,272,576
Lander County	12	\$477,216	12	\$477,216
Lincoln County	18	\$715,824	18	\$715,824



<u>DISTRICT</u>	<u>Allocation of Special Education Units</u>		<u>Allocation of Special Education Units</u>	
	<u>2009-2010</u>	<u>2009-2010</u>	<u>2010-2011</u>	<u>2010-2011</u>
	<u>Units</u>	<u>Amount</u>	<u>Units</u>	<u>Amount</u>
Lyon County	63	\$2,505,384	63	\$2,505,384
Mineral County	8	\$318,144	8	\$318,144
Nye County	58	\$2,306,544	58	\$2,306,544
Pershing County	16	\$636,288	16	\$636,288
Storey County	8	\$318,144	8	\$318,144
Washoe County	567	\$22,548,456	567	\$22,548,456
White Pine County	16	\$636,288	16	\$636,288
Subtotal	3,009	\$119,661,912	3,009	\$119,661,912
Reserved by State Board of Education	40	\$1,590,720	40	\$1,590,720
TOTAL	3,049	\$121,252,632	3,049	\$121,252,632

3. The State Board of Education shall reserve 40 special education program units in each fiscal year of the 2009-2011 biennium, to be allocated to school districts by the State Board of Education to meet additional needs that cannot be met by the allocations provided in subsection 2 to school districts for that fiscal year. In addition, charter schools in this State are authorized to apply directly to the Department of Education for the reserved special education program units, which may be allocated upon approval of the State Board of Education.

4. Notwithstanding the provisions of subsections 2 and 3, the State Board of Education is authorized to spend from the State Distributive School Account up to \$162,571 in the Fiscal Year 2009-2010 and \$167,459 in the Fiscal Year 2010-2011 for instructional programs incorporating educational technology for gifted and talented pupils. Any school district may submit a written application to the Department of Education requesting an allocation for gifted and talented pupils. For each fiscal year of the 2009-2011 biennium, the Department will award the gifted and talented amounts based on a review of applications received from school districts.

Sec. 4. 1. There is hereby appropriated from the State General Fund to the State Distributive School Account created by NRS 387.030:

For the 2009-2010 Fiscal Year.....\$1,201,169,591
 For the 2010-2011 Fiscal Year.....\$1,267,051,744



2. The money appropriated by subsection 1 must be:

(a) Expended in accordance with NRS 353.150 to 353.245, inclusive, concerning the allotment, transfer, work program and budget; and

(b) Work-programmed for the 2 separate Fiscal Years 2009-2010 and 2010-2011, as required by NRS 353.215. Work programs may be revised with the approval of the Governor upon the recommendation of the Chief of the Budget Division of the Department of Administration.

3. Transfers to and allotments from must be allowed and made in accordance with NRS 353.215 to 353.225, inclusive, after separate consideration of the merits of each request.

4. The sums appropriated by subsection 1 are available for either fiscal year or may be transferred to Fiscal Year 2008-2009. Money may be transferred from one fiscal year to another with the approval of the Governor upon the recommendation of the Chief of the Budget Division of the Department of Administration. If funds appropriated by subsection 1 are transferred to Fiscal Year 2008-2009, any remaining funds in the State Distributive School Account after all obligations have been met that are not subject to reversion to the State General Fund must be transferred back to Fiscal Year 2009-2010. Any amount transferred back to Fiscal Year 2009-2010 must not exceed the amount originally transferred to Fiscal Year 2008-2009.

5. Any remaining balance of the appropriation made by subsection 1 for the 2009-2010 Fiscal Year must be transferred and added to the money appropriated for the 2010-2011 Fiscal Year and may be expended as that money is expended.

6. Any remaining balance of the appropriation made by subsection 1 for the 2010-2011 Fiscal Year, including any money added thereto pursuant to the provisions of subsections 3 and 5, must not be committed for expenditure after June 30, 2011, and must be reverted to the State General Fund on or before September 16, 2011.

Sec. 5. 1. Expenditure of \$158,732,161 by the Department of Education from money in the State Distributive School Account that was not appropriated from the State General Fund is hereby authorized during the fiscal year beginning July 1, 2009.

2. Expenditure of \$163,551,195 by the Department of Education from money in the State Distributive School Account that was not appropriated from the State General Fund is hereby authorized during the fiscal year beginning July 1, 2010.



3. For purposes of accounting and reporting, the sums authorized for expenditure by subsections 1 and 2 are considered to be expended before any appropriation is made to the State Distributive School Account from the State General Fund.

4. The money authorized to be expended by subsections 1 and 2 must be expended in accordance with NRS 353.150 to 353.245, inclusive, concerning the allotment, transfer, work program and budget. Transfers to and allotments from must be allowed and made in accordance with NRS 353.215 to 353.225, inclusive, after separate consideration of the merits of each request.

5. The Chief of the Budget Division of the Department of Administration may, with the approval of the Governor, authorize the augmentation of the amounts authorized for expenditure by the Department of Education, in subsections 1 and 2, for the purpose of meeting obligations of the State incurred under chapter 387 of NRS with amounts from any other state agency, from any agency of local government, from any agency of the Federal Government or from any other source that he determines is in excess of the amount taken into consideration by this act. The Chief of the Budget Division shall reduce any authorization whenever he determines that money to be received will be less than the amount authorized in subsections 1 and 2.

Sec. 6. During each of the Fiscal Years 2009-2010 and 2010-2011, whenever the State Controller finds that current claims against the State Distributive School Account exceed the amount available in the Account to pay those claims, he may advance temporarily from the State General Fund to the State Distributive School Account the amount required to pay the claims, but not more than the amount expected to be received in the current fiscal year from any source authorized for the State Distributive School Account. No amount may be transferred unless requested by the Chief of the Budget Division of the Department of Administration.

Sec. 7. The Department of Education is hereby authorized to spend from the State Distributive School Account the sums of \$21,170,456 for the 2009-2010 Fiscal Year and \$22,673,833 for the 2010-2011 Fiscal Year for the support of courses which are approved by the Department of Education as meeting the course of study for an adult standard high school diploma as approved by the State Board of Education. In each fiscal year of the 2009-2011 biennium, the sum authorized must be allocated among the various school districts in accordance with a plan or formula developed by the Department of Education to ensure that the money is distributed



equitably and in a manner that permits accounting for the expenditures of school districts.

Sec. 8. The Department of Education is hereby authorized to provide from the State Distributive School Account the sum of \$50,000 to each of the 17 school districts in each fiscal year of the 2009-2011 biennium to support special counseling services for elementary school pupils at risk of failure.

Sec. 9. The amounts of the guarantees set forth in sections 1 and 2 of this act may be reduced to effectuate a reserve required pursuant to NRS 353.225.

Sec. 10. 1. The Department of Education shall transfer from the State Distributive School Account to the school districts specified in this section the following sums for Fiscal Years 2009-2010 and 2010-2011:

<u>School District</u>	<u>2009-2010</u>	<u>2010-2011</u>
Clark County School District	\$4,163,202	\$4,163,202
Elko County School District	\$1,396,043	\$1,396,043
Washoe County School District	<u>\$2,238,559</u>	<u>\$2,238,559</u>
TOTAL:	\$7,797,804	\$7,797,804

2. A school district that receives an allocation pursuant to subsection 1 shall serve as fiscal agent for the respective regional training program for the professional development of teachers and administrators. As fiscal agent, each school district is responsible for payment, collection and holding of all money received from this State for the maintenance and support of the regional training program for the professional development of teachers and administrators and the Nevada Early Literacy Intervention Program established and operated by the applicable governing body.

3. Any remaining balance of the transfers made by subsection 1 for the 2009-2010 Fiscal Year must be added to the money received by the school districts for the 2010-2011 Fiscal Year and may be expended as that money is expended. Any remaining balance of the transfers made by subsection 1 for the 2010-2011 Fiscal Year, including any money added from the transfer for the previous fiscal year, must not be committed for expenditure after June 30, 2011, and must be reverted to the State Distributive School Account on or before September 16, 2011.

Sec. 11. 1. The Department of Education shall transfer from the State Distributive School Account to the Statewide Council for the Coordination of the Regional Training Programs created by NRS 391.516 the sum of \$100,000 in Fiscal Years 2009-2010 and



2010-2011 for additional training opportunities for educational administrators in Nevada.

2. The Statewide Council shall use the money:

(a) To disseminate research-based knowledge related to effective educational leadership behaviors and skills.

(b) To develop, support and maintain ongoing activities, programs, training and networking opportunities.

(c) For purposes of providing additional training for educational administrators, including, without limitation, to pay:

(1) Travel expenses of administrators who attend the training program;

(2) Travel and per diem expenses for any consultants contracted to provide additional training; and

(3) Any charges to obtain a conference room for the provision of the additional training.

(d) To supplement and not replace the money that the school district or the regional training program would otherwise expend for the training of administrators as described in this section.

3. Any remaining balance of the transfers made by subsection 1 for the 2009-2010 Fiscal Year must be added to the money received by the Statewide Council for the 2010-2011 Fiscal Year and may be expended as that money is expended. Any remaining balance of the transfers made by subsection 1 for the 2010-2011 Fiscal Year, including any money added from the transfer for the previous fiscal year, must not be committed for expenditure after June 30, 2011, and must be reverted to the State Distributive School Account on or before September 16, 2011.

Sec. 12. 1. The Department of Education shall transfer from the State Distributive School Account the following sums for early childhood education:

For the Fiscal Year 2009-2010.....\$3,338,875

For the Fiscal Year 2010-2011.....\$3,338,875

2. The money transferred by subsection 1 must be used by the Department of Education for competitive state grants to school districts and community-based organizations for early childhood education programs.

3. To receive a grant of money pursuant to subsection 2, school districts and community-based organizations must submit a comprehensive plan to the Department of Education that includes, without limitation:

(a) A detailed description of the proposed early childhood education program;



(b) A description of the manner in which the money will be used, which must supplement and not replace the money that would otherwise be expended for early childhood education programs; and

(c) A plan for the longitudinal evaluation of the program to determine the effectiveness of the program on the academic achievement of children who participate in the program.

4. A school district or community-based organization that receives a grant of money shall:

(a) Use the money to initiate or expand prekindergarten education programs that meet the criteria set forth in the publication of the Department of Education, entitled *Public Support of Prekindergarten Education for School Readiness in Nevada*, published in August 2000.

(b) Use the money to supplement and not replace the money that the school district or community-based organization would otherwise expend for early childhood education programs, as described in this section.

(c) Use the money to pay for the salaries and other items directly related to the instruction of pupils in the classroom.

(d) Submit a longitudinal evaluation of the program in accordance with the plan submitted pursuant to paragraph (c) of subsection 3.

↳ The money must not be used to remodel classrooms or facilities or for playground equipment.

5. The Department of Education shall develop statewide performance and outcome indicators to measure the effectiveness of the early childhood education programs for which grants of money were awarded pursuant to this section. In developing the indicators, the Department shall establish minimum performance levels and increase the expected performance rates on a yearly basis, based upon the performance results of the participants. The indicators must include, without limitation:

(a) Longitudinal measures of the developmental progress of children before and after their completion of the program;

(b) Longitudinal measures of parental involvement in the program before and after completion of the program; and

(c) The percentage of participants who drop out of the program before completion.

6. The Department of Education shall review the evaluations of the early childhood education programs submitted by each school district and community-based organization pursuant to paragraph (d) of subsection 4 and prepare a compilation of the evaluations for inclusion in the report submitted pursuant to subsection 7.



7. The Department of Education shall, on an annual basis, provide a written report to the Governor, the Legislative Committee on Education and the Legislative Bureau of Educational Accountability and Program Evaluation regarding the effectiveness of the early childhood education programs for which grants of money were received. The report must include, without limitation:

- (a) The number of grants awarded;
- (b) An identification of each school district and community-based organization that received a grant of money and the amount of each grant awarded;

(c) For each school district and community-based organization that received a grant of money:

(1) The number of children who received services through a program funded by the grant for each year that the program received funding from the State for early childhood education programs; and

(2) The average per child expenditure for the program for each year the program received funding from the State for early childhood education programs;

(d) A compilation of the evaluations reviewed pursuant to subsection 6 that includes, without limitation:

(1) A longitudinal comparison of the data showing the effectiveness of the different programs; and

(2) A description of the programs in this State that are the most effective;

(e) Based upon the performance of children in the program on established performance and outcome indicators, a description of revised performance and outcome indicators, including any revised minimum performance levels and performance rates; and

(f) Any recommendations for legislation.

8. The sums transferred by subsection 1 are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2011, and must be reverted to the State Distributive School Account on or before September 16, 2011.

Sec. 13. The sums transferred or authorized in sections 10, 11 and 12 of this act:

1. Must be accounted for separately from any other money received by the school districts of this State and used only for the purposes specified in the applicable section of this act.

2. May not be used to settle or arbitrate disputes between a recognized organization representing employees of a school district and the school district, or to settle any negotiations.



3. May not be used to adjust the district-wide schedules of salaries and benefits of the employees of a school district.

Sec. 14. 1. The Department of Education shall transfer from the State Distributive School Account the following sums for special transportation costs to school districts:

For the 2009-2010 school year.....\$170,908

For the 2010-2011 school year.....\$170,908

2. Pursuant to NRS 392.015, the Department of Education shall use the money transferred in subsection 1 to reimburse school districts for the additional costs of transportation for any pupil to a school outside the school district in which his residence is located.

Sec. 15. 1. The Department of Education shall transfer from the State Distributive School Account to the school districts the following sums to pay the increase of salaries of professional school library media specialists required by NRS 391.160:

For the Fiscal Year 2009-2010.....\$18,798

For the Fiscal Year 2010-2011.....\$18,798

2. The sums transferred pursuant to subsection 1 are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2011, and must be reverted to the State Distributive School Account on or before September 16, 2011.

Sec. 16. Each school district shall expend the revenue made available through this act, as well as other revenue from state, local and federal sources, in a manner which is consistent with NRS 288.150 and which is designed to attain the goals of the Legislature regarding educational reform in this State, especially with regard to assisting pupils in need of remediation and pupils who are not proficient in the English language. Materials and supplies for classrooms are subject to negotiation by employers with recognized employee organizations.

Sec. 17. The Legislature hereby finds and declares that:

1. The intended goal of the Legislature is to achieve a pupil-teacher ratio of not more than 15 pupils per teacher or 30 pupils per two teachers in kindergarten and grades 1, 2 and 3 where core curriculum is taught;

2. Available money is estimated to provide a sufficient number of teachers to achieve in each school district pupil-teacher ratios of 16 pupils per teacher in selected kindergarten classrooms in which pupils are most at risk of failure and in grades 1 and 2 in Fiscal Years 2009-2010 and 2010-2011, and to achieve a pupil-teacher ratio in grade 3 of 19 pupils per teacher in Fiscal Years 2009-2010 and 2010-2011;



3. Certain school districts do not have a sufficient number of classrooms available to permit an average class size of 19 pupils per teacher in grade 3;

4. It is unreasonable to assign two teachers to classrooms of 38 pupils to attain a district-wide pupil-teacher ratio of 19 pupils per teacher in grade 3;

5. School districts may, instead, attain the desired pupil-teacher ratio in classes where core curriculum is taught by using alternative methods of reducing the ratio, such as employing teachers to provide remedial instruction;

6. School districts may wish to use money for class-size reduction to carry out programs that have been found to be effective in improving academic achievement;

7. The Legislature has specifically designed the laws relating to class-size reduction to allow the local school districts the necessary discretion to effectuate the reduction in the manner appropriate in their respective districts;

8. School districts are encouraged, to the extent possible, to further reduce the pupil-teacher ratio in each classroom in the district for grades 1, 2 and 3 for which additional funding is provided;

9. The Legislature intends to continue the reduced pupil-teacher ratio for selected kindergarten classrooms in which pupils are most at risk of failure and for grades 1 and 2 throughout the State and to continue reducing the pupil-teacher ratio in grade 3; and

10. Thereafter, the intended goal of the Legislature is to reduce the pupil-teacher ratio per class in grade 3 to not more than 15 pupils per class, thereafter to reduce the pupil-teacher ratio per class in grades 4, 5 and 6 to not more than 22 pupils per class and thereafter to reduce the pupil-teacher ratio per class in grades 7 to 12, inclusive, to not more than 25 pupils per class.

Sec. 18. 1. The Department of Education shall transfer from the State Distributive School Account the sum of \$144,263,320 for distribution by the Superintendent of Public Instruction to the county school districts for Fiscal Year 2009-2010 which must, except as otherwise provided in sections 20 and 21 of this act, be used to employ teachers to comply with the required ratio of pupils to teachers, as set forth in NRS 388.700, in grades 1 and 2 and in selected kindergartens with pupils who are considered at risk of failure by the Superintendent of Public Instruction and to maintain the current ratio of pupils per teacher in grade 3. Expenditures for the class-size reduction program must be accounted for in a separate category of expenditure in the State Distributive School Account.



2. Except as otherwise provided in sections 20 and 21 of this act, the money transferred by subsection 1 must be used to pay the salaries and benefits of not less than 2,142 teachers employed by school districts to meet the required pupil-teacher ratios in the 2009-2010 school year.

3. Any remaining balance of the sum transferred by subsection 1 must not be committed for expenditure after June 30, 2010, and must be transferred and added to the money appropriated to the State Distributive School Account pursuant to section 4 of this act for the 2010-2011 Fiscal Year, and may be expended as the money in section 19 of this act is expended.

Sec. 19. 1. The Department of Education shall transfer from the State Distributive School Account the sum of \$145,935,501 for distribution by the Superintendent of Public Instruction to the county school districts for Fiscal Year 2010-2011 which must, except as otherwise provided in sections 20 and 21 of this act, be used to employ teachers to comply with the required ratio of pupils to teachers, as set forth in NRS 388.700, in grades 1 and 2 and in selected kindergartens with pupils who are considered at risk of failure by the Superintendent of Public Instruction and to maintain the current ratio of pupils per teacher in grade 3. Expenditures for the class-size reduction program must be accounted for in a separate category of expenditure in the State Distributive School Account.

2. Except as otherwise provided in sections 20 and 21 of this act, the money transferred by subsection 1 must be used to pay the salaries and benefits of not less than 2,163 teachers employed by school districts to meet the required pupil-teacher ratios in the 2010-2011 school year.

3. Any remaining balance of the sum transferred by subsection 1, including any money added thereto pursuant to section 18 of this act, must not be committed for expenditure after June 30, 2011, and must be reverted to the State General Fund on or before September 16, 2011.

Sec. 20. 1. The board of trustees of each county school district:

(a) Shall file a plan with the Superintendent of Public Instruction describing how the money appropriated by sections 18 and 19 of this act will be used to comply with the required ratio of pupils to teachers in kindergarten and grades 1, 2 and 3; or

(b) May, after receiving approval of the plan from the Superintendent of Public Instruction, use the money appropriated by sections 18 and 19 of this act to carry out:



(1) An alternative program for reducing the ratio of pupils per teacher, including, without limitation, any legislatively approved program of flexibility; or

(2) Programs of remedial education that have been found to be effective in improving pupil achievement in grades 1, 2 and 3, so long as the combined ratio of pupils per teacher in the aggregate of kindergarten and grades 1, 2 and 3 of the school district does not exceed the combined ratio of pupils per teacher in the aggregate of kindergarten and grades 1, 2 and 3 of the school district in the 2004-2005 school year.

↳ The plan approved by the Superintendent of Public Instruction must describe the method to be used by the school district to evaluate the effectiveness of the alternative program or remedial education programs in improving pupil achievement.

2. In no event must the provisions of this section be construed to authorize the board of trustees of a school district in a county whose population is 100,000 or more to develop an alternative plan for the reduction of pupil-teacher ratios pursuant to subsection 2 of NRS 388.720.

Sec. 21. 1. The money transferred for class-size reduction pursuant to sections 18 and 19 of this act:

(a) May be applied first to pupils considered most at risk of failure.

(b) Must not be used to settle or arbitrate disputes between a recognized organization representing employees of a school district and the school district, or to settle any negotiations.

(c) Must not be used to adjust the district-wide schedules of salaries and benefits of the employees of a school district.

2. The money transferred for class-size reduction pursuant to sections 18 and 19 of this act must not be distributed to a school district unless that school district has:

(a) Filed with the Department of Education a plan for achieving the required ratio set forth in NRS 388.700; and

(b) Demonstrated that, from resources of the school district other than allocations received from the State Distributive School Account for class-size reduction, a sufficient number of classroom teachers have been employed to maintain the average pupil-teacher ratio that existed for each grade for grades 1, 2 and 3, in that school district for the 3 school years immediately preceding the start of the class-size reduction program in the 1990-1991 school year.

Sec. 22. 1. There is hereby appropriated from the State General Fund to the Other State Education Programs Account in the State General Fund the following sums:



For the Fiscal Year 2009-2010.....\$10,278,761
For the Fiscal Year 2010-2011.....\$9,366,421

2. The money appropriated by subsection 1 must be expended in accordance with NRS 353.150 to 353.245, inclusive, concerning the allotment, transfer, work program and budget. Transfers to and allotments from must be allowed and made in accordance with NRS 353.215 to 353.225, inclusive, after separate consideration of the merits of each request.

3. The money appropriated by subsection 1 to finance specific programs as outlined in this subsection are available for both Fiscal Years 2009-2010 and 2010-2011 and may be transferred from one fiscal year to the other with the approval of the Interim Finance Committee upon the recommendation of the Governor as follows:

(a) A total of \$70,000 in both Fiscal Year 2009-2010 and Fiscal Year 2010-2011 for successful completion of the National Board Teacher Certification Program;

(b) A total of \$200,000 in both Fiscal Year 2009-2010 and Fiscal Year 2010-2011 for school support team substitutes;

(c) A total of \$750,000 in both Fiscal Year 2009-2010 and Fiscal Year 2010-2011 for Counselor National Board Certification;

(d) A total of \$503,716 in both Fiscal Year 2009-2010 and Fiscal Year 2010-2011 for LEA library books; and

(e) A total of \$2,145,000 in both Fiscal Year 2009-2010 and Fiscal Year 2010-2011 for educational technology.

4. Except as otherwise provided in subsection 3, unencumbered balances of the appropriations made by this section for the Fiscal Years 2009-2010 and 2010-2011 must not be committed for expenditure after June 30 of each fiscal year. Except as otherwise provided in subsection 3, unencumbered balances of these appropriations revert to the State General Fund on or before September 17, 2010, and September 16, 2011, for each fiscal year respectively.

Sec. 23. 1. There is hereby appropriated from the State General Fund to the Account for Programs for Innovation and the Prevention of Remediation created by NRS 385.379 the following sums:

For the Fiscal Year 2009-2010.....\$25,506,299
For the Fiscal Year 2010-2011.....\$25,474,591

2. Expenditure of the following sums by the Department of Education from money in the Account for Programs for Innovation and the Prevention of Remediation created by NRS 385.379 that was not appropriated from the State General Fund is hereby authorized:



For the Fiscal Year 2009-2010.....\$951,327
For the Fiscal Year 2010-2011.....\$1,277,496

3. The money authorized to be expended by subsections 1 and 2 must be expended in accordance with NRS 353.150 to 353.245, inclusive, concerning the allotment, transfer, work program and budget. Transfers to and allotments from must be allowed and made in accordance with NRS 353.215 to 353.225, inclusive, after separate consideration of the merits of each request.

4. The amounts appropriated by subsection 1 and authorized by subsection 2 must be allocated to the school districts pursuant to section 24 of this act for the continuation of the full-day kindergarten program established pursuant to Assembly Bill No. 4 of the 22nd Special Session, Chapter 3, Statutes of Nevada 2005, at page 91.

Sec. 24. 1. The Department of Education shall distribute the appropriation and authorization made by section 23 of this act to school districts that elect to provide full-day kindergarten. In no event is a school district required to submit an application for an allocation of money or otherwise required to provide full-day kindergarten.

2. Except as otherwise provided in subsection 3, a school district that elects to receive an allocation of money pursuant to this section shall use the money to provide full-day kindergarten in each school within the school district that is prioritized for full-day kindergarten based upon the percentage of pupils enrolled in the school who are eligible for free or reduced price lunches pursuant to 42 U.S.C. §§ 1751 et seq. A school district shall allocate the money by assigning first priority to those schools within the school district that have the highest percentage of pupils who are eligible for free or reduced price lunches. If a school within a school district that is required to provide full-day kindergarten pursuant to this section currently provides full-day kindergarten with money that it receives from the Federal Government or other funding allocations, the school may redirect that money, to the extent authorized by applicable federal law, for other programs of remediation at the school and use the money provided by the Department of Education from the allocation to provide full-day kindergarten.

3. A school that is otherwise required to provide full-day kindergarten pursuant to subsection 2 may opt out of providing full-day kindergarten.

4. A parent or legal guardian of a pupil who is otherwise zoned to attend a public school that provides full-day kindergarten pursuant to this section may request that the pupil not be enrolled in



full-day kindergarten. The school district in which the pupil is enrolled shall grant the request and ensure that the pupil is allowed to attend kindergarten, whether at the zoned school or another school, for less than a full day.

Sec. 25. 1. Notwithstanding the provisions of subsection 6 of section 4 of chapter 343, Statutes of Nevada 2007, at page 1555, any money remaining in the Grant Fund for Incentives for Licensed Educational Personnel at the end of Fiscal Year 2009 must be carried forward to Fiscal Year 2010 and must be used for the purchase of one-fifth of a year of retirement service credit and other financial incentives for licensed educational personnel for the 2008-2009 School Year in accordance with NRS 391.166.

2. Any money carried forward pursuant to subsection 1 that remains unexpended in the Grant Fund for Incentives for Licensed Educational Personnel must not be committed for expenditure after June 30, 2010, and must be reverted to the State General Fund on or before September 17, 2010.

Sec. 26. 1. There is hereby appropriated from the State General Fund to the Grant Fund for Incentives for Licensed Educational Personnel created by NRS 391.166 the sum of \$24,777,056 to purchase one-fifth of a year of retirement service credit and other financial incentives for School Year 2009-2010 for certain licensed educational personnel in accordance with NRS 391.166.

2. Any remaining balance of the sum appropriated by subsection 1 must not be committed for expenditure after June 30, 2011, and must be reverted to the State General Fund on or before September 16, 2011.

Sec. 27. 1. Notwithstanding the provisions of NRS 387.1235 and 387.328, for the purposes of the apportionments made pursuant to NRS 387.124, local funds available for public schools include \$10,000,000 for Fiscal Year 2009-2010 and \$10,000,000 for Fiscal Year 2010-2011 of the money in the county school district's fund for capital projects that was deposited in that fund pursuant to paragraph (b) of subsection 1 of NRS 244.3354 and paragraph (b) of subsection 1 of NRS 375.070.

2. The money available as local funds for public schools pursuant to subsection 1 may be used for purposes other than capital projects for school districts for only the 2009-2011 biennium.

Sec. 28. 1. Notwithstanding the provisions of NRS 279.632, of the money redistributed upon the abolishment of the Clark County Redevelopment Agency, \$6,000,000 for Fiscal Year 2009-2010 and \$5,400,000 for Fiscal Year 2010-2011 shall be deemed the



portion of the increment attributable to Clark County School District tax proceeds that were distributed to the Clark County Redevelopment Agency pursuant to NRS 279.676.

2. Notwithstanding the provisions of NRS 387.1235, for the 2009-2011 biennium, for purposes of the apportionments made pursuant to NRS 387.124, local funds available for public schools for the Clark County School District include the money described in subsection 1 for the respective fiscal years.

Sec. 29. NRS 387.335 is hereby amended to read as follows:

387.335 1. The board of trustees of a county school district may issue its general obligations to raise money for the following purposes, and no others:

(a) Construction, design or purchase of new buildings for schools, including, but not limited to, teacherages, dormitories, dining halls, gymnasiums and stadiums.

(b) Enlarging, remodeling or repairing existing buildings or grounds for schools, including, but not limited to, teacherages, dormitories, dining halls, gymnasiums and stadiums.

(c) Acquiring sites for building schools, or additional real property for necessary purposes related to schools, including, but not limited to, playgrounds, athletic fields and sites for stadiums.

(d) Paying expenses relating to the acquisition of school facilities which have been leased by a school district pursuant to NRS 393.080.

(e) Purchasing necessary furniture and equipment for schools ***including, without limitation, equipment used for the transportation of pupils.*** If money from the issuance of general obligations is used to purchase furniture and equipment to replace existing furniture and equipment, and that existing furniture and equipment subsequently is sold, the proceeds from the sale must be applied toward the retirement of those obligations. ***If equipment used for the transportation of pupils is purchased pursuant to this paragraph, only the following equipment may be purchased:***

(1) Motor vehicles that use biodiesel, compressed natural gas or a similar fuel formulated to reduce emissions from the amount of emissions produced from traditional fuels such as gasoline and diesel fuel;

(2) Equipment to retrofit motor vehicles to use biodiesel, compressed natural gas or a similar fuel formulated to reduce emissions from the amount of emissions produced from traditional fuels such as gasoline and diesel fuel; or

(3) Equipment for the transportation, storage or dispensing of biodiesel, compressed natural gas or similar fuels formulated to



reduce emissions from the amount of emissions produced from traditional fuels such as gasoline and diesel fuel.

2. Any one or more of the purposes enumerated in subsection 1 may, by order of the board of trustees entered in its minutes, be united and voted upon as one single proposition.

3. Any question submitted pursuant to this section and any question submitted pursuant to NRS 387.3285 may, by order of the board of trustees entered in its minutes, be united and voted upon as a single proposition.

Sec. 30. The provisions of Assembly Bill No. 458 of the 2009 Legislative Session, if enacted, do not apply to any reversions of money from the State Distributive School Account to the State General Fund for Fiscal Year 2008-2009.

Sec. 31. 1. This section and section 30 of this act become effective upon passage and approval.

2. Sections 1 to 18, inclusive, 20 to 25, inclusive, and 27, 28 and 29 of this act become effective on July 1, 2009.

3. Sections 19 and 26 of this act become effective on July 1, 2010.

4. Section 29 of this act expires by limitation on June 30, 2011.

