

ASSEMBLY BILL NO. 328—ASSEMBLYMAN ELLIOT ANDERSON

MARCH 18, 2013

Referred to Committee on Ways and Means

SUMMARY—Revises the calculation of the basic support guarantee for school districts to include an additional percentage for pupils who are limited English proficient. (BDR 34-725)

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

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

AN ACT relating to education; revising the calculation of the basic support guarantee for school districts to include an additional percentage for pupils who are limited English proficient based on the size of the school district; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, the Nevada Plan provides for the financial support of the
2 school districts, charter schools and university schools for profoundly gifted pupils.
3 (NRS 387.121-387.126) The formula in the Nevada Plan is expressed generally as:
4 State financial aid to school districts equals the difference between the school
5 district basic support guarantee and local available funds produced by mandatory
6 taxes minus all the local funds attributable to pupils who reside in the county but
7 attend a charter school or a university school for profoundly gifted pupils. (NRS
8 387.121) The basic support guarantee for each school district is computed by
9 multiplying the basic support guarantee per pupil that is established by law for the
10 school district for each school year by pupil enrollment and adding funding for
11 special education program units. (NRS 387.1221-387.1233; *see, e.g.*, chapter 370,
12 Statutes of Nevada 2011, p. 2139)

13 This bill includes in the calculation of the basic support guarantee for a school
14 district an additional percentage for the number of pupils enrolled in the school
15 district who participate in a program to teach English to pupils who are limited
16 English proficient. The amount of the additional percentage is based on the size of
17 the school district as follows: (1) for a school district that has an enrollment of 780
18 or fewer pupils, 121 percent; (2) for a school district that has an enrollment of 781
19 pupils or more but less than 6,501 pupils, 56 percent; and (3) for a school district
20 that has an enrollment of 6,501 or more pupils, 47 percent.



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

- 1 **Section 1.** NRS 387.123 is hereby amended to read as follows:
2 387.123 1. The count of pupils for apportionment purposes
3 includes all pupils who are enrolled in programs of instruction of the
4 school district, including, without limitation, a program of distance
5 education provided by the school district, pupils who reside in the
6 county in which the school district is located and are enrolled in any
7 charter school, including, without limitation, a program of distance
8 education provided by a charter school, and pupils who are enrolled
9 in a university school for profoundly gifted pupils located in the
10 county, for:
11 (a) Pupils in the kindergarten department.
12 (b) Pupils in grades 1 to 12, inclusive.
13 (c) Pupils not included under paragraph (a) or (b) who are
14 receiving special education pursuant to the provisions of NRS
15 388.440 to 388.520, inclusive.
16 (d) Pupils who reside in the county and are enrolled part-time in
17 a program of distance education provided pursuant to NRS 388.820
18 to 388.874, inclusive.
19 (e) Children detained in facilities for the detention of children,
20 alternative programs and juvenile forestry camps receiving
21 instruction pursuant to the provisions of NRS 388.550, 388.560 and
22 388.570.
23 (f) Pupils who are enrolled in classes pursuant to subsection 4 of
24 NRS 386.560 and pupils who are enrolled in classes pursuant to
25 subsection 5 of NRS 386.580.
26 (g) Pupils who are enrolled in classes pursuant to subsection 3
27 of NRS 392.070.
28 (h) Pupils who are enrolled in classes and taking courses
29 necessary to receive a high school diploma, excluding those pupils
30 who are included in paragraphs (d), (f) and (g).
31 2. *For the purposes of subparagraphs (9), (10) and (11) of*
32 *paragraph (a) of subsection 1 of NRS 387.1233, a school district*
33 *shall disaggregate from the count of pupils of the school district*
34 *pursuant to subsection 1 the count of pupils who participate in the*
35 *program established pursuant to NRS 388.405 to teach the*
36 *English language to pupils who are limited English proficient.*
37 3. The State Board shall establish uniform regulations for
38 counting enrollment , *including, without limitation, disaggregating*
39 *the count of pupils pursuant to subsection 2,* and calculating the
40 average daily attendance of pupils. In establishing such regulations
41 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.

~~131~~ 4. Except as otherwise provided in subsection ~~141~~ 5 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.

~~141~~ 5. The provisions of subsection ~~131~~ 4 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. 2. NRS 387.1233 is hereby amended to read as follows:

387.1233 1. Except as otherwise provided in subsection 2, basic support of each school district must be computed by:

(a) Multiplying the basic support guarantee per pupil established for that school district for that school year by the sum of:

(1) 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) 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 count of pupils not included under subparagraph (1) or (2) 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) The count of pupils who reside in the county and are enrolled:

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

(II) In a charter school and are concurrently enrolled part-time in a program of distance education provided by a school district or another 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 time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(5) The count of pupils not included under subparagraph (1), (2), (3) or (4), who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive, on the last day of the first school month of the school district for the school year, excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.475 on that day.

(6) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.475 on the last day of the first school month of the school district for the school year.

(7) The count of 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 on the last day of the first school month of the school district for the school year.



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

(9) For a school district with an enrollment of 780 or fewer pupils, 121 percent of the count of pupils who are limited English proficient and who participate in the program established pursuant to NRS 388.405 on the last day of the first school month of the school district for the school year, including, without limitation, the count of such 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 such pupils who are enrolled in a university school for profoundly gifted pupils located in the county.

(10) For a school district with an enrollment of 781 pupils or more but less than 6,501 pupils, 56 percent of the count of pupils who are limited English proficient and who participate in the program established pursuant to NRS 388.405 on the last day of the first school month of the school district for the school year, including, without limitation, the count of such 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 such pupils who are enrolled in a university school for profoundly gifted pupils located in the county.

(11) For a school district with an enrollment of 6,501 or more pupils, 47 percent of the count of pupils who are limited English proficient and who participate in the program established pursuant to NRS 388.405 on the last day of the first school month of the school district for the school year, including, without limitation, the count of such 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 such pupils who are enrolled in a university school for profoundly gifted pupils located in the county.

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

(c) Adding the amounts computed in paragraphs (a) and (b).

2. Except as otherwise provided in subsection 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 less than or equal



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1 to 95 percent of the enrollment of pupils in the same school district
2 or charter school on the last day of the first school month of the
3 school district for the immediately preceding school year, the largest
4 number from among the immediately preceding 2 school years must
5 be used for purposes of apportioning money from the State
6 Distributive School Account to that school district or charter school
7 pursuant to NRS 387.124.

8 3. Except as otherwise provided in subsection 4, if the
9 enrollment of pupils in a school district or a charter school that is
10 located within the school district on the last day of the first school
11 month of the school district for the school year is more than 95
12 percent of the enrollment of pupils in the same school district or
13 charter school on the last day of the first school month of the school
14 district for the immediately preceding school year, the larger
15 enrollment number from the current year or the immediately
16 preceding school year must be used for purposes of apportioning
17 money from the State Distributive School Account to that school
18 district or charter school pursuant to NRS 387.124.

19 4. If the Department determines that a school district or charter
20 school deliberately causes a decline in the enrollment of pupils in
21 the school district or charter school to receive a higher
22 apportionment pursuant to subsection 2 or 3, including, without
23 limitation, by eliminating grades or moving into smaller facilities,
24 the enrollment number from the current school year must be used
25 for purposes of apportioning money from the State Distributive
26 School Account to that school district or charter school pursuant to
27 NRS 387.124.

28 5. Pupils who are excused from attendance at examinations or
29 have completed their work in accordance with the rules of the board
30 of trustees must be credited with attendance during that period.

31 6. Pupils who are incarcerated in a facility or institution
32 operated by the Department of Corrections must not be counted for
33 the purpose of computing basic support pursuant to this section. The
34 average daily attendance for such pupils must be reported to the
35 Department of Education.

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

40 **Sec. 3.** This act becomes effective on July 1, 2013.

