

A.B. 568

ASSEMBLY BILL NO. 568—COMMITTEE ON WAYS AND MEANS

MAY 10, 2011

Referred to Committee on Ways and Means

SUMMARY—Ensures sufficient funding for K-12 public education for the 2011-2013 biennium. (BDR S-1292)

FISCAL NOTE: Effect on Local Government: No.
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; ensuring sufficient funding for K-12 public education for the 2011-2013 biennium; apportioning the State Distributive School Account in the State General Fund for the 2011-2013 biennium; authorizing certain expenditures; making appropriations for purposes relating to basic support, class-size reduction and other educational purposes; temporarily diverting the money from the State Supplemental School Support Fund to the State Distributive School Account for use in funding operating costs and other expenditures of school districts; 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 2011-2012 Fiscal Year is an estimated weighted average of \$5,542 per pupil. For each respective school district, the basic support guarantee per pupil for the 2011-2012 Fiscal Year is:

Carson City	\$6,312
Churchill	\$6,377
Clark	\$5,406
Douglas	\$5,562



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1	Elko	\$6,649
2	Esmeralda	\$19,334
3	Eureka	\$100
4	Humboldt	\$6,053
5	Lander	\$201
6	Lincoln	\$10,323
7	Lyon	\$6,944
8	Mineral	\$8,922
9	Nye	\$6,916
10	Pershing	\$9,453
11	Storey	\$7,409
12	Washoe	\$5,474
13	White Pine	\$6,922

14 **Sec. 2.** 1. The basic support guarantee for school districts for
15 operating purposes for the 2012-2013 Fiscal Year is an estimated
16 weighted average of \$5,655 per pupil.

17 2. On or before April 1, 2012, the Executive Director of the
18 Department of Taxation shall provide to the Superintendent of
19 Public Instruction the certified total of the amount of ad valorem
20 taxes to be received by each school district for Fiscal Year 2012-
21 2013 pursuant to the levy imposed under subsection 1 of NRS
22 387.195 and credited to the county's school district fund pursuant to
23 subsection 4 of NRS 387.195.

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

28 4. For purposes of establishing the basic support guarantee, the
29 estimated basic support guarantees per pupil for each school district
30 for the 2012-2013 Fiscal Year for operating purposes are:

	Basic Support Guarantee Before <u>Adjustment</u>	Estimated Ad Valorem <u>Adjustment</u>	Estimated Basic Support Guarantee <u>as Adjusted</u>
36 <u>School District</u>			
37 Carson City	\$5,516	\$907	\$6,423
38 Churchill	\$5,443	\$974	\$6,417
39 Clark	\$4,650	\$871	\$5,521
40 Douglas	\$3,578	\$2,063	\$5,641
41 Elko	\$5,998	\$752	\$6,750
42 Esmeralda	\$14,328	\$5,005	\$19,333
43 Eureka	\$(41,599)	\$41,699	\$100
44 Humboldt	\$4,754	\$1,424	\$6,178
45 Lander	\$(10,115)	\$10,215	\$100



	Basic Support Guarantee Before <u>Adjustment</u>	Estimated Ad Valorem <u>Adjustment</u>	Estimated Basic Support Guarantee as Adjusted
1			
2			
3			
4			
5	<u>School District</u>		
6	Lincoln	\$9,571	\$921
7	Lyon	\$6,304	\$745
8	Mineral	\$8,012	\$1,066
9	Nye	\$6,055	\$985
10	Pershing	\$8,289	\$1,268
11	Storey	\$1,148	\$6,325
12	Washoe	\$4,635	\$958
13	White Pine	\$5,500	\$1,511
14			

15 5. The ad valorem adjustment may be made only to take into
16 account the difference in the ad valorem taxes to be received and the
17 estimated enrollment of the school district between the amount
18 estimated as of March 1, 2011, and the amount estimated as of
19 March 1, 2012, for the 2012-2013 Fiscal Year. Estimates of net
20 proceeds of minerals received from the Department of Taxation on
21 or before March 15 pursuant to subsection 3 must be taken into
22 consideration in determining the adjustment.

23 6. Upon receipt of the certified total of ad valorem taxes to be
24 received by each school district for Fiscal Year 2012-2013 pursuant
25 to subsection 2, the Superintendent of Public Instruction shall
26 recalculate the ad valorem adjustment and the tentative basic
27 support guarantee for operating purposes for each school district for
28 the 2012-2013 Fiscal Year based on the certified total of ad valorem
29 taxes provided by the Executive Director of the Department of
30 Taxation pursuant to subsection 2. The final basic support guarantee
31 for each school district for the 2012-2013 Fiscal Year is the amount,
32 which is recalculated for the 2012-2013 Fiscal Year pursuant to this
33 section, taking into consideration estimates of net proceeds of
34 minerals received from the Department of Taxation on or before
35 March 15, 2012. The basic support guarantee recalculated pursuant
36 to this section must be calculated on or before May 31, 2012.

37 **Sec. 3.** 1. The basic support guarantee for each special
38 education program unit that is maintained and operated for at least 9
39 months of a school year is \$39,768 in the 2011-2012 Fiscal Year
40 and \$39,768 in the 2012-2013 Fiscal Year, except as limited by
41 subsection 2.

42 2. The maximum number of units and amount of basic support
43 for special education program units within each of the school
44 districts, before any reallocation pursuant to NRS 387.1221, for the
45 Fiscal Years 2011-2012 and 2012-2013 are:



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<u>Allocation of Special Education Units</u>				
<u>2011-2012</u>		<u>2012-2013</u>		
<u>DISTRICT</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
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 2011-2013 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 \$162,476 in the Fiscal Year 2011-2012 and \$166,321 in the Fiscal Year 2012-2013 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 2011-2013 biennium, the Department will award the gifted and talented



1 amounts based on a review of applications received from school
2 districts.

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

6 For the 2011-2012 Fiscal Year.....\$1,370,184,914

7 For the 2012-2013 Fiscal Year.....\$1,399,947,063

8 2. The money appropriated by subsection 1 must be:

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

12 (b) Work-programmed for the 2 separate Fiscal Years 2011-
13 2012 and 2012-2013, as required by NRS 353.215. Work programs
14 may be revised with the approval of the Governor upon the
15 recommendation of the Chief of the Budget Division of the
16 Department of Administration.

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

20 4. The sums appropriated by subsection 1 are available for
21 either fiscal year or may be transferred to Fiscal Year 2010-2011.
22 Money may be transferred from one fiscal year to another with the
23 approval of the Governor upon the recommendation of the Chief of
24 the Budget Division of the Department of Administration. If funds
25 appropriated by subsection 1 are transferred to Fiscal Year 2010-
26 2011, any remaining funds in the State Distributive School Account
27 after all obligations have been met that are not subject to reversion
28 to the State General Fund must be transferred back to Fiscal Year
29 2011-2012. Any amount transferred back to Fiscal Year 2011-2012
30 must not exceed the amount originally transferred to Fiscal Year
31 2010-2011.

32 5. Any remaining balance of the appropriation made by
33 subsection 1 for the 2011-2012 Fiscal Year must be transferred and
34 added to the money appropriated for the 2012-2013 Fiscal Year and
35 may be expended as that money is expended.

36 6. Any remaining balance of the appropriation made by
37 subsection 1 for the 2012-2013 Fiscal Year, including any
38 money added thereto pursuant to the provisions of subsections 3 and
39 5, must not be committed for expenditure after June 30, 2013,
40 and must be reverted to the State General Fund on or before
41 September 20, 2013.

42 **Sec. 5.** 1. Expenditure of \$240,078,955 by the Department of
43 Education from money in the State Distributive School Account that
44 was not appropriated from the State General Fund is hereby
45 authorized during the fiscal year beginning July 1, 2011.



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2. Expenditure of \$245,970,854 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, 2012.

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 or she 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 or she 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 2011-2012 and 2012-2013, 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, the State Controller 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 \$17,448,161 for the 2011-2012 Fiscal Year and \$18,214,274 for the 2012-2013 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 2011-2013 biennium, the sum authorized must be allocated among the various



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1 school districts in accordance with a plan or formula developed by
2 the Department of Education to ensure that the money is distributed
3 equitably and in a manner that permits accounting for the
4 expenditures of school districts.

5 **Sec. 8.** The Department of Education is hereby authorized to
6 provide from the State Distributive School Account the sum of
7 \$50,000 to each of the 17 school districts in each fiscal year of the
8 2011-2013 biennium to support special counseling services for
9 elementary school pupils at risk of failure.

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

13 **Sec. 10.** 1. The Department of Education shall transfer from
14 the State Distributive School Account the following sums for early
15 childhood education:

16 For the Fiscal Year 2011-2012.....\$3,338,875

17 For the Fiscal Year 2012-2013.....\$3,338,875

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

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

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

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

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

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

36 (a) Use the money to establish or expand prekindergarten
37 education programs.

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

42 (c) Use the money to pay for the salaries and other items directly
43 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:



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(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, 2013, and must be reverted to the State Distributive School Account on or before September 20, 2013.

Sec. 11. The sums transferred in section 10 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 section 10 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. 12. 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 2011-2012 school year.....\$128,541

For the 2012-2013 school year.....\$128,541

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. 13. 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 2011-2012.....\$18,798

For the Fiscal Year 2012-2013.....\$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, 2013, and must be reverted to the State Distributive School Account on or before September 20, 2013.

Sec. 14. Each school district shall expend the revenue made available through this act, as well as other revenue from state, local



1 and federal sources, in a manner which is consistent with NRS
2 288.150 and which is designed to attain the goals of the Legislature
3 regarding educational reform in this State, especially with regard to
4 assisting pupils in need of remediation and pupils who are not
5 proficient in the English language. Materials and supplies for
6 classrooms are subject to negotiation by employers with recognized
7 employee organizations.

8 **Sec. 15.** The Legislature hereby finds and declares that:

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

13 2. Available money is estimated to provide a sufficient number
14 of teachers to achieve in each school district pupil-teacher ratios of
15 16 pupils per teacher in selected kindergarten classrooms in which
16 pupils are most at risk of failure and in grades 1 and 2 in Fiscal
17 Years 2011-2012 and 2012-2013, and to achieve a pupil-teacher
18 ratio in grade 3 of 19 pupils per teacher in Fiscal Years 2011-2012
19 and 2012-2013;

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

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

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

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

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

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

41 9. The Legislature intends to continue the reduced pupil-
42 teacher ratio for selected kindergarten classrooms in which pupils
43 are most at risk of failure and for grades 1 and 2 throughout the
44 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. 16. 1. The Department of Education shall transfer from the State Distributive School Account the sum of \$143,996,846 for distribution by the Superintendent of Public Instruction to the county school districts for Fiscal Year 2011-2012 which must, except as otherwise provided in sections 18 and 19 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 18 and 19 of this act, the money transferred by subsection 1 must be used to pay the salaries and benefits of not less than 2,127 teachers employed by school districts to meet the required pupil-teacher ratios in the 2011-2012 school year.

3. Any remaining balance of the sum transferred by subsection 1 must not be committed for expenditure after June 30, 2012, 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 2012-2013 Fiscal Year, and may be expended as the money in section 17 of this act is expended.

Sec. 17. 1. The Department of Education shall transfer from the State Distributive School Account the sum of \$147,514,695 for distribution by the Superintendent of Public Instruction to the county school districts for Fiscal Year 2012-2013 which must, except as otherwise provided in sections 18 and 19 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 18 and 19 of this act, the money transferred by subsection 1 must be used to pay the salaries and benefits of not less than 2,144 teachers employed by



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1 school districts to meet the required pupil-teacher ratios in the 2012-
2 2013 school year.

3 3. Any remaining balance of the sum transferred by subsection
4 1, including any money added thereto pursuant to section 16 of
5 this act, must not be committed for expenditure after June 30, 2013,
6 and must be reverted to the State General Fund on or before
7 September 20, 2013.

8 **Sec. 18.** 1. The board of trustees of each county school
9 district:

10 (a) Shall file a plan with the Superintendent of Public Instruction
11 describing how the money transferred pursuant to sections 16 and
12 17 of this act will be used to comply with the required ratio of pupils
13 to teachers in kindergarten and grades 1, 2 and 3; or

14 (b) May, after receiving approval of the plan from the
15 Superintendent of Public Instruction, use the money appropriated by
16 sections 16 and 17 of this act to carry out:

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

20 (2) Programs of remedial education that have been found to
21 be effective in improving pupil achievement in grades 1, 2 and 3, so
22 long as the combined ratio of pupils per teacher in the aggregate of
23 kindergarten and grades 1, 2 and 3 of the school district does not
24 exceed the combined ratio of pupils per teacher in the aggregate of
25 kindergarten and grades 1, 2 and 3 of the school district in the 2004-
26 2005 school year.

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

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

36 **Sec. 19.** 1. The money transferred for class-size reduction
37 pursuant to sections 16 and 17 of this act:

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

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

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



2. The money transferred for class-size reduction pursuant to sections 16 and 17 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 required by NRS 388.720 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. 20. 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 2011-2012.....\$7,955,911

For the Fiscal Year 2012-2013.....\$7,563,582

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 2011-2012 and 2012-2013 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 \$54,870 in both Fiscal Year 2011-2012 and Fiscal Year 2012-2013 for successful completion of the National Board Teacher Certification Program;

(b) A total of \$668,742 in both Fiscal Year 2011-2012 and Fiscal Year 2012-2013 for Counselor National Board Certification;

(c) A total of \$449,142 in both Fiscal Year 2011-2012 and Fiscal Year 2012-2013 for LEA library books;

(d) A total of \$1,912,241 in both Fiscal Year 2011-2012 and Fiscal Year 2012-2013 for educational technology; and

(e) A total of \$3,543,822 in both Fiscal Year 2011-2012 and Fiscal Year 2012-2013 for career and technical education.

4. Except as otherwise provided in subsection 3, unencumbered balances of the appropriations made by this section for the Fiscal Years 2011-2012 and 2012-2013 must not be committed for expenditure after June 30 of each fiscal year. Except as otherwise provided in subsection 3, unencumbered balances of these



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1 appropriations revert to the State General Fund on or before
2 September 21, 2012, and September 20, 2013, for each fiscal year
3 respectively.

4 **Sec. 21.** 1. There is hereby appropriated from the State
5 General Fund to the Account for Programs for Innovation and the
6 Prevention of Remediation created by NRS 385.379 the following
7 sums:

8 For the Fiscal Year 2011-2012.....\$32,482,502

9 For the Fiscal Year 2012-2013.....\$32,978,127

10 2. The money appropriated by subsection 1, excluding those
11 sums set forth in sections 23 and 24 of this act, must be expended in
12 accordance with NRS 353.150 to 353.245, inclusive, concerning the
13 allotment, transfer, work program and budget. Transfers to and
14 allotments from must be allowed and made in accordance with NRS
15 353.215 to 353.225, inclusive, after separate consideration of the
16 merits of each request.

17 3. Except as otherwise provided in sections 23 and 24 of this
18 act, the amounts appropriated by subsection 1 must be allocated to
19 the school districts pursuant to section 22 of this act for the
20 continuation of the full-day kindergarten program established
21 pursuant to Assembly Bill No. 4 of the 22nd Special Session,
22 chapter 3, Statutes of Nevada 2005, at page 91.

23 **Sec. 22.** 1. Except as otherwise provided in sections 23 and
24 24 of this act, the Department of Education shall distribute the
25 appropriation made by section 21 of this act to school districts that
26 elect to provide full-day kindergarten. In no event is a school district
27 required to submit an application for an allocation of money or
28 otherwise required to provide full-day kindergarten.

29 2. Except as otherwise provided in subsection 3, a school
30 district that elects to receive an allocation of money pursuant to this
31 section shall use the money to provide full-day kindergarten in each
32 school within the school district that is prioritized for full-day
33 kindergarten based upon the percentage of pupils enrolled in the
34 school who are eligible for free or reduced price lunches pursuant to
35 42 U.S.C. §§ 1751 et seq. A school district shall allocate the money
36 by assigning first priority to those schools within the school district
37 that have the highest percentage of pupils who are eligible for free
38 or reduced price lunches. If a school within a school district that is
39 required to provide full-day kindergarten pursuant to this section
40 currently provides full-day kindergarten with money that it receives
41 from the Federal Government or other funding allocations, the
42 school may redirect that money, to the extent authorized by
43 applicable federal law, for other programs of remediation at the
44 school and use the money provided by the Department of Education
45 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. 23. 1. The Department of Education shall transfer from the Account for Programs for Innovation and the Prevention of Remediation created by NRS 385.379 to the school districts specified in this section the following sums for Fiscal Years 2011-2012 and 2012-2013:

<u>School District</u>	<u>2011-2012</u>	<u>2012-2013</u>
Clark County School District	\$4,058,277	\$4,058,277
Elko County School District	\$1,360,859	\$1,360,859
Washoe County School District	\$2,182,142	\$2,182,142
TOTAL:	\$7,601,278	\$7,601,278

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 2011-2012 Fiscal Year must be added to the money received by the school districts for the 2012-2013 Fiscal Year and may be expended as that money is expended. Any remaining balance of the transfers made by subsection 1 for the 2012-2013 Fiscal Year, including any money added from the transfer for the previous fiscal year, must not be committed for expenditure after June 30, 2013, and must be reverted to the State General Fund on or before September 20, 2013.

Sec. 24. 1. The Department of Education shall transfer from the Account for Programs for Innovation and the Prevention of Remediation created by NRS 385.379 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 2011-2012 and



1 2012-2013 for additional training opportunities for educational
2 administrators in Nevada.

3 2. The Statewide Council shall use the money:

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

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

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

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

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

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

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

19 3. Any remaining balance of the transfers made by subsection
20 1 for the 2011-2012 Fiscal Year must be added to the money
21 received by the Statewide Council for the 2012-2013 Fiscal Year
22 and may be expended as that money is expended. Any remaining
23 balance of the transfers made by subsection 1 for the 2012-2013
24 Fiscal Year, including any money added from the transfer for the
25 previous fiscal year, must not be committed for expenditure after
26 June 30, 2013, and must be reverted to the State General Fund on or
27 before September 20, 2013.

28 **Sec. 25.** 1. Notwithstanding the provisions of subsection 2 of
29 section 26 of chapter 389, Statutes of Nevada 2009, at page 2138,
30 any money remaining in the Grant Fund for Incentives for Licensed
31 Educational Personnel at the end of Fiscal Year 2011 must be
32 carried forward to Fiscal Year 2012 and must be used for the
33 purchase of one-fifth of a year of retirement service credit and other
34 financial incentives for licensed educational personnel for the 2010-
35 2011 school year in accordance with NRS 391.166.

36 2. Any money carried forward pursuant to subsection 1 that
37 remains unexpended in the Grant Fund for Incentives for Licensed
38 Educational Personnel must not be committed for expenditure after
39 June 30, 2012, and must be reverted to the State General Fund on or
40 before September 21, 2012.

41 **Sec. 26.** 1. There is hereby appropriated from the State
42 General Fund to the Grant Fund for Incentives for Licensed
43 Educational Personnel created by NRS 391.166 to purchase one-
44 fifth of a year of retirement service credit and other financial



incentives for certain licensed educational personnel in accordance with NRS 391.166:

For the Fiscal Year 2011-2012.....	\$13,442,796
For the Fiscal Year 2012-2013.....	\$15,855,905

2. 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, 2013, and must be reverted to the State General Fund on or before September 20, 2013.

Sec. 27. NRS 387.191 is hereby amended to read as follows:

387.191 1. Except as otherwise provided in this subsection, the proceeds of the tax imposed pursuant to NRS 244.33561 and any applicable penalty or interest must be paid by the county treasurer to the State Treasurer for credit to the State Supplemental School Support Fund, which is hereby created in the State Treasury as a special revenue fund. The county treasurer may retain from the proceeds an amount sufficient to reimburse the county for the actual cost of collecting and administering the tax, to the extent that the county incurs any cost it would not have incurred but for the enactment of this section or NRS 244.33561, but in no case exceeding the amount authorized by statute for this purpose. Any interest or other income earned on the money in the State Supplemental School Support Fund must be credited to the Fund.

2. ~~[The]~~ *On and after July 1, 2013, the* money in the State Supplemental School Support Fund is hereby appropriated for the operation of the school districts and charter schools of the state, as provided in this section. The money so appropriated is intended to supplement and not replace any other money appropriated, approved or authorized for expenditure to fund the operation of the public schools for kindergarten through grade 12. Any money that remains in the State Supplemental School Support Fund at the end of the fiscal year does not revert to the State General Fund, and the balance in the State Supplemental School Support Fund must be carried forward to the next fiscal year.

3. On or before February 1, May 1, August 1 and November 1 of *2014, and on those dates* each year ~~it~~ *thereafter*, the Superintendent of Public Instruction shall transfer from the State Supplemental School Support Fund all the proceeds of the tax imposed pursuant to NRS 244.33561, including any interest or other income earned thereon, and distribute the proceeds proportionally among the school districts and charter schools of the state. The proportionate amount of money distributed to each school district or charter school must be determined by dividing the number of students enrolled in the school district or charter school by the number of students enrolled in all the school districts and charter schools of the state. For the purposes of this subsection, the



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1 enrollment in each school district and the number of students who
2 reside in the district and are enrolled in a charter school must be
3 determined as of the last day of the first school month of the school
4 district for the school year. This determination governs the
5 distribution of money pursuant to this subsection until the next
6 annual determination of enrollment is made. The Superintendent
7 may retain from the proceeds of the tax an amount sufficient to
8 reimburse the Superintendent for the actual cost of administering the
9 provisions of this section, to the extent that the Superintendent
10 incurs any cost the Superintendent would not have incurred but for
11 the enactment of this section, but in no case exceeding the amount
12 authorized by statute for this purpose.

13 4. The money received by a school district or charter school
14 from the State Supplemental School Support Fund pursuant to this
15 section must be used to improve the achievement of students and for
16 the payment of salaries to attract and retain qualified teachers and
17 other employees, except administrative employees, of the school
18 district or charter school. Nothing contained in this section shall be
19 deemed to impair or restrict the right of employees of the school
20 district or charter school to engage in collective bargaining as
21 provided by chapter 288 of NRS.

22 5. On or before November 10 of *2014, and on that date* each
23 year ~~[-]~~ *thereafter*, the board of trustees of each school district and
24 the governing body of each charter school shall prepare a report
25 to the Superintendent of Public Instruction, in the form prescribed
26 by the Superintendent. The report must provide an accounting of the
27 expenditures by the school district or charter school of the money it
28 received from the State Supplemental School Support Fund during
29 the preceding fiscal year.

30 6. As used in this section, "administrative employee" means
31 any person who holds a license as an administrator, issued by the
32 Superintendent of Public Instruction, and is employed in that
33 capacity by a school district or charter school.

34 **Sec. 28.** Section 8 of Chapter 4, Statutes of Nevada 2009, at
35 page 8 is hereby amended to read as follows:

36 Sec. 8. Transitory provision.

37 1. Notwithstanding the expiration of section 4 of this
38 measure on June 30, 2011, any tax and any interest or penalty
39 owing and unpaid as of that date and collected on or before
40 October 1, 2011, must be paid, deposited and credited to the
41 State General Fund as provided in that section.

42 2. The Superintendent of Public Instruction shall make
43 the initial transfer from the State Supplemental School
44 Support Fund, as required by section 6 of this measure, on or
45 before February 1, ~~[-]~~ *2014*.



1 3. The board of trustees of each school district and the
2 governing body of each charter school shall prepare their
3 initial reports to the Superintendent of Public Instruction, as
4 required by section 6 of this measure, on or before
5 November 10, ~~2012~~ 2014.

6 **Sec. 29.** The Superintendent of Public Instruction shall
7 transfer all money credited to the Supplemental School Support
8 Fund, created by NRS 387.191, on and after July 1, 2011, through
9 June 30, 2013, to the State Distributive School Account.

10 **Sec. 30.** 1. This section and sections 1 to 16, inclusive, and
11 18 to 29, inclusive, of this act become effective on July 1, 2011.

12 2. Section 17 of this act becomes effective on July 1, 2012.

