

---

SENATE BILL NO. 11—COMMITTEE ON FINANCE

(ON BEHALF OF THE CLARK COUNTY SCHOOL DISTRICT)

PREFILED DECEMBER 13, 2010

---

Referred to Committee on Finance

**SUMMARY**—Revises the Nevada Plan for School Finance for funding school districts, charter schools and university schools for profoundly gifted pupils. (BDR 34-304)

**FISCAL NOTE:** Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

---

AN ACT relating to public school finance; revising the Nevada Plan for School Finance for funding school districts, charter schools and university schools for profoundly gifted pupils to include the establishment of weighted values for certain categories of pupils; requiring the establishment of weighted values for certain smaller school districts and schools; revising the manner by which apportionments are calculated to add the applicable weighted values to the basic support guarantee per pupil; requiring the establishment of a separate basic support guarantee for certain schools that offer a program of distance education; removing the establishment of special education program units; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Under existing law, the Nevada Plan for School Finance provides for the  
2 financial support of the school districts, charter schools and university schools for  
3 profoundly gifted pupils. The formula in the Nevada Plan is expressed as: State  
4 financial aid to school districts equals the difference between school district basic  
5 support guarantee and local available funds produced by mandatory taxes minus all  
6 the local funds attributable to pupils who reside in the county but attend a charter  
7 school or a university school for profoundly gifted pupils. (NRS 387.121) **Section 4**  
8 of this bill revises the manner in which the formula is expressed to include a



\* S B 1 1 \*

9 weighted value for certain categories of pupils and for certain smaller school  
10 districts and schools and requires those weighted values to be added to the school  
11 district basic support guarantee per pupil.

12 **Section 6** of this bill requires that in addition to the establishment of the basic  
13 support guarantee per pupil, the Legislature shall establish a weighted value for  
14 each of the following categories of pupils: (1) pupils with disabilities; (2) gifted and  
15 talented pupils; (3) pupils enrolled in career and technical education; (4) English  
16 language learners; (5) pupils who are eligible to receive free or reduced-priced  
17 meals; (6) pupils who are homeless; (7) pupils who are transient; and (8) pupils  
18 who are in foster care. In addition, **section 6** requires that weighted values be  
19 established for certain smaller school districts and schools. **Section 6** also requires  
20 the Legislature to establish a separate basic support guarantee per pupil for certain  
21 schools which enroll pupils full-time and which offer at least 75 percent of the  
22 courses through a program of distance education. **Section 6** further prescribes that  
23 the apportionments to the school districts, charter schools and university schools for  
24 profoundly gifted pupils must be determined by adding the basic support guarantee  
25 per pupil to the weighted values for the categories of pupils and multiplying that  
26 sum by the number of pupils reported in each category, plus any applicable  
27 weighted values for certain smaller schools and school districts.

28 **Section 7** of this bill removes the establishment of special education program  
29 units for the funding of the provision of educational programs and services for  
30 pupils with disabilities and gifted and talented pupils.

31 **Section 8** of this bill revises the count of pupils for apportionment purposes to  
32 include a disaggregated count of the categories of pupils identified in **section 6**.

33 **Sections 2, 14 and 17** of this bill revise the information which must be  
34 included in the annual report of a charter school, school district and university  
35 school for profoundly gifted pupils to include the costs of providing programs of  
36 instruction to the categories of pupils identified in **section 6**, if the enrollment of the  
37 charter school, school district or university school for profoundly gifted pupils  
38 includes such pupils.

39 **Section 19** of this bill requires the Department of Education to establish an  
40 advisory group to develop a formula for establishing weighted values and the  
41 manner in which the weighted values will be calculated for implementation  
42 beginning with the 2013-2014 school year.

---

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

1 **Section 1.** NRS 386.570 is hereby amended to read as follows:  
2 386.570 1. Each pupil who is enrolled in a charter school,  
3 including, without limitation, a pupil who is enrolled in a program  
4 of special education in a charter school, must be included in the  
5 count of pupils in the school district for the purposes of  
6 apportionments and allowances from the State Distributive School  
7 Account pursuant to NRS 387.121 to 387.126, inclusive, unless the  
8 pupil is exempt from compulsory attendance pursuant to NRS  
9 392.070. A charter school is entitled to receive its proportionate  
10 share of any other money available from federal, state or local  
11 sources that the school or the pupils who are enrolled in the school  
12 are eligible to receive. ~~If a charter school receives special education~~



~~program units directly from this State, the amount of money for special education that the school district pays to the charter school may be reduced proportionately by the amount of money the charter school received from this State for that purpose.]~~

2. All money received by the charter school from this State or from the board of trustees of a school district must be deposited in an account with a bank, credit union or other financial institution in this State. The governing body of a charter school may negotiate with the board of trustees of the school district and the State Board for additional money to pay for services which the governing body wishes to offer.

3. Upon completion of each school quarter, the sponsor of a charter school may request reimbursement from the governing body of the charter school for the administrative costs associated with sponsorship for that school quarter if the sponsor provided administrative services during that school quarter. The request must include an itemized list of those costs. Unless a delay is granted pursuant to subsection 9, upon receipt of such a request, the governing body shall pay the reimbursement to the board of trustees of the school district if the board of trustees sponsors the charter school, to the Department if the State Board sponsors the charter school or to the college or university within the Nevada System of Higher Education if that institution sponsors the charter school. If a governing body fails to pay the reimbursement pursuant to this subsection or pursuant to a plan approved by the Superintendent of Public Instruction in accordance with subsection 9, the charter school shall be deemed to have violated its written charter and the sponsor may take such action to revoke the written charter pursuant to NRS 386.535 as it deems necessary. If the board of trustees of a school district is the sponsor of a charter school, the amount of money that may be paid to the sponsor pursuant to this subsection for administrative expenses in 1 school year must not exceed:

(a) For the first year of operation of the charter school, 2 percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124, as adjusted by the final computation of apportionment pursuant to subsection 4 of NRS 387.1243.

(b) For any year after the first year of operation of the charter school, 1 percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124, as adjusted by the final computation of apportionment pursuant to subsection 4 of NRS 387.1243.

4. If the State Board or a college or university within the Nevada System of Higher Education is the sponsor of a charter school, the amount of money that may be paid to the Department or



1 to the institution, as applicable, pursuant to subsection 3 for  
2 administrative expenses in 1 school year must not exceed:

3 (a) For the first year of operation of the charter school, 2  
4 percent of the total amount of money apportioned to the charter  
5 school during the year pursuant to NRS 387.124, as adjusted by the  
6 final computation of apportionment pursuant to subsection 4 of  
7 NRS 387.1243.

8 (b) For any year after the first year of operation of the charter  
9 school, 1.5 percent of the total amount of money apportioned to the  
10 charter school during the year pursuant to NRS 387.124, as adjusted  
11 by the final computation of apportionment pursuant to subsection 4  
12 of NRS 387.1243.

13 5. To determine the amount of money for distribution to a  
14 charter school in its first year of operation, the count of pupils who  
15 are enrolled in the charter school must initially be determined 30  
16 days before the beginning of the school year of the school district,  
17 based on the number of pupils whose applications for enrollment  
18 have been approved by the charter school. The count of pupils who  
19 are enrolled in the charter school must be revised on the last day of  
20 the first school month of the school district in which the charter  
21 school is located for the school year, based on the actual number of  
22 pupils who are enrolled in the charter school. Pursuant to subsection  
23 5 of NRS 387.124, the governing body of a charter school may  
24 request that the apportionments made to the charter school in its first  
25 year of operation be paid to the charter school 30 days before the  
26 apportionments are otherwise required to be made.

27 6. If a charter school ceases to operate as a charter school  
28 during a school year, the remaining apportionments that would have  
29 been made to the charter school pursuant to NRS 387.124 for that  
30 year must be paid on a proportionate basis to the school districts  
31 where the pupils who were enrolled in the charter school reside.

32 7. The governing body of a charter school may solicit and  
33 accept donations, money, grants, property, loans, personal services  
34 or other assistance for purposes relating to education from members  
35 of the general public, corporations or agencies. The governing body  
36 may comply with applicable federal laws and regulations governing  
37 the provision of federal grants for charter schools. The State Board  
38 may assist a charter school that operates exclusively for the  
39 enrollment of pupils who receive special education in identifying  
40 sources of money that may be available from the Federal  
41 Government or this State for the provision of educational programs  
42 and services to such pupils.

43 8. If a charter school uses money received from this State to  
44 purchase real property, buildings, equipment or facilities, the  
45 governing body of the charter school shall assign a security interest



1 in the property, buildings, equipment and facilities to the State of  
2 Nevada.

3 9. The governing body of a charter school may submit to the  
4 Superintendent of Public Instruction a written request to delay a  
5 quarterly payment of a reimbursement for the administrative costs  
6 that a charter school owes pursuant to this section. The written  
7 request must be in the form prescribed by the Superintendent and  
8 must include, without limitation, documentation that a financial  
9 hardship exists for the charter school and a plan for the payment of  
10 the reimbursement. The Superintendent may approve or deny the  
11 request and shall notify the governing body and the sponsor of the  
12 charter school of the approval or denial of the request.

13 **Sec. 2.** NRS 386.600 is hereby amended to read as follows:

14 386.600 1. On or before November 15 of each year, the  
15 governing body of each charter school shall submit to the sponsor of  
16 the charter school, the Superintendent of Public Instruction and the  
17 Director of the Legislative Counsel Bureau for transmission to the  
18 Majority Leader of the Senate and the Speaker of the Assembly a  
19 report that includes:

20 (a) A written description of the progress of the charter school in  
21 achieving the mission and goals of the charter school set forth in its  
22 application.

23 (b) For each fund maintained by the charter school, including,  
24 without limitation, the general fund of the charter school and any  
25 special revenue fund which receives state money, the total number  
26 and salaries of licensed and nonlicensed persons whose salaries are  
27 paid from the fund and who are employed by the governing body in  
28 full-time positions or in part-time positions added together to  
29 represent full-time positions. Information must be provided for the  
30 current school year based upon the final budget of the charter  
31 school, including any amendments and augmentations thereto, and  
32 for the preceding school year. An employee must be categorized as  
33 filling an instructional, administrative, instructional support or other  
34 position.

35 (c) The actual expenditures of the charter school in the fiscal  
36 year immediately preceding the report.

37 (d) The proposed expenditures of the charter school for the  
38 current fiscal year.

39 (e) The salary schedule for licensed employees and nonlicensed  
40 teachers in the current school year and a statement of whether salary  
41 negotiations for the current school year have been completed. If  
42 salary negotiations have not been completed at the time the salary  
43 schedule is submitted, the governing body shall submit a  
44 supplemental report to the Superintendent of Public Instruction upon  
45 completion of negotiations.



(f) The number of employees eligible for health insurance within the charter school for the current and preceding fiscal years and the amount paid for health insurance for each such employee during those years.

(g) The rates for fringe benefits, excluding health insurance, paid by the charter school for its licensed employees in the preceding and current fiscal years.

(h) The amount paid for extra duties, supervision of extracurricular activities and supplemental pay and the number of employees receiving that pay in the preceding and current fiscal years.

*(i) If the enrollment of the charter school includes pupils from one or more categories identified in subsection 4 of NRS 387.122, the costs of the charter school to provide programs of instruction for each such category of pupils.*

2. On or before November 25 of each year, the Superintendent of Public Instruction shall submit to the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau, in a format approved by the Director of the Department of Administration, a compilation of the reports made by each governing body pursuant to subsection 1.

3. The Superintendent of Public Instruction shall, in the compilation required by subsection 2, reconcile the revenues and expenditures of the charter schools with the apportionment received by those schools from the State Distributive School Account for the preceding year.

**Sec. 3.** NRS 387.047 is hereby amended to read as follows:

387.047 1. Except as otherwise provided in this section, each school district and charter school shall separately account for all money received for the instruction of and the provision of related services to pupils with disabilities, gifted and talented pupils and pupils who receive early intervening services described by NRS 388.520.

2. The separate accounting must include:

(a) The amount of money provided to the school district or charter school for *pupils enrolled in* special education ; ~~for basic support;~~

(b) Transfers of money from the general fund of the school district or charter school needed to balance the special revenue fund;

(c) The cost of:

(1) Instruction provided by licensed special education teachers and supporting staff;

(2) Related services, including, but not limited to, services provided by psychologists, therapists and health-related personnel;



(3) Transportation of the pupils with disabilities and gifted and talented pupils to and from school;

(4) The direct supervision of educational and supporting programs; and

(5) The supplies and equipment needed for providing special education; and

(d) The amount of money, if any, expended by the school district or charter school for early intervening services provided pursuant to subsection ~~31~~ 2 of NRS 388.450.

3. Money received from federal sources must be:

(a) Accounted for separately; and

(b) Excluded from the accounting required pursuant to this section.

**Sec. 4.** NRS 387.121 is hereby amended to read as follows:

387.121 The Legislature declares that the proper objective of state financial aid to public education is to ensure each Nevada child a reasonably equal educational opportunity. Recognizing wide local variations in wealth and costs per pupil, this State should supplement local financial ability to whatever extent necessary in each school district to provide programs of instruction in both compulsory and elective subjects that offer full opportunity for every Nevada child to receive the benefit of the purposes for which public schools are maintained. *The Legislature further declares that the cost of providing instruction to the categories of pupils identified in subsection 4 of NRS 387.122 is dependent upon the educational services that are required to address the specific needs of those pupils.* Therefore, the quintessence of the State's financial obligation for such programs can be expressed in a formula partially on a per pupil basis, *partially on weighted values* and partially on a per program basis as: State financial aid to school districts equals the difference between school district basic support guarantee *plus the weighted values established pursuant to subsection 4 of NRS 387.122 and any applicable weighted values established pursuant to subsection 5 of NRS 387.122*, and local available funds produced by mandatory taxes minus all the local funds attributable to pupils who reside in the county but attend a charter school or a university school for profoundly gifted pupils. This formula is designated the Nevada Plan.

**Sec. 5.** NRS 387.1211 is hereby amended to read as follows:

387.1211 As used in NRS 387.121 to 387.126, inclusive:

1. "Average daily attendance" means the total number of pupils attending a particular school each day during a period of reporting divided by the number of days school is in session during that period.



2. "Enrollment" means the count of pupils enrolled in and scheduled to attend programs of instruction of a school district, charter school or university school for profoundly gifted pupils at a specified time during the school year.

~~3. ["Special education program unit" means an organized unit of special education and related services which includes full time services of persons licensed by the Superintendent of Public Instruction or other appropriate licensing body, providing a program of instruction in accordance with minimum standards prescribed by the State Board.]~~ *"Weighted value" means the dollar amount established by law for the costs, above basic support, of providing programs of instruction for each category of pupils identified in subsection 4 of NRS 387.122 and for certain smaller school districts or smaller schools as described in subsection 5 of NRS 387.122.*

**Sec. 6.** NRS 387.122 is hereby amended to read as follows:

387.122 *1. For making the apportionments of the State Distributive School Account in the State General Fund required by the provisions of this title, the basic support guarantee per pupil for each school district and the ~~[basic support guarantee for each special education program unit maintained and operated during at least 9 months of a school year]~~ weighted value for each category of pupils identified in subsection 4 and the weighted values pursuant to subsection 5 are established by law for each school year.*

*2. The Legislature shall establish a separate basic support guarantee per pupil by law for each school year for pupils who are enrolled full-time in a school which offers at least 75 percent of its courses through a program of distance education pursuant to NRS 388.820 to 388.874, inclusive, and which does not require the pupils enrolled in the school to be physically in attendance at the school to meet with a teacher at least once per week.*

*3. The apportionment to a school district must be determined by adding the basic support guarantee per pupil to the weighted value for each category of pupils identified in subsection 4 that are enrolled in the school district and multiplying that sum by the number of pupils reported in each such category, plus any applicable weighted values established pursuant to subsection 5. The apportionment to a charter school or university school for profoundly gifted pupils must be determined by adding the basic support guarantee per pupil to the weighted value for each category of pupils identified in subsection 4 that are enrolled in the charter school or university school and multiplying that sum by the number of pupils reported in each such category. A pupil must not be reported in more than one category regardless of*





1 *whether the status of the pupil qualifies him or her for more than*  
2 *one category.*

3 *4. A weighted value must be established by law for each*  
4 *school year for each of the following categories:*

5 *(a) Pupils with disabilities;*

6 *(b) Gifted and talented pupils;*

7 *(c) Pupils enrolled in career and technical education;*

8 *(d) English language learners;*

9 *(e) Pupils who are eligible to receive free or reduced-priced*  
10 *meals;*

11 *(f) Pupils who are homeless;*

12 *(g) Pupils who are transient; and*

13 *(h) Pupils in foster care.*

14 *5. In addition to the weighted values established pursuant to*  
15 *subsection 4, a weighted value must be established by law for each*  
16 *school year for:*

17 *(a) A school district with an enrollment of 10,000 or fewer*  
18 *pupils.*

19 *(b) A school with an enrollment of 200 or fewer pupils if the*  
20 *school is part of a school district with an enrollment of more than*  
21 *10,000 pupils.*

22 *6. A school district, charter school or university school for*  
23 *profoundly gifted pupils shall designate the category in which a*  
24 *pupil is reported if the status of the pupil qualifies him or her for*  
25 *more than one category.*

26 **Sec. 7.** NRS 387.1221 is hereby amended to read as follows:

27 387.1221 1. ~~[The basic support guarantee for any special~~  
28 ~~education program unit maintained and operated during a period of~~  
29 ~~less than 9 school months is in the same proportion to the amount~~  
30 ~~established by law for that school year as the period during which~~  
31 ~~the program unit actually was maintained and operated is to 9 school~~  
32 ~~months.~~

33 ~~—2.— Any unused allocations for special education program units~~  
34 ~~may be reallocated to other school districts, charter schools or~~  
35 ~~university schools for profoundly gifted pupils by the~~  
36 ~~Superintendent of Public Instruction. In such a reallocation, first~~  
37 ~~priority must be given to special education programs with statewide~~  
38 ~~implications, and second priority must be given to special education~~  
39 ~~programs maintained and operated within counties whose allocation~~  
40 ~~is less than or equal to the amount provided by law. If there are~~  
41 ~~more unused allocations than necessary to cover programs of first~~  
42 ~~and second priority but not enough to cover all remaining special~~  
43 ~~education programs eligible for payment from reallocations, then~~  
44 ~~payment for the remaining programs must be prorated. If there are~~  
45 ~~more unused allocations than necessary to cover programs of first~~



~~priority but not enough to cover all programs of second priority; then payment for programs of second priority must be prorated. If unused allocations are not enough to cover all programs of first priority, then payment for programs of first priority must be prorated.~~

~~—3.1~~ A school district, a charter school or a university school for profoundly gifted pupils may, after receiving the approval of the Superintendent of Public Instruction, contract with any person, state agency or legal entity to provide ~~[a]~~ special education ~~[program unit]~~ for pupils of the district pursuant to NRS 388.440 to 388.520, inclusive.

~~[4.1]~~ 2. A school district in a county whose population is less than 400,000, a charter school or a university school for profoundly gifted pupils that receives an ~~[allocation for special education program units]~~ *apportionment which includes a weighted value for the provision of special education to pupils with disabilities* may use not more than 15 percent of its ~~[allocation]~~ *apportionment which represents that category of pupils* to provide early intervening services.

**Sec. 8.** NRS 387.123 is hereby amended to read as follows:

387.123 1. The count of pupils for apportionment purposes includes all pupils who are enrolled in programs of instruction of the school district, including, without limitation, a program of distance education provided by the school district, pupils who reside in the county in which the school district is located and are enrolled in any charter school, including, without limitation, a program of distance education provided by a charter school, and pupils who are enrolled in a university school for profoundly gifted pupils located in the county, for:

(a) Pupils in the kindergarten department.

(b) Pupils in grades 1 to 12, inclusive ~~[ ]~~ , *reported in the aggregate and disaggregated by each of the following categories:*

*(1) Pupils with disabilities;*

*(2) Gifted and talented pupils;*

*(3) Pupils enrolled in career and technical education;*

*(4) English language learners;*

*(5) Pupils who are eligible to receive free or reduced-priced meals;*

*(6) Pupils who are homeless;*

*(7) Pupils who are transient; and*

*(8) Pupils in foster care.*

(c) Pupils not included under paragraph (a) or (b) who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive.



(d) Pupils who reside in the county and are enrolled part-time in a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

(e) Children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570.

(f) Pupils who are enrolled in classes pursuant to subsection 4 of NRS 386.560 and pupils who are enrolled in classes pursuant to subsection 5 of NRS 386.580.

(g) Pupils who are enrolled in classes pursuant to subsection 3 of NRS 392.070.

(h) Pupils who are enrolled in classes and taking courses necessary to receive a high school diploma, excluding those pupils who are included in paragraphs (d), (f) and (g).

2. The State Board shall establish uniform regulations for counting enrollment and calculating the average daily attendance of pupils. In establishing such regulations for the public schools, the State Board:

(a) Shall divide the school year into 10 school months, each containing 20 or fewer school days, or its equivalent for those public schools operating under an alternative schedule authorized pursuant to NRS 388.090.

(b) May divide the pupils in grades 1 to 12, inclusive, into categories composed respectively of those enrolled in elementary schools and those enrolled in secondary schools.

(c) Shall prohibit the counting of any pupil specified in subsection 1 more than once.

3. Except as otherwise provided in subsection 4 and NRS 388.700, the State Board shall establish by regulation the maximum pupil-teacher ratio in each grade, and for each subject matter wherever different subjects are taught in separate classes, for each school district of this State which is consistent with:

(a) The maintenance of an acceptable standard of instruction;

(b) The conditions prevailing in the school district with respect to the number and distribution of pupils in each grade; and

(c) Methods of instruction used, which may include educational television, team teaching or new teaching systems or techniques.

➤ If the Superintendent of Public Instruction finds that any school district is maintaining one or more classes whose pupil-teacher ratio exceeds the applicable maximum, and unless the Superintendent finds that the board of trustees of the school district has made every reasonable effort in good faith to comply with the applicable standard, the Superintendent shall, with the approval of the State Board, reduce the count of pupils for apportionment purposes by the



percentage which the number of pupils attending those classes is of the total number of pupils in the district, and the State Board may direct the Superintendent to withhold the quarterly apportionment entirely.

4. The provisions of subsection 3 do not apply to a charter school, a university school for profoundly gifted pupils or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

**Sec. 9.** NRS 387.1233 is hereby amended to read as follows:

387.1233 1. Except as otherwise provided in ~~[subsection 2,]~~ *this section*, basic support of each school district must be computed by ~~[-~~

~~—(a) Multiplying]~~ *multiplying* the basic support guarantee per pupil established for that school district for that school year *pursuant to subsection 1 of NRS 387.122* by the sum of:

~~[(1)]~~ (a) Six-tenths the count of pupils enrolled in the kindergarten department on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year.

~~[(2)]~~ (b) The count of pupils enrolled in grades 1 to 12, inclusive, on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year and the count of pupils who are enrolled in a university school for profoundly gifted pupils located in the county.

~~[(3) The]~~ (c) *Except for a program of distance education for which a separate basic support guarantee per pupil is established pursuant to subsection 2 of NRS 387.122, the* count of pupils not included under ~~[subparagraph (1) or (2)]~~ *paragraph (a) or (b)* who are enrolled full-time in a program of distance education provided by that school district or a charter school located within that school district on the last day of the first school month of the school district for the school year.

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

~~[(4)]~~ (1) In a public school of the school district and are concurrently enrolled part-time in a program of distance education provided by another school district or a charter school on the last day of the first school month of the school district for the school year, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total



1 time services are provided during a school day to pupils who are  
2 counted pursuant to ~~[(subparagraph (2)).~~

3 ~~—(H)] paragraph (b).~~

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

11 ~~—(5)] paragraph (b).~~

12 (e) The count of pupils not included under ~~[(subparagraph (1),~~  
13 ~~(2), (3) or (4).]~~ paragraph (a), (b), (c) or (d), who are receiving  
14 special education pursuant to the provisions of NRS 388.440 to  
15 388.520, inclusive, on the last day of the first school month of the  
16 school district for the school year, excluding the count of pupils who  
17 have not attained the age of 5 years and who are receiving special  
18 education pursuant to subsection 1 of NRS 388.490 on that day.

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

23 ~~[(7)] (g)~~ The count of children detained in facilities for the  
24 detention of children, alternative programs and juvenile forestry  
25 camps receiving instruction pursuant to the provisions of NRS  
26 388.550, 388.560 and 388.570 on the last day of the first school  
27 month of the school district for the school year.

28 ~~[(8)] (h)~~ The count of pupils who are enrolled in classes for  
29 at least one semester pursuant to subsection 4 of NRS 386.560,  
30 subsection 5 of NRS 386.580 or subsection 3 of NRS 392.070,  
31 expressed as a percentage of the total time services are provided to  
32 those pupils per school day in proportion to the total time services  
33 are provided during a school day to pupils who are counted pursuant  
34 to ~~[(subparagraph (2)).~~

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

38 ~~—(c) Adding the amounts computed in paragraphs (a) and (b).]~~  
39 ~~paragraph (b).~~

40 2. *If a school enrolls pupils full-time and offers at least 75*  
41 *percent of its courses through a program of distance education*  
42 *and the school does not require the pupils to be physically in*  
43 *attendance at the school to meet with a teacher at least once per*  
44 *week, the basic support for that school must be computed by*  
45 *multiplying the basic support guarantee per pupil established*



*pursuant to subsection 2 of NRS 387.122 by the count of pupils enrolled in the program of distance education.*

3. If the enrollment of pupils in a school district or a charter school that is located within the school district on the last day of the first school month of the school district for the school year is less than or equal to 95 percent of the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for the immediately preceding school year, the largest number from among the immediately preceding 2 school years must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

~~[3-]~~ 4. If the enrollment of pupils in a school district or a charter school that is located within the school district on the last day of the first school month of the school district for the school year is more than 95 percent of the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for the immediately preceding school year, the larger enrollment number from the current year or the immediately preceding school year must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

~~[4-]~~ 5. Pupils who are excused from attendance at examinations or have completed their work in accordance with the rules of the board of trustees must be credited with attendance during that period.

~~[5-]~~ 6. Pupils who are incarcerated in a facility or institution operated by the Department of Corrections must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the Department of Education.

~~[6-]~~ 7. Pupils who are enrolled in courses which are approved by the Department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing basic support pursuant to this section.

**Sec. 10.** NRS 387.124 is hereby amended to read as follows:

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

1. On or before August 1, November 1, February 1 and May 1 of each year, the Superintendent of Public Instruction shall apportion the State Distributive School Account in the State General Fund among the several county school districts, charter schools and university schools for profoundly gifted pupils in amounts approximating one-fourth of their respective yearly apportionments less any amount set aside as a reserve. The apportionment to a



\* S B 1 1 \*

1 school district, computed on a yearly basis, equals the difference  
2 between the basic support *per pupil established pursuant to NRS*  
3 *387.122, including the basic support per pupil established*  
4 *pursuant to subsection 2 of NRS 387.122, if applicable, plus the*  
5 *weighted values established pursuant to subsections 4 and 5 of*  
6 *NRS 387.122 applicable for that school district*, and the local funds  
7 available pursuant to NRS 387.1235, minus all the funds attributable  
8 to pupils who reside in the county but attend a charter school, all the  
9 funds attributable to pupils who reside in the county and are enrolled  
10 full-time or part-time in a program of distance education provided  
11 by another school district or a charter school and all the funds  
12 attributable to pupils who are enrolled in a university school for  
13 profoundly gifted pupils located in the county. No apportionment  
14 may be made to a school district if the amount of the local funds  
15 exceeds the amount of basic support.

16 2. Except as otherwise provided in subsection 3, the  
17 apportionment to a charter school, computed on a yearly basis, is  
18 equal to the sum of the basic support per pupil in the county in  
19 which the pupil resides *or, if applicable, the basic support per pupil*  
20 *established pursuant to subsection 2 of NRS 387.122, plus the*  
21 *weighted values established pursuant to subsection 4 of NRS*  
22 *387.122 applicable for that charter school and* plus the amount of  
23 local funds available per pupil pursuant to NRS 387.1235 and all  
24 other funds available for public schools in the county in which the  
25 pupil resides minus all the funds attributable to pupils who are  
26 enrolled in the charter school but are concurrently enrolled part-time  
27 in a program of distance education provided by a school district or  
28 another charter school. If the apportionment per pupil to a charter  
29 school is more than the amount to be apportioned to the school  
30 district in which a pupil who is enrolled in the charter school  
31 resides, the school district in which the pupil resides shall pay the  
32 difference directly to the charter school.

33 3. The apportionment to a charter school that is sponsored by  
34 the State Board or by a college or university within the Nevada  
35 System of Higher Education, computed on a yearly basis, is equal to  
36 the sum of the basic support per pupil in the county in which the  
37 pupil resides *or, if applicable, the basic support per pupil*  
38 *established pursuant to subsection 2 of NRS 387.122, plus the*  
39 *weighted values established pursuant to subsection 4 of NRS*  
40 *387.122 applicable for that charter school and* plus the amount of  
41 local funds available per pupil pursuant to NRS 387.1235 and all  
42 other funds available for public schools in the county in which the  
43 pupil resides, minus all funds attributable to pupils who are enrolled  
44 in the charter school but are concurrently enrolled part-time in a





1 program of distance education provided by a school district or  
2 another charter school.

3 4. In addition to the apportionments made pursuant to this  
4 section, an apportionment must be made to a school district or  
5 charter school that provides a program of distance education for  
6 each pupil who is enrolled part-time in the program. The amount of  
7 the apportionment must be equal to the percentage of the total time  
8 services are provided to the pupil through the program of distance  
9 education per school day in proportion to the total time services are  
10 provided during a school day to pupils who are counted pursuant to  
11 ~~subparagraph (2) of paragraph (a)~~ *paragraph (b)* of subsection 1  
12 of NRS 387.1233 for the school district in which the pupil resides.

13 5. The governing body of a charter school may submit a  
14 written request to the Superintendent of Public Instruction to  
15 receive, in the first year of operation of the charter school, an  
16 apportionment 30 days before the apportionment is required to be  
17 made pursuant to subsection 1. Upon receipt of such a request, the  
18 Superintendent of Public Instruction may make the apportionment  
19 30 days before the apportionment is required to be made. A charter  
20 school may receive all four apportionments in advance in its first  
21 year of operation.

22 6. The apportionment to a university school for profoundly  
23 gifted pupils, computed on a yearly basis, is equal to the sum of the  
24 basic support per pupil in the county in which the university school  
25 is located *or, if applicable, the basic support per pupil established*  
26 *pursuant to subsection 2 of NRS 387.122, plus the weighted values*  
27 *established pursuant to subsection 4 of NRS 387.122 applicable*  
28 *for that university school and* plus the amount of local funds  
29 available per pupil pursuant to NRS 387.1235 and all other funds  
30 available for public schools in the county in which the university  
31 school is located. If the apportionment per pupil to a university  
32 school for profoundly gifted pupils is more than the amount to be  
33 apportioned to the school district in which the university school is  
34 located, the school district shall pay the difference directly to the  
35 university school. The governing body of a university school for  
36 profoundly gifted pupils may submit a written request to the  
37 Superintendent of Public Instruction to receive, in the first year of  
38 operation of the university school, an apportionment 30 days before  
39 the apportionment is required to be made pursuant to subsection 1.  
40 Upon receipt of such a request, the Superintendent of Public  
41 Instruction may make the apportionment 30 days before the  
42 apportionment is required to be made. A university school for  
43 profoundly gifted pupils may receive all four apportionments in  
44 advance in its first year of operation.





7. The Superintendent of Public Instruction shall apportion, on or before August 1 of each year, the money designated as the "Nutrition State Match" pursuant to NRS 387.105 to those school districts that participate in the National School Lunch Program, 42 U.S.C. §§ 1751 et seq. The apportionment to a school district must be directly related to the district's reimbursements for the Program as compared with the total amount of reimbursements for all school districts in this State that participate in the Program.

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

**Sec. 11.** NRS 387.1243 is hereby amended to read as follows:

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

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

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

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

➤ If a lessee or user pays the tax owed after the school district's apportionment has been increased in accordance with the provisions of this subsection to compensate for the tax owed, the school district shall repay to the State Distributive School Account in the State General Fund an amount equal to the tax received from the lessee or user for the year in which the school district received an increased



1 apportionment, not to exceed the increase in apportionments made  
2 to the school district pursuant to this subsection.

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

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

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

28 (b) A 6-percent gain, basic support as computed from first-  
29 month enrollment for the school district, charter school or university  
30 school for profoundly gifted pupils must be increased by an  
31 additional 2 percent.

32 5. If the final computation of apportionment for any school  
33 district, charter school or university school for profoundly gifted  
34 pupils exceeds the actual amount paid to the school district, charter  
35 school or university school for profoundly gifted pupils during the  
36 school year, the additional amount due must be paid before  
37 September 1. If the final computation of apportionment for any  
38 school district, charter school or university school for profoundly  
39 gifted pupils is less than the actual amount paid to the school  
40 district, charter school or university school for profoundly gifted  
41 pupils during the school year, the difference must be repaid to the  
42 State Distributive School Account in the State General Fund by the  
43 school district, charter school or university school for profoundly  
44 gifted pupils before September 25.



**Sec. 12.** NRS 387.206 is hereby amended to read as follows:

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

2. The Department, in consultation with the Budget Division of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau, shall develop or revise, as applicable, a formula for determining the minimum amount of money that each school district, charter school and university school for profoundly gifted pupils is required to expend each fiscal year for textbooks, instructional supplies, instructional software and instructional hardware. The sum of all of the minimum amounts determined pursuant to this subsection must be equal to the combined minimum amount determined pursuant to subsection 1. The formula must be used only to develop expenditure requirements and must not be used to alter the distribution of money for basic support *and the weighted values established pursuant to NRS 387.122* to school districts, charter schools or university schools for profoundly gifted pupils.

3. Upon approval of the formula pursuant to subsection 2, the Department shall provide written notice to each school district, charter school and university school for profoundly gifted pupils within the first 30 days of each fiscal year that sets forth the required minimum combined amount of money that the school district, charter school and university school for profoundly gifted pupils must expend for textbooks, instructional supplies, instructional software and instructional hardware for that fiscal year. If a school district, charter school or university school for profoundly gifted pupils is granted a waiver pursuant to NRS 387.2065, the Department shall provide written notice to the school district, charter school or university school within 30 days after the Interim Finance Committee grants the waiver setting forth the revised amount of money that the school district, charter school or



1 university school must expend for textbooks, instructional supplies,  
2 instructional software and instructional hardware for the fiscal year.

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

10 (a) The school district pursuant to NRS 387.303.

11 (b) The charter school pursuant to NRS 386.600.

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

14 5. Except as otherwise provided in subsection 6, if the  
15 Department determines that a school district, charter school or  
16 university school for profoundly gifted pupils, as applicable, has not  
17 expended the required minimum amount of money set forth in the  
18 notice or the revised notice, as applicable, provided pursuant to  
19 subsection 3, a reduction must be made from the basic support *and*  
20 *weighted values* allocation otherwise payable to that school district,  
21 charter school or university school for profoundly gifted pupils, as  
22 applicable, in an amount that is equal to the difference between the  
23 actual combined expenditure for textbooks, instructional supplies,  
24 instructional software and instructional hardware and the minimum  
25 required combined expenditure set forth in the notice or the revised  
26 notice, as applicable, provided pursuant to subsection 3. A reduction  
27 in the amount of the basic support *and weighted values* allocation  
28 pursuant to this subsection:

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

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

39 6. If the actual enrollment of pupils in a school district, charter  
40 school or university school for profoundly gifted pupils is less than  
41 the enrollment included in the projections used in the biennial  
42 budget of the school district submitted pursuant to NRS 387.303, the  
43 budget of the charter school submitted pursuant to NRS 386.600 or  
44 the report of the university school for profoundly gifted pupils  
45 submitted pursuant to NRS 392A.073, as applicable, the required



1 expenditure for textbooks, instructional supplies, instructional  
2 software and instructional hardware pursuant to this section must be  
3 reduced proportionately.

4 **Sec. 13.** NRS 387.2065 is hereby amended to read as follows:

5 387.2065 1. The board of trustees of a school district, the  
6 governing body of a charter school or the governing body of a  
7 university school for profoundly gifted pupils that experiences an  
8 economic hardship may submit a written request to the Department  
9 on a form prescribed by the Department for a waiver of all or a  
10 portion of the amount of money the school district, charter school or  
11 university school is required to expend for textbooks, instructional  
12 supplies, instructional software and instructional hardware pursuant  
13 to NRS 387.206 for the fiscal year.

14 2. Upon receipt of a written request pursuant to subsection 1,  
15 the Department shall consider the request and determine whether an  
16 economic hardship exists for the school district, charter school or  
17 university school for profoundly gifted pupils. The Department may  
18 request additional information from the applicant in making the  
19 determination. If the Department determines that an economic  
20 hardship exists for the applicant, the Department shall forward the  
21 request to the Interim Finance Committee and the State Board of  
22 Examiners, including the basis for its determination and any  
23 recommendations of the Department for the amount of a waiver.

24 3. Upon receipt of a written request from the Department  
25 pursuant to subsection 2, the State Board of Examiners shall  
26 consider the request and determine whether an economic hardship  
27 exists for the school district, charter school or university school for  
28 profoundly gifted pupils. If the State Board of Examiners  
29 determines that an economic hardship exists, it shall determine  
30 whether the hardship justifies a waiver of all or a portion of the  
31 expenditure requirements established for that school district, charter  
32 school or university school for the fiscal year pursuant to NRS  
33 387.206. The State Board of Examiners may request additional  
34 information from the applicant in making the determination. If the  
35 State Board of Examiners determines that an economic hardship  
36 exists for the applicant and that a waiver from all or a portion of the  
37 expenditure requirements is justified, the State Board of Examiners  
38 shall forward the request to the Interim Finance Committee,  
39 including the basis for its determination and its recommendation for  
40 the amount of the waiver. The Interim Finance Committee is not  
41 bound to follow the recommendations of the State Board of  
42 Examiners.

43 4. Upon receipt of a written request from the State Board of  
44 Examiners pursuant to subsection 3, the Interim Finance Committee  
45 shall consider the request and determine whether an economic



\* S B 1 1 \*

1 hardship exists for the school district, charter school or university  
2 school for profoundly gifted pupils. If the Interim Finance  
3 Committee determines that an economic hardship exists, it shall  
4 determine whether the hardship justifies a waiver of all or a portion  
5 of the expenditure requirements established for that school district,  
6 charter school or university school for the fiscal year pursuant to  
7 NRS 387.206. The Interim Finance Committee may request  
8 additional information from the applicant in making the  
9 determination. If the Interim Finance Committee grants a waiver,  
10 the Committee shall by resolution set forth the:

- 11 (a) Grounds for its determination;
- 12 (b) Amount of the waiver; and
- 13 (c) Period for which the waiver is effective.

14 5. The board of trustees of a school district, the governing body  
15 of a charter school or the governing body of a university school for  
16 profoundly gifted pupils that is granted a waiver by the Interim  
17 Finance Committee pursuant to this section shall, upon expiration of  
18 the period for which the waiver is granted, provide a written  
19 accounting to the Interim Finance Committee and the Department  
20 that includes a:

21 (a) Reconciliation of the revenue and expenditures with the  
22 projections of revenue and expenditures that were used to determine  
23 whether an economic hardship existed for the school district, charter  
24 school or university school; and

25 (b) Description of how the money from the waiver was used.

26 6. If the Interim Finance Committee grants a waiver pursuant  
27 to this section and subsequently the economic hardship to the school  
28 district, charter school or university school for profoundly gifted  
29 pupils is mitigated because the actual revenue attributable to the  
30 school district, charter school or university school exceeds  
31 projections or the actual expenses incurred by the school district,  
32 charter school or university school are less than anticipated:

33 (a) The amount of the waiver must be reduced accordingly by  
34 the school district, charter school or university school; and

35 (b) The amount of money the school district, charter school or  
36 university school is required to expend for textbooks, instructional  
37 supplies, instructional software and instructional hardware in the  
38 next fiscal year, as determined pursuant to subsection 1 of NRS  
39 387.206, must be adjusted accordingly.

40 7. If a school district, charter school or university school for  
41 profoundly gifted pupils is granted a waiver pursuant to this section,  
42 the money that would have otherwise been expended by the school  
43 district, charter school or university school for profoundly gifted  
44 pupils to meet the requirements of NRS 387.206 for the fiscal year:



(a) May not be considered as financial ability to pay for the purposes of negotiation or arbitration regarding salaries and benefits.

(b) Must not be used to settle or arbitrate disputes or negotiate settlements between an organization that represents licensed employees of the school district, charter school or university school and the school district, charter school or university school.

(c) Must not be used to adjust the schedules of salaries and benefits of the employees of the school district, charter school or university school.

8. For purposes of this section, an economic hardship exists for a school district, charter school or university school for profoundly gifted pupils if:

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

(b) The school district, charter school or university school for profoundly gifted pupils incurs unforeseen expenses, including, without limitation, expenses related to a natural disaster.

**Sec. 14.** NRS 387.303 is hereby amended to read as follows:

387.303 1. Not later than November 10 of each year, the board of trustees of each school district shall submit to the Superintendent of Public Instruction and the Department of Taxation a report which includes the following information:

(a) For each fund within the school district, including, without limitation, the school district's general fund and any special revenue fund which receives state money, the total number and salaries of licensed and nonlicensed persons whose salaries are paid from the fund and who are employed by the school district in full-time positions or in part-time positions added together to represent full-time positions. Information must be provided for the current school year based upon the school district's final budget, including any amendments and augmentations thereto, and for the preceding school year. An employee must be categorized as filling an instructional, administrative, instructional support or other position.

(b) The school district's actual expenditures in the fiscal year immediately preceding the report.

(c) The school district's proposed expenditures for the current fiscal year.

(d) The schedule of salaries for licensed employees in the current school year and a statement of whether the negotiations regarding salaries for the current school year have been completed. If the negotiations have not been completed at the time the schedule of salaries is submitted, the board of trustees shall submit a



1 supplemental report to the Superintendent of Public Instruction upon  
2 completion of negotiations or the determination of an arbitrator  
3 concerning the negotiations that includes the schedule of salaries  
4 agreed to or required by the arbitrator.

5 (e) The number of employees who received an increase in salary  
6 pursuant to subsection 2, 3 or 4 of NRS 391.160 for the current and  
7 preceding fiscal years. If the board of trustees is required to pay an  
8 increase in salary retroactively pursuant to subsection 2 of NRS  
9 391.160, the board of trustees shall submit a supplemental report to  
10 the Superintendent of Public Instruction not later than February 15  
11 of the year in which the retroactive payment was made that includes  
12 the number of teachers to whom an increase in salary was paid  
13 retroactively.

14 (f) The number of employees eligible for health insurance within  
15 the school district for the current and preceding fiscal years and the  
16 amount paid for health insurance for each such employee during  
17 those years.

18 (g) The rates for fringe benefits, excluding health insurance,  
19 paid by the school district for its licensed employees in the  
20 preceding and current fiscal years.

21 (h) The amount paid for extra duties, supervision of  
22 extracurricular activities and supplemental pay and the number of  
23 employees receiving that pay in the preceding and current fiscal  
24 years.

25 (i) The expenditures from the account created pursuant to  
26 subsection 4 of NRS 179.1187. The report must indicate the total  
27 amount received by the district in the preceding fiscal year and the  
28 specific amount spent on books and computer hardware and  
29 software for each grade level in the district.

30 *(j) If the enrollment of the school district includes pupils from*  
31 *one or more categories identified in subsection 4 of NRS 387.122,*  
32 *the costs of the school district to provide programs of instruction*  
33 *for each such category of pupils.*

34 2. On or before November 25 of each year, the Superintendent  
35 of Public Instruction shall submit to the Department of  
36 Administration and the Fiscal Analysis Division of the Legislative  
37 Counsel Bureau, in a format approved by the Director of the  
38 Department of Administration, a compilation of the reports made by  
39 each school district pursuant to subsection 1.

40 3. In preparing the agency biennial budget request for the State  
41 Distributive School Account for submission to the Department of  
42 Administration, the Superintendent of Public Instruction:

43 (a) Shall compile the information from the most recent  
44 compilation of reports submitted pursuant to subsection 2;





(b) May increase the line items of expenditures or revenues based on merit salary increases and cost of living adjustments or inflation, as deemed credible and reliable based upon published indexes and research relevant to the specific line item of expenditure or revenue;

(c) May adjust expenditures and revenues pursuant to paragraph (b) for any year remaining before the biennium for which the budget is being prepared and for the 2 years of the biennium covered by the biennial budget request to project the cost of expenditures or the receipt of revenues for the specific line items;

(d) May consider the cost of enhancements to existing programs or the projected cost of proposed new educational programs, regardless of whether those enhancements or new programs are included in the per pupil basic support guarantee *or the weighted values established for the categories of pupils identified in NRS 387.122* for inclusion in the biennial budget request to the Department of Administration; and

(e) Shall obtain approval from the State Board for any inflationary increase, enhancement to an existing program or addition of a new program included in the agency biennial budget request.

4. The Superintendent of Public Instruction shall, in the compilation required by subsection 2, reconcile the revenues of the school districts with the apportionment received by those districts from the State Distributive School Account for the preceding year.

5. The request prepared pursuant to subsection 3 must:

(a) Be presented by the Superintendent of Public Instruction to such standing committees of the Legislature as requested by the standing committees for the purposes of developing educational programs and providing appropriations for those programs; and

(b) Provide for a direct comparison of appropriations to the proposed budget of the Governor submitted pursuant to subsection 4 of NRS 353.230.

**Sec. 15.** NRS 388.450 is hereby amended to read as follows:

388.450 1. ~~[The Legislature declares that the basic support guarantee for each special education program unit established by law for each school year establishes financial resources sufficient to ensure a reasonably equal educational opportunity to pupils with disabilities and gifted and talented pupils residing in Nevada.~~

~~—2.]~~ Subject to the provisions of NRS 388.440 to 388.520, inclusive, the board of trustees of each school district shall make such special provisions as may be necessary for the education of pupils with disabilities and gifted and talented pupils.

~~[3.]~~ 2. The board of trustees of a school district in a county whose population is less than 400,000 may provide early



1 intervening services. Such services must be provided in accordance  
2 with the Individuals with Disabilities Education Act, 20 U.S.C. §§  
3 1400 et seq., and the regulations adopted pursuant thereto.

4 ~~[4.]~~ 3. The board of trustees of a school district shall establish  
5 uniform criteria governing eligibility for instruction under the  
6 special education programs provided for by NRS 388.440 to  
7 388.520, inclusive. The criteria must prohibit the placement of a  
8 pupil in a program for pupils with disabilities solely because the  
9 pupil is a disciplinary problem in school. The criteria are subject to  
10 such standards as may be prescribed by the State Board.

11 **Sec. 16.** NRS 391.273 is hereby amended to read as follows:

12 391.273 1. Except as otherwise provided in subsections 4 and  
13 10 and except for persons who are supervised pursuant to NRS  
14 391.096, the unlicensed personnel of a school district must be  
15 directly supervised by licensed personnel in all duties which are  
16 instructional in nature. To the extent practicable, the direct  
17 supervision must be such that the unlicensed personnel are in the  
18 immediate location of the licensed personnel and are readily  
19 available during such times when supervision is required.

20 2. Unlicensed personnel who are exempted pursuant to  
21 subsection 4 must be under administrative supervision when  
22 performing duties which are instructional in nature.

23 3. Unlicensed personnel may temporarily perform duties under  
24 administrative supervision which are not primarily instructional in  
25 nature.

26 4. Except as otherwise provided in subsection 5, upon  
27 application by a superintendent of schools, the Superintendent of  
28 Public Instruction may grant an exemption from the provisions of  
29 subsection 1. The Superintendent shall not grant an exemption  
30 unless:

31 (a) The duties are within the employee's special expertise or  
32 training;

33 (b) The duties relate to the humanities or an elective course of  
34 study, or are supplemental to the basic curriculum of a school;

35 (c) The performance of the duties does not result in the  
36 replacement of a licensed employee or prevent the employment of a  
37 licensed person willing to perform those duties;

38 (d) The secondary or combined school in which the duties will  
39 be performed has less than 100 pupils enrolled and is at least 30  
40 miles from a school in which the duties are performed by licensed  
41 personnel; and

42 (e) The unlicensed employee submits his or her fingerprints for  
43 an investigation pursuant to NRS 391.033.

44 5. The exemption authorized by subsection 4 does not apply to  
45 a paraprofessional if the provisions of 20 U.S.C. § 6319 and the



1 regulations adopted pursuant thereto require the paraprofessional to  
2 be directly supervised by a licensed teacher.

3 6. The Superintendent of Public Instruction shall file a record  
4 of all exempt personnel with the clerk of the board of trustees of  
5 each local school district, and advise the clerk of any changes  
6 therein. The record must contain:

7 (a) The name of the exempt employee;

8 (b) The specific instructional duties the exempt employee may  
9 perform;

10 (c) Any terms or conditions of the exemption deemed  
11 appropriate by the Superintendent of Public Instruction; and

12 (d) The date the exemption expires or a statement that the  
13 exemption is valid as long as the employee remains in the same  
14 position at the same school.

15 7. The Superintendent of Public Instruction may adopt  
16 regulations prescribing the procedure to apply for an exemption  
17 pursuant to this section and the criteria for the granting of such  
18 exemptions.

19 8. Except in an emergency, it is unlawful for the board of  
20 trustees of a school district to allow a person employed as a  
21 teacher's aide to serve as a teacher unless the person is a legally  
22 qualified teacher licensed by the Superintendent of Public  
23 Instruction. As used in this subsection, "emergency" means an  
24 unforeseen circumstance which requires immediate action and  
25 includes the fact that a licensed teacher or substitute teacher is not  
26 immediately available.

27 9. If the Superintendent of Public Instruction determines that  
28 the board of trustees of a school district has violated the provisions  
29 of subsection 8, the Superintendent shall take such actions as are  
30 necessary to reduce the amount of money received by the district  
31 pursuant to NRS 387.124 by an amount equal to the product when  
32 the following numbers are multiplied together:

33 (a) The number of days on which the violation occurred;

34 (b) The number of pupils in the classroom taught by the  
35 teacher's aide; and

36 (c) The number of dollars of basic support *and weighted*  
37 *values* apportioned to the *school* district per pupil per day pursuant  
38 to NRS 387.1233.

39 10. The provisions of this section do not apply to unlicensed  
40 personnel who are employed by the governing body of a charter  
41 school, unless a paraprofessional employed by the governing body  
42 is required to be directly supervised by a licensed teacher pursuant  
43 to the provisions of 20 U.S.C. § 6319 and the regulations adopted  
44 pursuant thereto.



**Sec. 17.** NRS 392A.073 is hereby amended to read as follows:

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

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

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

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

*(c) If the enrollment of the university school for profoundly gifted pupils includes pupils from one or more categories identified in subsection 4 of NRS 387.122, the costs of the university school to provide programs of instruction for each such category of pupils.*

**Sec. 18.** NRS 392A.083 is hereby amended to read as follows:

392A.083 1. Each pupil who is enrolled in a university school for profoundly gifted pupils, including, without limitation, a pupil who is enrolled in a program of special education in a university school for profoundly gifted pupils, must be included in the count of pupils in the school district in which the school is located for the purposes of apportionments and allowances from the State Distributive School Account pursuant to NRS 387.121 to 387.126, inclusive, unless the pupil is exempt from compulsory school attendance pursuant to NRS 392.070.

2. A university school for profoundly gifted pupils is entitled to receive its proportionate share of any other money available from federal, state or local sources that the school or the pupils who are enrolled in the school are eligible to receive.

~~3. If a university school for profoundly gifted pupils receives money for special education program units directly from this State, the amount of money for special education that the school district pays to the university school for profoundly gifted pupils may be reduced proportionately by the amount of money the university school received from this State for that purpose.~~

~~—4.]~~ All money received by a university school for profoundly gifted pupils from this State or from the board of trustees of a school district must be deposited in an account with a bank, credit union or other financial institution in this State.



~~[5-]~~ 4. The governing body of a university school for profoundly gifted pupils may negotiate with the board of trustees of the school district in which the school is located or the State Board for additional money to pay for services that the governing body wishes to offer.

~~[6-]~~ 5. To determine the amount of money for distribution to a university school for profoundly gifted pupils in its first year of operation in which state funding is provided, the count of pupils who are enrolled in the university school must initially be determined 30 days before the beginning of the school year of the school district in which the university school is located, based upon the number of pupils whose applications for enrollment have been approved by the university school. The count of pupils who are enrolled in a university school for profoundly gifted pupils must be revised on the last day of the first school month of the school district in which the university school is located for the school year, based upon the actual number of pupils who are enrolled in the university school.

~~[7-]~~ 6. Pursuant to subsection 6 of NRS 387.124, the governing body of a university school for profoundly gifted pupils may request that the apportionments made to the university school in its first year of operation be paid to the university school 30 days before the apportionments are otherwise required to be made.

~~[8-]~~ 7. If a university school for profoundly gifted pupils ceases to operate pursuant to this chapter during a school year, the remaining apportionments that would have been made to the university school pursuant to NRS 387.124 for that school year must be paid on a proportionate basis to the school districts where the pupils who were enrolled in the university school reside.

~~[9-]~~ 8. If the governing body of a university school for profoundly gifted pupils uses money received from this State to purchase real property, buildings, equipment or facilities, the governing body of the university school shall assign a security interest in the property, buildings, equipment and facilities to the State of Nevada.

**Sec. 19.** 1. The Department of Education shall establish an advisory group to:

(a) For implementation beginning with the 2013-2014 school year, develop a formula for establishing a weighted value for each category of pupils identified by subsection 4 of NRS 387.122 and additional weighted values for certain smaller schools and school districts pursuant to subsection 5 of NRS 387.122, including, without limitation, the manner in which the weighted values will be calculated.



(b) Determine whether any additional legislation is necessary to carry out the formula adopted by the advisory group.

2. The advisory group must consist of:

(a) Representatives of the Fiscal Analysis Division of the Legislative Counsel Bureau;

(b) Representatives of the Budget Division of the Department of Administration;

(c) The financial officers of school districts;

(d) Persons with knowledge and experience with weighted per pupil formulas or categorical funding for public schools in other states; and

(e) Any other representatives the Department determines are necessary.

3. On or before December 31, 2012, the Department of Education shall submit a written report of the findings of the advisory group and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

**Sec. 20.** 1. This section and section 19 of this act become effective on July 1, 2011.

2. Sections 1 to 18, inclusive, of this act become effective on January 1, 2013.

