S.B. 56

SENATE BILL NO. 56–COMMITTEE ON FINANCE

(ON BEHALF OF THE WASHOE COUNTY SCHOOL DISTRICT)

PREFILED DECEMBER 7, 2008

Referred to Committee on Health and Education

SUMMARY—Authorizes a school district to request a waiver of the required minimum expenditures for textbooks, instructional supplies and instructional hardware. (BDR 34-412)

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; authorizing the board of trustees of a school district to request a waiver of the required minimum expenditure for textbooks, instructional supplies and instructional hardware during an economic hardship; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Education to develop a formula for determining the minimum amount of money that each school district is required to expend each fiscal year for textbooks, instructional supplies and instructional hardware. (NRS 387.206) **Section 1** of this bill authorizes a school district to request that the Superintendent of Public Instruction grant a waiver of all or a portion of the minimum expenditure requirements when a school district experiences an economic hardship. A school district that is granted a waiver is prohibited from using the money for collective bargaining with its licensed employees or for an adjustment of salaries and benefits of district employees.

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

Section 1. Chapter 387 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of a school district that experiences an economic hardship may submit a written request to the Superintendent of Public Instruction, on a form prescribed by the Department, for a waiver of all or a portion of the minimum amount of money the school district is required to expend for textbooks, instructional supplies and instructional hardware pursuant to NRS 387.206 for the fiscal year.

2. Upon receipt of a written request pursuant to subsection 1, the Superintendent of Public Instruction shall consider the request and determine whether an economic hardship exists for the school district. The Superintendent may request additional information from the school district to make the determination.

3. If the Superintendent of Public Instruction determines that an economic hardship exists for the school district, the Superintendent may grant a waiver to the school district. If the Superintendent grants a waiver, he shall prepare a written statement which sets forth the:

(a) Grounds for the determination;

(b) Amount of the waiver; and

(c) Period for which the waiver is effective.

4. If the Superintendent of Public Instruction grants a waiver pursuant to this section and subsequently the economic hardship to the school district is mitigated because the actual revenue attributable to the school district exceeds the projections or the actual expenses incurred by the school district are less than anticipated, the amount of the waiver must be reduced accordingly by the school district.

5. A school district that is granted a waiver pursuant to this section shall use the money that would have otherwise been expended by the school district to meet the requirements of NRS 387.206 for the fiscal year only to meet expenses:

(a) In accordance with the approved budget of the school district for the fiscal year for which the waiver is granted; or

(b) That were not anticipated when the budget was approved and for which no other source of funding exists.

6. A school district that is granted a waiver pursuant to this section shall not use the money that would have otherwise been expended by the school district to meet the requirements of NRS 387.206 for the fiscal year to:

(a) Settle or arbitrate disputes or negotiate settlements between an organization that represents the licensed employees of the school district and the school district.

(b) Adjust the schedules of salaries and benefits of the employees of the school district.

7. For purposes of this section, an economic hardship exists for a school district if:

(a) Projections of actual revenue do not meet or exceed the revenue anticipated at the time the basic support guarantees are established for the fiscal year pursuant to NRS 387.122; or

(b) The school district incurs unforeseen expenses.

Sec. 2. 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 develop or revise, as applicable, a formula for determining the minimum amount of money that each school district is required to expend each fiscal year for textbooks, instructional supplies and instructional hardware. 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.

2. Upon approval of the formula pursuant to subsection 1, the Department shall provide written notice to each school district within the first 30 days of each fiscal year that sets forth the required minimum combined amount of money that the school district must expend for textbooks, instructional supplies and instructional hardware for that fiscal year. ***If a school district is granted a waiver pursuant to section 1 of this act, the Department shall provide written notice to the school district within 30 days after the Superintendent of Public Instruction grants the waiver setting forth the revised amount of money that the school district must expend for textbooks, instructional supplies and instructional hardware for the fiscal year.***

3. On or before January 1 of each year, the Department shall determine whether each school district has expended, during the immediately preceding fiscal year, the required minimum amount of money set forth in the notice ***or the revised notice, as applicable,*** provided pursuant to subsection 2. In making this determination, the Department shall use the report submitted by the school district pursuant to NRS 387.303.

4. Except as otherwise provided in subsection 5, if the Department determines that a school district has not expended the required minimum amount of money set forth in the notice ***or the revised notice, as applicable,*** provided pursuant to subsection 2, a reduction must be made from the basic support allocation otherwise

payable to that school district in an amount that is equal to the difference between the actual combined expenditure for textbooks, instructional supplies and instructional hardware and the minimum required combined expenditure set forth in the notice ***or the revised notice, as applicable,*** provided pursuant to subsection 2. A reduction in the amount of the basic support allocation pursuant to this subsection:

(a) Does not reduce the amount that the school district is required to expend on textbooks, instructional supplies 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 for the fiscal year in which the minimum expenditure amount was not satisfied.

5. If the actual enrollment of pupils in a school district is less than the enrollment included in the projections used in the school district's biennial budget submitted pursuant to NRS 387.303, the required expenditure for textbooks, instructional supplies and instructional hardware pursuant to this section must be reduced proportionately.

Sec. 3. This act becomes effective upon passage and approval.