

SENATE BILL NO. 397—SENATORS DENIS, WOODHOUSE, KIHUEN,  
SPEARMAN, PARKS; ATKINSON, FORD, HARDY, HARRIS,  
MANENDO, ROBERSON, SEGERBLUM AND SMITH

MARCH 17, 2015

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JOINT SPONSORS: ASSEMBLYMEN DIAZ, FLORES;  
BUSTAMANTE ADAMS, CARLTON, CARRILLO,  
KIRKPATRICK, STEWART AND THOMPSON

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Referred to Committee on Education

SUMMARY—Revises provisions relating to the funding formula  
for K-12 public education. (BDR 34-563)

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.

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AN ACT relating to education; revising the Nevada Plan to include a funding multiplier for certain categories of pupils incrementally over a 4-year period; requiring the Department of Education to prescribe annual measurable objectives and performance targets to track the performance of the school districts and charter schools in providing education and services to pupils who are limited English proficient and pupils who are at risk; requiring the submission of an annual report by each school district and charter school which includes their results with respect to the annual measurable objectives and performance targets prescribed for the preceding school year and a plan for meeting the objectives and targets prescribed for the ensuing school year; requiring the Department of Education to submit a plan to the Legislature to revise the provision of funding for the education of pupils with disabilities; and providing other matters properly relating thereto.



**Legislative Counsel's Digest:**

Existing law declares that "the proper objective of state financial aid to public education is to ensure each Nevada child a reasonably equal educational opportunity." (NRS 387.121) To accomplish this objective, the Legislature establishes, during each legislative session and for each school year of the biennium, an estimated statewide average basic support guarantee per pupil. (NRS 387.122) This is the per pupil amount that is "guaranteed" on a statewide basis through a combination of state money and certain local revenues. The basic support guarantee for each school district is computed by multiplying the basic support guarantee per pupil that is established by law for the school district for each school year by pupil enrollment and adding funding for special education program units. (NRS 387.1221-387.1233; *see, e.g.*, chapter 382, Statutes of Nevada 2013, p. 2053)

**Section 1** of this bill provides for a multiplier in the basic support guarantee for each pupil identified as limited English proficient or at risk as follows: (1) for the 2017-2018 school year, a multiplier of at least 1.05; (2) for the 2018-2019 school year, a multiplier of at least 1.15; (3) for the 2019-2020 school year, a multiplier of at least 1.3; and (4) for the 2020-2021 school year and each school year thereafter, a multiplier of at least 1.5. Only one multiplier is applied if a pupil is identified in both categories. **Section 1** also requires the State Board of Education to adopt regulations requiring each school district and charter school to separately report the number of pupils enrolled in the school district or charter school who are identified as limited English proficient and pupils who are identified as at risk. Additionally, **section 1** requires the Department of Education to prescribe annual measurable objectives and performance targets to track the performance of the school districts and charter schools in providing education and services to pupils who are limited English proficient and to pupils who are at risk. Finally, **section 1** requires each school district and charter school to submit an annual report to the Department which includes their results with respect to the annual measurable objectives and performance targets prescribed for the preceding school year and a plan for meeting the objectives and targets prescribed for the ensuing school year.

**Section 2** of this bill requires the Department to submit a report to the Legislature recommending a revision to the provision of funding for the education of pupils with disabilities, including, without limitation: (1) a plan to transition from the use of special education program units funded through categorical grants to a weighted per pupil formula inside the Nevada Plan using a multiplier of 2.0 for each pupil with a disability; and (2) a plan for the creation and administration of a contingency account to assist the school districts and charter schools with providing an education to pupils with disabilities who have significant needs.

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

**Section 1.** 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 are established by law for each school year.

**2.** *Except as otherwise provided in this subsection, for each pupil who is identified as limited English proficient or at risk, the*



1 *basic support guarantee per pupil established by law for each*  
2 *school district must be multiplied by:*

3 (a) *For the 2017-2018 school year, at least 1.05.*

4 (b) *For the 2018-2019 school year, at least 1.15.*

5 (c) *For the 2019-2020 school year, at least 1.3.*

6 (d) *For the 2020-2021 school year and each school year*  
7 *thereafter, at least 1.5.*

8 ➤ *If a pupil is reported by a school district or charter school as*  
9 *both limited English proficient and at risk, only one multiplier*  
10 *may be applied for the pupil pursuant to this subsection.*

11 3. *The State Board shall adopt regulations requiring each*  
12 *school district and charter school to separately report, in the time*  
13 *and manner prescribed by the State Board, the number of pupils*  
14 *enrolled in each school district and charter school who are*  
15 *identified as limited English proficient and the number of pupils*  
16 *who are identified as at risk for purposes of subsection 2. The*  
17 *regulations must require the school districts and charter schools to*  
18 *report the number of pupils in each such category using the prior*  
19 *school year's enrollment based upon:*

20 (a) *The results of the assessment of proficiency in the English*  
21 *language prescribed by the State Board pursuant to NRS 389.011*  
22 *and administered by the school districts and charter schools, for*  
23 *purposes of reporting pupils who are limited English proficient.*

24 (b) *Except as otherwise provided in paragraph (c), the number*  
25 *of pupils who are eligible for free or reduced-price lunches*  
26 *pursuant to 42 U.S.C. §§ 1751 et seq., for purposes of reporting*  
27 *pupils who are at risk.*

28 (c) *If data relating to eligibility for free or reduced-price*  
29 *lunches for a school district or charter school is not available, the*  
30 *number of pupils who are identified as at risk pursuant to an*  
31 *alternative measure prescribed by the State Board.*

32 4. *The Department shall prescribe annual measurable*  
33 *objectives and performance targets to track the performance of the*  
34 *school districts and charter schools in providing education and*  
35 *services to pupils who are limited English proficient and to pupils*  
36 *who are at risk, including, without limitation, whether the money*  
37 *provided pursuant to the multiplier prescribed in subsection 2*  
38 *improves the academic performance and proficiency of those*  
39 *pupils.*

40 5. *On or before July 1 of each year, each school district and*  
41 *charter school shall submit a report to the Department, in the form*  
42 *prescribed by the Department, which includes their results with*  
43 *respect to the annual measurable objectives and performance*  
44 *targets prescribed by the Department pursuant to subsection 4 for*  
45 *the preceding school year and a plan to meet the annual*



*measurable objectives and performance targets prescribed for the ensuing school year. The Department shall review each report to determine whether:*

*(a) The school district or charter school is meeting the annual measurable objectives and performance targets prescribed by the Department; and*

*(b) The plan of the school district or charter school is designed to meet the annual measurable objectives and performance targets prescribed for the ensuing school year.*

**Sec. 2.** 1. As soon as practicable, the Department of Education shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature recommending a revision to the provision of funding for the education of pupils with disabilities. The report must include, without limitation:

(a) A plan to transition from the use of special education program units funded through categorical grants to a weighted per pupil formula inside the Nevada Plan using a multiplier of 2.0 for pupils with disabilities. The plan must include, without limitation:

(1) Consideration of the maintenance of effort requirements under federal law;

(2) Consideration of hold harmless provisions; and

(3) A limitation on the amount of funding provided through the use of the multiplier for pupils with disabilities of not more than 13 percent of the total pupil enrollment of a school district or charter school.

(b) A plan for the creation and administration of a contingency account to assist with the costs of providing an education to pupils with disabilities with significant needs, including, without limitation, the process for the allocation of money from the account to school districts and charter schools.

2. As used in this section, "pupil with a disability" has the meaning ascribed to it in NRS 388.440.

**Sec. 3.** 1. On or before July 1, 2016, each school district and charter school shall submit to the Department of Education a plan for the 2017-2018 school year for the school district or charter school, as applicable, to improve the academic performance and proficiency of pupils who are limited English proficient and pupils who are at risk.

2. On or before January 1, 2017, the Department of Education shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature the annual measurable objectives and performance targets prescribed by the Department pursuant to subsection 4 of NRS 387.122, as amended by section 1 of this act.

**Sec. 4.** 1. This section and section 2 of this act become effective upon passage and approval.



1        2. Sections 1 and 3 of this act become effective on July 1,  
2 2015.

