

SENATE BILL NO. 508—COMMITTEE ON FINANCE
(ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION)

MARCH 23, 2015

Referred to Committee on Education

SUMMARY—Provides for long-term modernization of the Nevada Plan. (BDR 34-1184)

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 provisions governing the Nevada Plan; removing the provisions requiring a single annual count of pupils enrolled in public schools and requiring school districts to make quarterly reports of average daily enrollment; prospectively removing the provision of funding through the use of special education program units and including a multiplier to the basic support guarantee for pupils with disabilities; revising provisions governing the inclusion of pupils enrolled in kindergarten; revising provisions governing the hold harmless provisions for school districts and charter schools; creating the Contingency Account for Special Education; revising provisions governing certain persons with disabilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law establishes the Nevada Plan and declares that “the proper
- 2 objective of state financial aid to public education is to ensure each Nevada child a
- 3 reasonably equal educational opportunity.” (NRS 387.121) To accomplish this
- 4 objective, the Legislature establishes, during each legislative session and for each
- 5 school year of the biennium, an estimated statewide average basic support
- 6 guarantee per pupil for each school district and the basic support guarantee for each
- 7 special education program unit. (NRS 387.122, 387.1221) The basic support
- 8 guarantee for each school district is computed by multiplying the basic support
- 9 guarantee per pupil that is established by law for the school district for each school



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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) The calculation of basic support is based upon the count of pupils enrolled in public schools of the school district on the last day of the first school month of the school district, commonly referred to as “the count day.” Under existing law, pupils enrolled in kindergarten are counted as six-tenths the count of pupils who are enrolled in grades 1 to 12, inclusive. (NRS 387.1233)

Section 4 of this bill expresses the intent of the Legislature to modernize the Nevada Plan, commencing with Fiscal Year 2016-2017, by providing additional resources expressed as a multiplier of the basic support guarantee to meet the unique needs of certain categories of pupils, including, without limitation, pupils with disabilities, pupils who are limited English proficient, pupils who are at risk and gifted and talented pupils. (NRS 387.121) **Section 9** of this bill removes “the count day” and instead requires the school districts to report to the Department of Education “average daily enrollment,” which is defined in **section 5** of this bill, on a quarterly basis. (NRS 387.1211) **Section 9** also requires the Department to prescribe a process to reconcile the quarterly reports of average daily enrollment to account for pupils who leave the school district or a public school during the school year. **Section 11** of this bill removes, effective July 1, 2017, the requirement that pupils enrolled in kindergarten be counted as six-tenths and instead includes those pupils in the regular reporting of average daily enrollment with the pupils enrolled in grades 1 to 12, inclusive.

Section 30 of this bill repeals, effective July 1, 2016, the provision of funding for special education through special education program units and instead **section 7** of this bill requires that the basic support guarantee per pupil for each school district include a multiplier for pupils with disabilities. (NRS 387.1221, 387.122) **Section 24** of this bill creates the Contingency Account for Special Education Services and requires the State Board of Education to adopt regulations for the application, approval and disbursement of money from the Account to reimburse the school districts and charter schools for extraordinary program expenses and related services for pupils with significant disabilities.

Under existing law, if the enrollment of pupils in a school district or a charter school that is located in the school district on the count day is less than or equal to 95 percent of the enrollment of pupils in the same school district or charter school for the immediately preceding school year, the largest number from the immediately preceding 2 school years must be used for apportionment purposes to the school district or charter school, commonly referred to as the “hold harmless provision.” (NRS 387.1233) **Section 9** of this bill revises this hold harmless provision so that if the enrollment of pupils in a school district or charter school based upon the average daily enrollment during the quarter is less than or equal to 95 percent of the enrollment of pupils in the same school district or charter school during the same quarter of the immediately preceding school year, the enrollment of pupils during the quarter in the immediately preceding school year must be used for purposes of apportioning money to the school district or charter school. Also under existing law, there is a hold harmless provision if a school district or a charter school has an enrollment of pupils on count day that is more than 95 percent of the enrollment of pupils in the same school district or charter school for the immediately preceding school year, the larger enrollment number from the current school year or the immediately preceding school year must be used for apportioning money to the school district or charter school. (NRS 387.1233) **Section 9** removes this hold harmless provision.

Section 28 of this bill requires the Superintendent of Public Instruction to submit a report on or before October 1, 2016, to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the 79th Session of the Nevada Legislature that includes the per pupil expenditures associated with legislative



65 appropriations for pupils with disabilities, pupils who are limited English
66 proficient, pupils who are at risk and gifted and talented pupils. **Section 29** of this
67 bill provides for the allocation of funding for pupils with disabilities for Fiscal Year
68 2016-2017.

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

1 **Section 1.** NRS 386.513 is hereby amended to read as follows:
2 386.513 1. The State Public Charter School Authority is
3 hereby deemed a local educational agency for the purpose of
4 directing the proportionate share of any money available from
5 federal and state categorical grant programs to charter schools which
6 are sponsored by the State Public Charter School Authority or a
7 college or university within the Nevada System of Higher Education
8 that are eligible to receive such money. A charter school that
9 receives money pursuant to such a grant program shall comply with
10 any applicable reporting requirements to receive the grant.

11 2. ~~If the charter school is eligible to receive special education~~
12 ~~program units, the Department shall pay the special education~~
13 ~~program units directly to the charter school.~~

14 ~~3.~~ As used in this section, "local educational agency" has the
15 meaning ascribed to it in 20 U.S.C. § 7801(26)(A).

16 **Sec. 2.** NRS 386.570 is hereby amended to read as follows:

17 386.570 1. Each pupil who is enrolled in a charter school,
18 including, without limitation, a pupil who is enrolled in a program
19 of special education in a charter school, must be included in the
20 count of pupils in the school district for the purposes of
21 apportionments and allowances from the State Distributive School
22 Account pursuant to NRS 387.121 to 387.126, inclusive, unless the
23 pupil is exempt from compulsory attendance pursuant to NRS
24 392.070. A charter school is entitled to receive its proportionate
25 share of any other money available from federal, state or local
26 sources that the school or the pupils who are enrolled in the school
27 are eligible to receive. If a charter school receives special education
28 program units directly from this State, the amount of money for
29 special education that the school district pays to the charter school
30 may be reduced proportionately by the amount of money the charter
31 school received from this State for that purpose. The State Board
32 shall prescribe a process which ensures that all charter schools,
33 regardless of the sponsor, have information about all sources of
34 funding for the public schools provided through the Department,
35 including local funds pursuant to NRS 387.1235.

36 2. All money received by the charter school from this State or
37 from the board of trustees of a school district must be deposited in



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1 an account with a bank, credit union or other financial institution in
2 this State. The governing body of a charter school may negotiate
3 with the board of trustees of the school district and the State Board
4 for additional money to pay for services which the governing body
5 wishes to offer.

6 3. Upon completion of each school quarter, the Superintendent
7 of Public Instruction shall pay to the sponsor of a charter school
8 one-quarter of the yearly sponsorship fee for the administrative costs
9 associated with sponsorship for that school quarter, which must be
10 deducted from the quarterly apportionment to the charter school
11 made pursuant to NRS 387.124. Except as otherwise provided in
12 subsection 4, the yearly sponsorship fee for the sponsor of a charter
13 school must be in an amount of money not to exceed 2 percent of
14 the total amount of money apportioned to the charter school during
15 the school year pursuant to NRS 387.124.

16 4. If the governing body of a charter school satisfies the
17 requirements of this subsection, the governing body may submit a
18 request to the sponsor of the charter school for approval of a
19 sponsorship fee in an amount that is less than 2 percent but at least 1
20 percent of the total amount of money apportioned to the charter
21 school during the school year pursuant to NRS 387.124. The
22 sponsor of the charter school shall approve such a request if the
23 sponsor of the charter school determines that the charter school
24 satisfies the requirements of this subsection. If the sponsor of the
25 charter school approves such a request, the sponsor shall provide
26 notice of the decision to the governing body of the charter school
27 and the Superintendent of Public Instruction. If the sponsor of
28 the charter school denies such a request, the governing body of the
29 charter school may appeal the decision of the sponsor to the
30 Superintendent of Public Instruction. Upon appeal, the sponsor of
31 the charter school and the governing body of the charter school are
32 entitled to present evidence. The decision of the Superintendent of
33 Public Instruction on the appeal is final and is not subject to judicial
34 review. The governing body of a charter school may submit a
35 request for a reduction of the sponsorship fee pursuant to this
36 subsection if:

37 (a) The charter school satisfies the requirements of subsection 1
38 of NRS 386.5515; and

39 (b) There has been a decrease in the duties of the sponsor of the
40 charter school that justifies a decrease in the sponsorship fee.

41 5. To determine the amount of money for distribution to a
42 charter school in its first year of operation, the count of pupils who
43 are enrolled in the charter school must initially be determined 30
44 days before the beginning of the school year of the school district,
45 based on the number of pupils whose applications for enrollment



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1 have been approved by the charter school. The count of pupils who
2 are enrolled in the charter school must be revised ~~for the last day of~~
3 ~~the first school month of the school district in which the charter~~
4 ~~school is located for the school year,} each quarter~~ based on the
5 ~~{actual number}~~ *average daily enrollment* of pupils ~~{who are~~
6 ~~enrolled}~~ in the charter school ~~{}~~ *that is reported for that quarter*
7 *pursuant to NRS 387.1233*. Pursuant to subsection 5 of NRS
8 387.124, the governing body of a charter school may request that the
9 apportionments made to the charter school in its first year of
10 operation be paid to the charter school 30 days before the
11 apportionments are otherwise required to be made.

12 6. If a charter school ceases to operate as a charter school
13 during a school year, the remaining apportionments that would have
14 been made to the charter school pursuant to NRS 387.124 for that
15 year must be paid on a proportionate basis to the school districts
16 where the pupils who were enrolled in the charter school reside.

17 7. The governing body of a charter school may solicit and
18 accept donations, money, grants, property, loans, personal services
19 or other assistance for purposes relating to education from members
20 of the general public, corporations or agencies. The governing body
21 may comply with applicable federal laws and regulations governing
22 the provision of federal grants for charter schools. The State Public
23 Charter School Authority may assist a charter school that operates
24 exclusively for the enrollment of pupils who receive special
25 education in identifying sources of money that may be available
26 from the Federal Government or this State for the provision of
27 educational programs and services to such pupils.

28 **Sec. 3.** NRS 386.570 is hereby amended to read as follows:

29 386.570 1. Each pupil who is enrolled in a charter school,
30 including, without limitation, a pupil who is enrolled in a program
31 of special education in a charter school, must be included in the
32 count of pupils in the school district for the purposes of
33 apportionments and allowances from the State Distributive School
34 Account pursuant to NRS 387.121 to 387.126, inclusive, unless the
35 pupil is exempt from compulsory attendance pursuant to NRS
36 392.070. A charter school is entitled to receive its proportionate
37 share of any other money available from federal, state or local
38 sources that the school or the pupils who are enrolled in the school
39 are eligible to receive. ~~If a charter school receives special education~~
40 ~~program units directly from this State, the amount of money for~~
41 ~~special education that the school district pays to the charter school~~
42 ~~may be reduced proportionately by the amount of money the charter~~
43 ~~school received from this State for that purpose.}~~ The State Board
44 shall prescribe a process which ensures that all charter schools,
45 regardless of the sponsor, have information about all sources of



1 funding for the public schools provided through the Department,
2 including local funds pursuant to NRS 387.1235.

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

10 3. Upon completion of each school quarter, the Superintendent
11 of Public Instruction shall pay to the sponsor of a charter school
12 one-quarter of the yearly sponsorship fee for the administrative costs
13 associated with sponsorship for that school quarter, which must be
14 deducted from the quarterly apportionment to the charter school
15 made pursuant to NRS 387.124. Except as otherwise provided in
16 subsection 4, the yearly sponsorship fee for the sponsor of a charter
17 school must be in an amount of money not to exceed 2 percent of
18 the total amount of money apportioned to the charter school during
19 the school year pursuant to NRS 387.124.

20 4. If the governing body of a charter school satisfies the
21 requirements of this subsection, the governing body may submit a
22 request to the sponsor of the charter school for approval of a
23 sponsorship fee in an amount that is less than 2 percent but at least 1
24 percent of the total amount of money apportioned to the charter
25 school during the school year pursuant to NRS 387.124. The
26 sponsor of the charter school shall approve such a request if the
27 sponsor of the charter school determines that the charter school
28 satisfies the requirements of this subsection. If the sponsor of the
29 charter school approves such a request, the sponsor shall provide
30 notice of the decision to the governing body of the charter school
31 and the Superintendent of Public Instruction. If the sponsor of
32 the charter school denies such a request, the governing body of the
33 charter school may appeal the decision of the sponsor to the
34 Superintendent of Public Instruction. Upon appeal, the sponsor of
35 the charter school and the governing body of the charter school are
36 entitled to present evidence. The decision of the Superintendent of
37 Public Instruction on the appeal is final and is not subject to judicial
38 review. The governing body of a charter school may submit a
39 request for a reduction of the sponsorship fee pursuant to this
40 subsection if:

41 (a) The charter school satisfies the requirements of subsection 1
42 of NRS 386.5515; and

43 (b) There has been a decrease in the duties of the sponsor of the
44 charter school that justifies a decrease in the sponsorship fee.



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5. To determine the amount of money for distribution to a charter school in its first year of operation, the count of pupils who are enrolled in the charter school must initially be determined 30 days before the beginning of the school year of the school district, based on the number of pupils whose applications for enrollment have been approved by the charter school. The count of pupils who are enrolled in the charter school must be revised each quarter based on the average daily enrollment of pupils in the charter school that is reported pursuant to NRS 387.1233. Pursuant to subsection 5 of NRS 387.124, the governing body of a charter school may request that the apportionments made to the charter school in its first year of operation be paid to the charter school 30 days before the apportionments are otherwise required to be made.

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

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

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

387.121 **1.** 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. Therefore, the quintessence of the State's financial obligation for such programs can be expressed in a formula partially on a per pupil basis and partially on a per program basis as: State financial aid to school districts equals the difference between school district basic support guarantee 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



1 school or a university school for profoundly gifted pupils. This
2 formula is designated the Nevada Plan.

3 *2. It is the intent of the Legislature to modernize the Nevada*
4 *Plan, commencing with Fiscal Year 2016-2017, by providing*
5 *additional resources expressed as a multiplier of the basic support*
6 *guarantee to meet the unique needs of certain categories of pupils,*
7 *including, without limitation, pupils with disabilities, pupils who*
8 *are limited English proficient, pupils who are at risk and gifted*
9 *and talented pupils. As used in this subsection, "pupils who are at*
10 *risk" means pupils who are eligible for free or reduced-price*
11 *lunch pursuant to 42 U.S.C. §§ 1751 et seq., or an alternative*
12 *measure prescribed by the State Board of Education.*

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

14 387.1211 As used in NRS 387.121 to 387.126, inclusive:

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

19 2. *"Average daily enrollment" means the total number of*
20 *pupils enrolled in and scheduled to attend a public school in a*
21 *specific school district during a period of reporting divided by the*
22 *number of days school is in session during that period.*

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

27 ~~13-1~~ 4. "Special education program unit" means an organized
28 unit of special education and related services which includes full-
29 time services of persons licensed by the Superintendent of Public
30 Instruction or other appropriate licensing body, providing a program
31 of instruction in accordance with minimum standards prescribed by
32 the State Board.

33 **Sec. 6.** NRS 387.1211 is hereby amended to read as follows:

34 387.1211 As used in NRS 387.121 to 387.126, inclusive:

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

39 2. "Average daily enrollment" means the total number of
40 pupils enrolled in and scheduled to attend a public school in a
41 specific school district during a period of reporting divided by the
42 number of days school is in session during that period.

43 3. "Enrollment" means the count of pupils enrolled in and
44 scheduled to attend programs of instruction of a school district,



1 charter school or university school for profoundly gifted pupils at a
2 specified time during the school year.

3 ~~{4. "Special education program unit" means an organized unit~~
4 ~~of special education and related services which includes full time~~
5 ~~services of persons licensed by the Superintendent of Public~~
6 ~~Instruction or other appropriate licensing body, providing a program~~
7 ~~of instruction in accordance with minimum standards prescribed by~~
8 ~~the State Board.}~~

9 **Sec. 7.** NRS 387.122 is hereby amended to read as follows:

10 387.122 **1.** For making the apportionments of the State
11 Distributive School Account in the State General Fund required by
12 the provisions of this title, the basic support guarantee per pupil for
13 each school district, *including, without limitation, a multiplier for*
14 *pupils with disabilities*, and the basic support guarantee for each
15 special education program unit maintained and operated during at
16 least 9 months of a school year are established by law for each
17 school year. *The formula for calculating the basic support*
18 *guarantee may be expressed as an estimated weighted average*
19 *per pupil, based on the total expenditures for public education in*
20 *the immediately preceding fiscal year, plus any legislative*
21 *appropriations for the immediately succeeding biennium,*
22 *minus those local funds not guaranteed by the State pursuant to*
23 *NRS 387.1235.*

24 **2.** *The estimated weighted average per pupil for the State*
25 *must be calculated as a basic support guarantee for each school*
26 *district through an equity allocation model that incorporates:*

27 (a) *Factors relating to wealth in the school district;*

28 (b) *Salary costs;*

29 (c) *Transportation; and*

30 (d) *Any other factor determined by the Superintendent of*
31 *Public Instruction after consultation with the school districts and*
32 *the State Public Charter School Authority.*

33 **3.** *Except as otherwise provided in this subsection, the*
34 *funding provided to each school district pursuant to the multiplier*
35 *for pupils with disabilities must not exceed 13 percent of total*
36 *pupil enrollment for the school district. If a school district has*
37 *reported an enrollment of pupils with disabilities equal to more*
38 *than 13 percent of total pupil enrollment for the average of the last*
39 *3 fiscal years, the school district must receive money equal to the*
40 *average of the enrollment of pupils with disabilities for those 3*
41 *fiscal years or an amount necessary to satisfy requirements for*
42 *maintenance of effort under federal law, whichever is higher.*

43 **4.** *Not later than July 1 of each even-numbered year, the*
44 *Superintendent of Public Instruction shall revise the equity*
45 *allocation model adopted for the previous biennium and present*



1 *the revised formula at a meeting of the Legislative Committee on*
2 *Education for consideration and recommendations by the*
3 *Committee. After the meeting, the Superintendent of Public*
4 *Instruction shall adopt the formula and submit it to the Governor*
5 *for inclusion in the proposed executive budget.*

6 *5. The Department shall make available updated information*
7 *regarding the formula on the Internet website maintained by the*
8 *Department.*

9 **Sec. 8.** NRS 387.122 is hereby amended to read as follows:

10 387.122 1. For making the apportionments of the State
11 Distributive School Account in the State General Fund required by
12 the provisions of this title, the basic support guarantee per pupil for
13 each school district, including, without limitation, a multiplier for
14 pupils with disabilities, ~~and the basic support guarantee for each~~
15 ~~special education program unit maintained and operated during at~~
16 ~~least 9 months of a school year are~~ *is* established by law for each
17 school year. The formula for calculating the basic support guarantee
18 may be expressed as an estimated weighted average per pupil, based
19 on the total expenditures for public education in the immediately
20 preceding fiscal year, plus any legislative appropriations for the
21 immediately succeeding biennium, minus those local funds not
22 guaranteed by the State pursuant to NRS 387.1235.

23 2. The estimated weighted average per pupil for the State must
24 be calculated as a basic support guarantee for each school district
25 through an equity allocation model that incorporates:

26 (a) Factors relating to wealth in the school district;

27 (b) Salary costs;

28 (c) Transportation; and

29 (d) Any other factor determined by the Superintendent of Public
30 Instruction after consultation with the school districts and the State
31 Public Charter School Authority.

32 3. Except as otherwise provided in this subsection, the funding
33 provided to each school district pursuant to the multiplier for pupils
34 with disabilities must not exceed 13 percent of total pupil
35 enrollment for the school district. If a school district has reported an
36 enrollment of pupils with disabilities equal to more than 13 percent
37 of total pupil enrollment for the average of the last 3 fiscal years, the
38 school district must receive money equal to the average of the
39 enrollment of pupils with disabilities for those 3 fiscal years or an
40 amount necessary to satisfy requirements for maintenance of effort
41 under federal law, whichever is higher.

42 4. Not later than July 1 of each even-numbered year, the
43 Superintendent of Public Instruction shall revise the equity
44 allocation model adopted for the previous biennium and present the
45 revised formula at a meeting of the Legislative Committee on



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1 Education for consideration and recommendations by the
2 Committee. After the meeting, the Superintendent of Public
3 Instruction shall adopt the formula and submit it to the Governor for
4 inclusion in the proposed executive budget.

5 5. The Department shall make available updated information
6 regarding the formula on the Internet website maintained by the
7 Department.

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

9 387.1233 1. *On or before October 1, January 1, April 1 and*
10 *July 1, each school district shall report to the Department, in the*
11 *form prescribed by the Department, the average daily enrollment*
12 *of pupils pursuant to this section for the immediately preceding*
13 *quarter of the school year.*

14 2. Except as otherwise provided in subsection ~~2.~~ 3, basic
15 support of each school district must be computed by:

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

18 (1) Six-tenths the count of pupils enrolled in the kindergarten
19 department ~~{on the last day of the first school month of the school~~
20 ~~district for the school year.}~~ *, based on the average daily enrollment*
21 *of those pupils during the quarter*, including, without limitation,
22 the count of pupils who reside in the county and are enrolled in any
23 charter school . ~~{on the last day of the first school month of the~~
24 ~~school district for the school year.}~~

25 (2) The count of pupils enrolled in grades 1 to 12, inclusive,
26 ~~{on the last day of the first school month of the school district for~~
27 ~~the school year.}~~ *, based on the average daily enrollment of those*
28 *pupils during the quarter*, including, without limitation, the count
29 of pupils who reside in the county and are enrolled in any charter
30 school ~~{on the last day of the first school month of the school~~
31 ~~district for the school year}~~ and the count of pupils who are enrolled
32 in a university school for profoundly gifted pupils located in the
33 county.

34 (3) The count of pupils not included under subparagraph (1)
35 or (2) who are enrolled full-time in a program of distance education
36 provided by that school district or a charter school located within
37 that school district ~~{on the last day of the first school month of the~~
38 ~~school district for the school year.}~~ *, based on the average daily*
39 *enrollment of those pupils during the quarter.*

40 (4) The count of pupils who reside in the county and are
41 enrolled:

42 (I) In a public school of the school district and are
43 concurrently enrolled part-time in a program of distance education
44 provided by another school district or a charter school ~~{on the last~~
45 ~~day of the first school month of the school district for the school~~



~~year,]~~ , based on the average daily enrollment of those pupils during the quarter and 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,]~~ , based on the average daily enrollment of those pupils during the quarter and 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,]~~ based on the average daily enrollment of those pupils during the quarter and 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,]~~ , based on the average daily enrollment of those pupils during the quarter.

(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,]~~ , based on the average daily enrollment of those pupils during the quarter.

(8) The count of pupils who are enrolled in classes for at least one semester pursuant to subsection 5 of NRS 386.560, subsection 5 of NRS 386.580 or subsection 3 of NRS 392.070, based on the average daily enrollment of pupils during the quarter and 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).

(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-}~~ 3. 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 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}~~ 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.

~~{3-}~~ 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 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. If the Department determines that a school district or charter school deliberately causes a decline in the enrollment of pupils in the school district or charter school to receive a higher apportionment pursuant to subsection 2, ~~for 3-}~~ including, without limitation, by eliminating grades or moving into smaller facilities, the enrollment number from the current 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.

5. *The Department shall prescribe a process for reconciling the quarterly reports submitted pursuant to subsection 1 to account for pupils who leave the school district or a public school during the school year.*

6. 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.

~~{6-}~~ 7. 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.

~~{7-}~~ 8. Pupils who are enrolled in courses which are approved by the Department as meeting the requirements for an adult to earn a



1 high school diploma must not be counted for the purpose of
2 computing basic support pursuant to this section.

3 **Sec. 10.** NRS 387.1233 is hereby amended to read as follows:

4 387.1233 1. On or before October 1, January 1, April 1 and
5 July 1, each school district shall report to the Department, in the
6 form prescribed by the Department, the average daily enrollment of
7 pupils pursuant to this section for the immediately preceding quarter
8 of the school year.

9 2. Except as otherwise provided in subsection 3, basic support
10 of each school district must be computed by:

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

13 (1) Six-tenths the count of pupils enrolled in the kindergarten
14 department, based on the average daily enrollment of those pupils
15 during the quarter, including, without limitation, the count of pupils
16 who reside in the county and are enrolled in any charter school.

17 (2) The count of pupils enrolled in grades 1 to 12, inclusive,
18 based on the average daily enrollment of those pupils during the
19 quarter, including, without limitation, the count of pupils who reside
20 in the county and are enrolled in any charter school and the count of
21 pupils who are enrolled in a university school for profoundly gifted
22 pupils located in the county.

23 (3) The count of pupils not included under subparagraph (1)
24 or (2) who are enrolled full-time in a program of distance education
25 provided by that school district or a charter school located within
26 that school district, based on the average daily enrollment of those
27 pupils during the quarter.

28 (4) The count of pupils who reside in the county and are
29 enrolled:

30 (I) In a public school of the school district and are
31 concurrently enrolled part-time in a program of distance education
32 provided by another school district or a charter school, based on the
33 average daily enrollment of those pupils during the quarter and
34 expressed as a percentage of the total time services are provided to
35 those pupils per school day in proportion to the total time services
36 are provided during a school day to pupils who are counted pursuant
37 to subparagraph (2).

38 (II) In a charter school and are concurrently enrolled part-
39 time in a program of distance education provided by a school district
40 or another charter school, based on the average daily enrollment of
41 those pupils during the quarter and expressed as a percentage of the
42 total time services are provided to those pupils per school day in
43 proportion to the total time services are provided during a school
44 day to pupils who are counted pursuant to subparagraph (2).



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(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, based on the average daily enrollment of those pupils during the quarter and 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.

(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, based on the average daily enrollment of those pupils during the quarter.

(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, based on the average daily enrollment of those pupils during the quarter.

(8) The count of pupils who are enrolled in classes for at least one semester pursuant to subsection 5 of NRS 386.560, subsection 5 of NRS 386.580 or subsection 3 of NRS 392.070, based on the average daily enrollment of pupils during the quarter and 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).

~~(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~~ *paragraph*

(a). ~~and (b).~~

3. 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~~ *based on the average daily enrollment of pupils during the quarter of* 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~~ *based on the average daily enrollment of pupils during the* ~~last day of the first school month of the school district for~~ *same quarter of* the immediately preceding school year, the ~~largest number from among the~~ *enrollment of pupils during the same quarter of the* immediately preceding school year must be used for purposes of ~~apportioning money~~ *making the quarterly apportionments* from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.



4. If the Department determines that a school district or charter school deliberately causes a decline in the enrollment of pupils in the school district or charter school to receive a higher apportionment pursuant to subsection 2, including, without limitation, by eliminating grades or moving into smaller facilities, the enrollment number from the current 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.

5. The Department shall prescribe a process for reconciling the quarterly reports submitted pursuant to subsection 1 to account for pupils who leave the school district or a public school during the school year.

6. 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.

7. 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.

8. 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. 11. NRS 387.1233 is hereby amended to read as follows:

387.1233 1. On or before October 1, January 1, April 1 and July 1, each school district shall report to the Department, in the form prescribed by the Department, the average daily enrollment of pupils pursuant to this section for the immediately preceding quarter of the school year.

2. Except as otherwise provided in subsection 3, 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, based on the average daily enrollment of those pupils during the quarter, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school.~~

~~(2)~~ The count of pupils enrolled in *kindergarten and* grades 1 to 12, inclusive, based on the average daily enrollment of those pupils during the quarter, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter



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1 school and the count of pupils who are enrolled in a university
2 school for profoundly gifted pupils located in the county.

3 ~~+(3)+~~ (2) The count of pupils not included under
4 subparagraph (1) ~~for (2)+~~ who are enrolled full-time in a program of
5 distance education provided by that school district or a charter
6 school located within that school district, based on the average daily
7 enrollment of those pupils during the quarter.

8 ~~+(4)+~~ (3) The count of pupils who reside in the county and are
9 enrolled:

10 (I) In a public school of the school district and are
11 concurrently enrolled part-time in a program of distance education
12 provided by another school district or a charter school, based on the
13 average daily enrollment of those pupils during the quarter and
14 expressed as a percentage of the total time services are provided to
15 those pupils per school day in proportion to the total time services
16 are provided during a school day to pupils who are counted pursuant
17 to subparagraph ~~+(2)+~~ (1).

18 (II) In a charter school and are concurrently enrolled part-
19 time in a program of distance education provided by a school district
20 or another charter school, based on the average daily enrollment of
21 those pupils during the quarter and expressed as a percentage of the
22 total time services are provided to those pupils per school day in
23 proportion to the total time services are provided during a school
24 day to pupils who are counted pursuant to subparagraph ~~+(2)-~~
25 ~~— (5)+~~ (1).

26 (4) The count of pupils not included under subparagraph (1),
27 (2) ~~+~~ or (3) , ~~for (4)+~~ who are receiving special education pursuant
28 to the provisions of NRS 388.440 to 388.520, inclusive, based on
29 the average daily enrollment of those pupils during the quarter and
30 excluding the count of pupils who have not attained the age of 5
31 years and who are receiving special education pursuant to
32 subsection 1 of NRS 388.475.

33 ~~+(6)+~~ (5) Six-tenths the count of pupils who have not attained
34 the age of 5 years and who are receiving special education pursuant
35 to subsection 1 of NRS 388.475, based on the average daily
36 enrollment of those pupils during the quarter.

37 ~~+(7)+~~ (6) The count of children detained in facilities for the
38 detention of children, alternative programs and juvenile forestry
39 camps receiving instruction pursuant to the provisions of NRS
40 388.550, 388.560 and 388.570, based on the average daily
41 enrollment of those pupils during the quarter.

42 ~~+(8)+~~ (7) The count of pupils who are enrolled in classes for
43 at least one semester pursuant to subsection 5 of NRS 386.560,
44 subsection 5 of NRS 386.580 or subsection 3 of NRS 392.070,
45 based on the average daily enrollment of pupils during the quarter



1 and expressed as a percentage of the total time services are provided
2 to those pupils per school day in proportion to the total time services
3 are provided during a school day to pupils who are counted pursuant
4 to subparagraph ~~(2)~~ **(1)**.

5 (b) Adding the amounts computed in paragraph (a).

6 3. Except as otherwise provided in subsection 4, if the
7 enrollment of pupils in a school district or a charter school that is
8 located within the school district based on the average daily
9 enrollment of pupils during the quarter of the school year is less
10 than or equal to 95 percent of the enrollment of pupils in the same
11 school district or charter school based on the average daily
12 enrollment of pupils during the same quarter of the immediately
13 preceding school year, the enrollment of pupils during the same
14 quarter of the immediately preceding school year must be used for
15 purposes of making the quarterly apportionments from the State
16 Distributive School Account to that school district or charter school
17 pursuant to NRS 387.124.

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

27 5. The Department shall prescribe a process for reconciling the
28 quarterly reports submitted pursuant to subsection 1 to account for
29 pupils who leave the school district or a public school during the
30 school year.

31 6. Pupils who are excused from attendance at examinations or
32 have completed their work in accordance with the rules of the board
33 of trustees must be credited with attendance during that period.

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

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

43 **Sec. 12.** NRS 387.124 is hereby amended to read as follows:

44 387.124 Except as otherwise provided in this section and
45 NRS 387.528:



1 1. On or before August 1, November 1, February 1 and May 1
2 of each year, the Superintendent of Public Instruction shall
3 apportion the State Distributive School Account in the State General
4 Fund among the several county school districts, charter schools and
5 university schools for profoundly gifted pupils in amounts
6 approximating one-fourth of their respective yearly apportionments
7 less any amount set aside as a reserve. Except as otherwise provided
8 in NRS 387.1244, the apportionment to a school district, computed
9 on a yearly basis, equals the difference between the basic support
10 and the local funds available pursuant to NRS 387.1235, minus all
11 the funds attributable to pupils who reside in the county but attend a
12 charter school, all the funds attributable to pupils who reside in the
13 county and are enrolled full-time or part-time in a program of
14 distance education provided by another school district or a charter
15 school and all the funds attributable to pupils who are enrolled in a
16 university school for profoundly gifted pupils located in the county.
17 No apportionment may be made to a school district if the amount of
18 the local funds exceeds the amount of basic support.

19 2. Except as otherwise provided in subsection 3 and NRS
20 387.1244, the apportionment to a charter school, computed on a
21 yearly basis, is equal to the sum of the basic support per pupil in the
22 county in which the pupil resides plus the amount of local funds
23 available per pupil pursuant to NRS 387.1235 and all other funds
24 available for public schools in the county in which the pupil resides
25 minus the sponsorship fee prescribed by NRS 386.570 and minus all
26 the funds attributable to pupils who are enrolled in the charter
27 school but are concurrently enrolled part-time in a program of
28 distance education provided by a school district or another charter
29 school. If the apportionment per pupil to a charter school is more
30 than the amount to be apportioned to the school district in which a
31 pupil who is enrolled in the charter school resides, the school district
32 in which the pupil resides shall pay the difference directly to the
33 charter school.

34 3. Except as otherwise provided in NRS 387.1244, the
35 apportionment to a charter school that is sponsored by the State
36 Public Charter School Authority or by a college or university within
37 the Nevada System of Higher Education, computed on a yearly
38 basis, is equal to the sum of the basic support per pupil in the county
39 in which the pupil resides plus the amount of local funds available
40 per pupil pursuant to NRS 387.1235 and all other funds available for
41 public schools in the county in which the pupil resides, minus the
42 sponsorship fee prescribed by NRS 386.570 and minus all funds
43 attributable to pupils who are enrolled in the charter school but are
44 concurrently enrolled part-time in a program of distance education
45 provided by a school district or another charter school.



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4. Except as otherwise provided in NRS 387.1244, in addition to the apportionments made pursuant to this section, an apportionment must be made to a school district or charter school that provides a program of distance education for each pupil who is enrolled part-time in the program. The amount of the apportionment must be equal to the percentage of the total time services are provided to the pupil through the program of distance education 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) of paragraph (a) of subsection ~~HH~~ 2 of NRS 387.1233 for the school district in which the pupil resides.

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

6. Except as otherwise provided in NRS 387.1244, the apportionment to a university school for profoundly gifted pupils, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the university school is located plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the university school is located. If the apportionment per pupil to a university school for profoundly gifted pupils is more than the amount to be apportioned to the school district in which the university school is located, the school district shall pay the difference directly to the university school. The governing body of a university school for profoundly gifted pupils may submit a written request to the Superintendent of Public Instruction to receive, in the first year of operation of the university school, an apportionment 30 days before the apportionment is required to be made pursuant to subsection 1. Upon receipt of such a request, the Superintendent of Public Instruction may make the apportionment 30 days before the apportionment is required to be made. A university school for profoundly gifted pupils may receive all four apportionments in 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



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1 be directly related to the district's reimbursements for the Program
2 as compared with the total amount of reimbursements for all school
3 districts in this State that participate in the Program.

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

13 **Sec. 13.** NRS 387.124 is hereby amended to read as follows:

14 387.124 Except as otherwise provided in this section and
15 NRS 387.528:

16 1. On or before August 1, November 1, February 1 and May 1
17 of each year, the Superintendent of Public Instruction shall
18 apportion the State Distributive School Account in the State General
19 Fund among the several county school districts, charter schools and
20 university schools for profoundly gifted pupils in amounts
21 approximating one-fourth of their respective yearly apportionments
22 less any amount set aside as a reserve. Except as otherwise provided
23 in NRS 387.1244, the apportionment to a school district, computed
24 on a yearly basis, equals the difference between the basic support
25 and the local funds available pursuant to NRS 387.1235, minus all
26 the funds attributable to pupils who reside in the county but attend a
27 charter school, all the funds attributable to pupils who reside in the
28 county and are enrolled full-time or part-time in a program of
29 distance education provided by another school district or a charter
30 school and all the funds attributable to pupils who are enrolled in a
31 university school for profoundly gifted pupils located in the county.
32 No apportionment may be made to a school district if the amount of
33 the local funds exceeds the amount of basic support.

34 2. Except as otherwise provided in subsection 3 and NRS
35 387.1244, the apportionment to a charter school, computed on a
36 yearly basis, is equal to the sum of the basic support per pupil in the
37 county in which the pupil resides plus the amount of local funds
38 available per pupil pursuant to NRS 387.1235 and all other funds
39 available for public schools in the county in which the pupil resides
40 minus the sponsorship fee prescribed by NRS 386.570 and minus all
41 the funds attributable to pupils who are enrolled in the charter
42 school but are concurrently enrolled part-time in a program of
43 distance education provided by a school district or another charter
44 school. If the apportionment per pupil to a charter school is more
45 than the amount to be apportioned to the school district in which a



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1 pupil who is enrolled in the charter school resides, the school district
2 in which the pupil resides shall pay the difference directly to the
3 charter school.

4 3. Except as otherwise provided in NRS 387.1244, the
5 apportionment to a charter school that is sponsored by the State
6 Public Charter School Authority or by a college or university within
7 the Nevada System of Higher Education, computed on a yearly
8 basis, is equal to the sum of the basic support per pupil in the county
9 in which the pupil resides plus the amount of local funds available
10 per pupil pursuant to NRS 387.1235 and all other funds available for
11 public schools in the county in which the pupil resides, minus the
12 sponsorship fee prescribed by NRS 386.570 and minus all funds
13 attributable to pupils who are enrolled in the charter school but are
14 concurrently enrolled part-time in a program of distance education
15 provided by a school district or another charter school.

16 4. Except as otherwise provided in NRS 387.1244, in addition
17 to the apportionments made pursuant to this section, an
18 apportionment must be made to a school district or charter school
19 that provides a program of distance education for each pupil who is
20 enrolled part-time in the program. The amount of the apportionment
21 must be equal to the percentage of the total time services are
22 provided to the pupil through the program of distance education per
23 school day in proportion to the total time services are provided
24 during a school day to pupils who are counted pursuant to
25 subparagraph ~~(2)~~ (1) of paragraph (a) of subsection 2 of NRS
26 387.1233 for the school district in which the pupil resides.

27 5. The governing body of a charter school may submit a
28 written request to the Superintendent of Public Instruction to
29 receive, in the first year of operation of the charter school, an
30 apportionment 30 days before the apportionment is required to be
31 made pursuant to subsection 1. Upon receipt of such a request, the
32 Superintendent of Public Instruction may make the apportionment
33 30 days before the apportionment is required to be made. A charter
34 school may receive all four apportionments in advance in its first
35 year of operation.

36 6. Except as otherwise provided in NRS 387.1244, the
37 apportionment to a university school for profoundly gifted pupils,
38 computed on a yearly basis, is equal to the sum of the basic support
39 per pupil in the county in which the university school is located plus
40 the amount of local funds available per pupil pursuant to NRS
41 387.1235 and all other funds available for public schools in the
42 county in which the university school is located. If the
43 apportionment per pupil to a university school for profoundly gifted
44 pupils is more than the amount to be apportioned to the school
45 district in which the university school is located, the school district



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1 shall pay the difference directly to the university school. The
2 governing body of a university school for profoundly gifted pupils
3 may submit a written request to the Superintendent of Public
4 Instruction to receive, in the first year of operation of the university
5 school, an apportionment 30 days before the apportionment is
6 required to be made pursuant to subsection 1. Upon receipt of such a
7 request, the Superintendent of Public Instruction may make the
8 apportionment 30 days before the apportionment is required to be
9 made. A university school for profoundly gifted pupils may receive
10 all four apportionments in advance in its first year of operation.

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

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

28 **Sec. 14.** NRS 387.1243 is hereby amended to read as follows:

29 387.1243 1. The first apportionment based on an estimated
30 number of pupils and special education program units and
31 succeeding apportionments are subject to adjustment from time to
32 time as the need therefor may appear, including, without limitation,
33 an adjustment made for a pupil who is not properly enrolled in or
34 attending a public school, as determined through an independent
35 audit or other examination conducted pursuant to NRS 387.126 or
36 through an annual audit of the count of pupils conducted pursuant to
37 subsection 1 of NRS 387.304.

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



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

3. On or before August 1 of each year, the board of trustees of a school district shall provide to the Department, in a format prescribed by the Department, the count of pupils calculated pursuant to subparagraph (8) of paragraph (a) of subsection ~~HH~~ 2 of NRS 387.1233 who completed at least one semester during the immediately preceding school year. The count of pupils submitted to the Department must be included in the final adjustment computed pursuant to subsection 4.

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

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

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



5. If the final computation of apportionment for any school district, charter school or university school for profoundly gifted pupils exceeds the actual amount paid to the school district, charter school or university school for profoundly gifted pupils during the school year, the additional amount due must be paid before September 1. If the final computation of apportionment for any school district, charter school or university school for profoundly gifted pupils is less than the actual amount paid to the school district, charter school or university school for profoundly gifted pupils during the school year, the difference must be repaid to the State Distributive School Account in the State General Fund by the school district, charter school or university school for profoundly gifted pupils before September 25.

Sec. 15. 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, including, without limitation, an adjustment made for a pupil who is not properly enrolled in or attending a public school, as determined through an independent audit or other examination conducted pursuant to NRS 387.126 or through an annual audit of the count of pupils conducted pursuant to subsection 1 of NRS 387.304.

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



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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) of subsection 2 of
7 NRS 387.1233 who completed at least one semester during the
8 immediately preceding school year. The count of pupils submitted
9 to the Department must be included in the final adjustment
10 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.



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Sec. 16. NRS 387.1243 is hereby amended to read as follows:

387.1243 1. The first apportionment based on an estimated number of pupils and succeeding apportionments are subject to adjustment from time to time as the need therefor may appear, including, without limitation, an adjustment made for a pupil who is not properly enrolled in or attending a public school, as determined through an independent audit or other examination conducted pursuant to NRS 387.126 or through an annual audit of the count of pupils conducted pursuant to subsection 1 of NRS 387.304.

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

3. On or before August 1 of each year, the board of trustees of a school district shall provide to the Department, in a format prescribed by the Department, the count of pupils calculated pursuant to subparagraph ~~†(8)†~~ (7) of paragraph (a) of subsection 2 of NRS 387.1233 who completed at least one semester during the immediately preceding school year. The count of pupils submitted to the Department must be included in the final adjustment computed pursuant to subsection 4.

4. A final adjustment for each school district, charter school and university school for profoundly gifted pupils must be computed as soon as practicable following the close of the school year, but not later than August 25. The final computation must be



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1 based upon the actual counts of pupils required to be made for the
2 computation of basic support and the limits upon the support of
3 special education programs, except that for any year when the total
4 enrollment of pupils and children in a school district, a charter
5 school located within the school district or a university school for
6 profoundly gifted pupils located within the school district described
7 in paragraphs (a), (b), (c) and (e) of subsection 1 of NRS 387.123 is
8 greater on the last day of any school month of the school district
9 after the second school month of the school district and the increase
10 in enrollment shows at least:

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

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

18 5. If the final computation of apportionment for any school
19 district, charter school or university school for profoundly gifted
20 pupils exceeds the actual amount paid to the school district, charter
21 school or university school for profoundly gifted pupils during the
22 school year, the additional amount due must be paid before
23 September 1. If the final computation of apportionment for any
24 school district, charter school or university school for profoundly
25 gifted pupils is less than the actual amount paid to the school
26 district, charter school or university school for profoundly gifted
27 pupils during the school year, the difference must be repaid to the
28 State Distributive School Account in the State General Fund by the
29 school district, charter school or university school for profoundly
30 gifted pupils before September 25.

31 **Sec. 17.** NRS 387.191 is hereby amended to read as follows:

32 387.191 1. Except as otherwise provided in this subsection,
33 the proceeds of the tax imposed pursuant to NRS 244.33561 and any
34 applicable penalty or interest must be paid by the county treasurer to
35 the State Treasurer for credit to the State Supplemental School
36 Support Account, which is hereby created in the State General Fund.
37 The county treasurer may retain from the proceeds an amount
38 sufficient to reimburse the county for the actual cost of collecting
39 and administering the tax, to the extent that the county incurs any
40 cost it would not have incurred but for the enactment of this section
41 or NRS 244.33561, but in no case exceeding the amount authorized
42 by statute for this purpose. Any interest or other income earned on
43 the money in the State Supplemental School Support Account must
44 be credited to the Account.



2. On and after July 1, 2015, the money in the State Supplemental School Support Account is hereby appropriated for the operation of the school districts and charter schools of the state, as provided in this section. The money so appropriated is intended to supplement and not replace any other money appropriated, approved or authorized for expenditure to fund the operation of the public schools for kindergarten through grade 12. Any money that remains in the State Supplemental School Support Account at the end of the fiscal year does not revert to the State General Fund, and the balance in the State Supplemental School Support Account must be carried forward to the next fiscal year.

3. On or before February 1, May 1, August 1 and November 1 of 2016, and on those dates each year thereafter, the Superintendent of Public Instruction shall transfer from the State Supplemental School Support Account all the proceeds of the tax imposed pursuant to NRS 244.33561, including any interest or other income earned thereon, and distribute the proceeds proportionally among the school districts and charter schools of the state. The proportionate amount of money distributed to each school district or charter school must be determined by dividing the number of students enrolled in the school district or charter school by the number of students enrolled in all the school districts and charter schools of the state. For the purposes of this subsection, the enrollment in each school district and the number of students who reside in the district and are enrolled in a charter school must be determined as of ~~the last day of the first school month~~ *each quarter* of the ~~school district for the~~ school year. This determination governs the distribution of money pursuant to this subsection until the next ~~annual~~ *quarterly* determination of enrollment is made. The Superintendent may retain from the proceeds of the tax an amount sufficient to reimburse the Superintendent for the actual cost of administering the provisions of this section, to the extent that the Superintendent incurs any cost the Superintendent would not have incurred but for the enactment of this section, but in no case exceeding the amount authorized by statute for this purpose.

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



5. On or before November 10 of 2016, and on that date each year thereafter, the board of trustees of each school district and the governing body of each charter school shall prepare a report to the Superintendent of Public Instruction, in the form prescribed by the Superintendent. The report must provide an accounting of the expenditures by the school district or charter school of the money it received from the State Supplemental School Support Account during the preceding fiscal year.

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

Sec. 18. NRS 387.303 is hereby amended to read as follows:

387.303 1. Not later than November 1 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 supplemental report to the Superintendent of Public Instruction upon completion of negotiations or the determination of an arbitrator concerning the negotiations that includes the schedule of salaries agreed to or required by the arbitrator.

(e) The number of employees who received an increase in salary pursuant to subsection 2, 3 or 4 of NRS 391.160 for the current and preceding fiscal years. If the board of trustees is required to pay an increase in salary retroactively pursuant to



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1 subsection 2 of NRS 391.160, the board of trustees shall submit a
2 supplemental report to the Superintendent of Public Instruction not
3 later than February 15 of the year in which the retroactive payment
4 was made that includes the number of teachers to whom an increase
5 in salary was paid retroactively.

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

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

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

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

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

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

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

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

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

43 (d) May consider the cost of enhancements to existing programs
44 or the projected cost of proposed new educational programs,
45 regardless of whether those enhancements or new programs are



1 included in the per pupil basic support guarantee for inclusion in the
2 biennial budget request to the Department of Administration. ~~† and~~
3 ~~—(e) Shall obtain approval from the State Board for any~~
4 ~~inflationary increase, enhancement to an existing program or~~
5 ~~addition of a new program included in the agency biennial budget~~
6 ~~request.†~~

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

11 5. The request prepared pursuant to subsection 3 must:

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

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

19 **Sec. 19.** NRS 387.304 is hereby amended to read as follows:

20 387.304 The Department shall:

21 1. Conduct an annual audit of the count of pupils for
22 apportionment purposes reported *each quarter* by each school
23 district pursuant to NRS 387.123 and the data reported by each
24 school district pursuant to NRS 388.710 that is used to measure the
25 effectiveness of the implementation of a plan developed by each
26 school district to reduce the pupil-teacher ratio as required by
27 NRS 388.720.

28 2. Review each school district's report of the annual audit
29 conducted by a public accountant as required by NRS 354.624, and
30 the annual report prepared by each district as required by NRS
31 387.303, and report the findings of the review to the State Board and
32 the Legislative Committee on Education, with any recommendations
33 for legislation, revisions to regulations or training needed by school
34 district employees. The report by the Department must identify
35 school districts which failed to comply with any statutes or
36 administrative regulations of this State or which had any:

37 (a) Long-term obligations in excess of the general obligation
38 debt limit;

39 (b) Deficit fund balances or retained earnings in any fund;

40 (c) Deficit cash balances in any fund;

41 (d) Variances of more than 10 percent between total general
42 fund revenues and budgeted general fund revenues; or

43 (e) Variances of more than 10 percent between total actual
44 general fund expenditures and budgeted total general fund
45 expenditures.



3. In preparing its biennial budgetary request for the State Distributive School Account, consult with the superintendent of schools of each school district or a person designated by the superintendent.

4. Provide, in consultation with the Budget Division of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau, training to the financial officers of school districts in matters relating to financial accountability.

Sec. 20. 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~~ **provided pursuant to NRS 387.122** 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. The board of trustees of a school district in a county whose population is less than 700,000 may provide early intervening services. Such services must be provided in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the regulations adopted pursuant thereto.

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

Sec. 21. NRS 388.700 is hereby amended to read as follows:

388.700 1. Except as otherwise provided in this section, for each school quarter of a school year, the ratio in each school district of pupils per licensed teacher designated to teach, on a full-time basis, in classes where core curriculum is taught:

(a) In kindergarten and grades 1 and 2, must not exceed 16 to 1, and in grade 3, must not exceed 18 to 1; or

(b) If a plan is approved pursuant to subsection 3 of NRS 388.720, must not exceed the ratio set forth in that plan for the grade levels specified in the plan.

➔ In determining this ratio, all licensed educational personnel who teach a grade level specified in paragraph (a) or a grade level specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable for the school district, must be counted



1 except teachers of art, music, physical education or special
2 education, teachers who teach one or two specific subject areas to
3 more than one classroom of pupils, and counselors, librarians,
4 administrators, deans and specialists.

5 2. A school district may, within the limits of any plan adopted
6 pursuant to NRS 388.720, assign a pupil whose enrollment in a
7 grade occurs after the ~~last day of the first month~~ *end of a quarter*
8 *during* the school year to any existing class regardless of the
9 number of pupils in the class if the school district requests
10 and is approved for a variance from the State Board pursuant to
11 subsection 4.

12 3. Each school district that includes one or more elementary
13 schools which exceed the ratio of pupils per class during any
14 quarter of a school year, as reported to the Department pursuant to
15 NRS 388.725:

16 (a) Set forth in subsection 1;

17 (b) Prescribed in conjunction with a legislative appropriation for
18 the support of the class-size reduction program; or

19 (c) Defined by a legislatively approved alternative class-size
20 reduction plan, if applicable to that school district,

21 ➔ must request a variance for each such school for the next quarter
22 of the current school year if a quarter remains in that school year or
23 for the next quarter of the succeeding school year, as applicable,
24 from the State Board by providing a written statement that includes
25 the reasons for the request and the justification for exceeding the
26 applicable prescribed ratio of pupils per class.

27 4. The State Board may grant to a school district a variance
28 from the limitation on the number of pupils per class set forth in
29 paragraph (a), (b) or (c) of subsection 3 for good cause, including
30 the lack of available financial support specifically set aside for the
31 reduction of pupil-teacher ratios.

32 5. The State Board shall, on a quarterly basis, submit a report
33 to the Interim Finance Committee on each variance requested by a
34 school district pursuant to subsection 4 during the preceding quarter
35 and, if a variance was granted, an identification of each elementary
36 school for which a variance was granted and the specific
37 justification for the variance.

38 6. The State Board shall, on or before February 1 of each odd-
39 numbered year, submit a report to the Legislature on:

40 (a) Each variance requested by a school district pursuant to
41 subsection 4 during the preceding biennium and, if a variance was
42 granted, an identification of each elementary school for which
43 variance was granted and the specific justification for the variance.

44 (b) The data reported to it by the various school districts
45 pursuant to subsection 2 of NRS 388.710, including an explanation



1 of that data, and the current pupil-teacher ratios per class in the
2 grade levels specified in paragraph (a) of subsection 1 or the grade
3 levels specified in a plan that is approved pursuant to subsection 3
4 of NRS 388.720, as applicable for the school district.

5 7. The Department shall, on or before November 15 of each
6 year, report to the Chief of the Budget Division of the Department
7 of Administration and the Fiscal Analysis Division of the
8 Legislative Counsel Bureau:

9 (a) The number of teachers employed;

10 (b) The number of teachers employed in order to attain the ratio
11 required by subsection 1;

12 (c) The number of pupils enrolled; and

13 (d) The number of teachers assigned to teach in the same
14 classroom with another teacher or in any other arrangement other
15 than one teacher assigned to one classroom of pupils,

16 ➔ during the current school year in the grade levels specified in
17 paragraph (a) of subsection 1 or the grade levels specified in a plan
18 that is approved pursuant to subsection 3 of NRS 388.720, as
19 applicable, for each school district.

20 8. The provisions of this section do not apply to a charter
21 school or to a program of distance education provided pursuant to
22 NRS 388.820 to 388.874, inclusive.

23 **Sec. 22.** NRS 392A.083 is hereby amended to read as follows:

24 392A.083 1. Each pupil who is enrolled in a university
25 school for profoundly gifted pupils, including, without limitation, a
26 pupil who is enrolled in a program of special education in a
27 university school for profoundly gifted pupils, must be included in
28 the count of pupils in the school district in which the school is
29 located for the purposes of apportionments and allowances from the
30 State Distributive School Account pursuant to NRS 387.121 to
31 387.126, inclusive, unless the pupil is exempt from compulsory
32 school attendance pursuant to NRS 392.070.

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

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

43 4. All money received by a university school for profoundly
44 gifted pupils from this State or from the board of trustees of a school



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1 district must be deposited in an account with a bank, credit union or
2 other financial institution in this State.

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

8 6. To determine the amount of money for distribution to a
9 university school for profoundly gifted pupils in its first year of
10 operation in which state funding is provided, the count of pupils
11 who are enrolled in the university school must initially be
12 determined 30 days before the beginning of the school year of the
13 school district in which the university school is located, based upon
14 the number of pupils whose applications for enrollment have been
15 approved by the university school. The count of pupils who are
16 enrolled in a university school for profoundly gifted pupils must be
17 revised ~~on the last day of the first school month of the school~~
18 ~~district in which the university school is located for the school year,~~
19 *each quarter* based upon the ~~{actual number}~~ *average daily*
20 *enrollment* of pupils ~~{who are enrolled}~~ in the university school ~~{~~
21 *reported for the preceding quarter pursuant to subsection 1 of*
22 *NRS 387.1233.*

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

28 8. If a university school for profoundly gifted pupils ceases to
29 operate pursuant to this chapter during a school year, the remaining
30 apportionments that would have been made to the university school
31 pursuant to NRS 387.124 for that school year must be paid on a
32 proportionate basis to the school districts where the pupils who were
33 enrolled in the university school reside.

34 9. If the governing body of a university school for profoundly
35 gifted pupils uses money received from this State to purchase real
36 property, buildings, equipment or facilities, the governing body of
37 the university school shall assign a security interest in the property,
38 buildings, equipment and facilities to the State of Nevada.

39 **Sec. 23.** NRS 392A.083 is hereby amended to read as follows:

40 392A.083 1. Each pupil who is enrolled in a university
41 school for profoundly gifted pupils, including, without limitation, a
42 pupil who is enrolled in a program of special education in a
43 university school for profoundly gifted pupils, must be included in
44 the count of pupils in the school district in which the school is
45 located for the purposes of apportionments and allowances from the



1 State Distributive School Account pursuant to NRS 387.121 to
2 387.126, inclusive, unless the pupil is exempt from compulsory
3 school attendance pursuant to NRS 392.070.

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

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

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

18 ~~5.~~ 4. The governing body of a university school for
19 profoundly gifted pupils may negotiate with the board of trustees of
20 the school district in which the school is located or the State Board
21 for additional money to pay for services that the governing body
22 wishes to offer.

23 ~~6.~~ 5. To determine the amount of money for distribution to a
24 university school for profoundly gifted pupils in its first year of
25 operation in which state funding is provided, the count of pupils
26 who are enrolled in the university school must initially be
27 determined 30 days before the beginning of the school year of the
28 school district in which the university school is located, based upon
29 the number of pupils whose applications for enrollment have been
30 approved by the university school. The count of pupils who are
31 enrolled in a university school for profoundly gifted pupils must be
32 revised each quarter based upon the average daily enrollment of
33 pupils in the university school reported for the preceding quarter
34 pursuant to subsection 1 of NRS 387.1233.

35 ~~7.~~ 6. Pursuant to subsection 6 of NRS 387.124, the governing
36 body of a university school for profoundly gifted pupils may request
37 that the apportionments made to the university school in its first year
38 of operation be paid to the university school 30 days before the
39 apportionments are otherwise required to be made.

40 ~~8.~~ 7. If a university school for profoundly gifted pupils ceases
41 to operate pursuant to this chapter during a school year, the
42 remaining apportionments that would have been made to the
43 university school pursuant to NRS 387.124 for that school year must
44 be paid on a proportionate basis to the school districts where the
45 pupils who were enrolled in the university school reside.



~~19-1~~ 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. 24. Chapter 395 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Contingency Account for Special Education Services is hereby created in the State General Fund to be administered by the Superintendent of Public Instruction. The Superintendent of Public Instruction may accept gifts and grants of money from any source for deposit in the Account. Any money from gifts and grants may be expended in accordance with the terms and conditions of the gift or grant, or in accordance with this section.

2. The interest and income earned on the sum of:

(a) The money in the Account; and

(b) Unexpended appropriations made to the Account from the State General Fund,

↪ must be credited to the Account. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

3. The money in the Account may only be used for public schools and public education, as authorized by the Legislature.

4. The State Board shall adopt regulations for the application, approval and disbursement of money from the Account commencing with the 2016-2017 school year to reimburse school districts and charter schools for extraordinary program expenses and related services which:

(a) Are not ordinarily present in the typical special education service and delivery system at a public school;

(b) Are associated with the implementation of the individualized education program of a pupil with significant disabilities, as defined by the State Board, to provide an appropriate education in the least restrictive environment; and

(c) The costs of which exceed the total funding available to the school district or charter school for the pupil.

Sec. 25. NRS 395.070 is hereby amended to read as follows:

395.070 1. The Interagency Panel is hereby created. The Panel is responsible for making recommendations concerning the placement of persons with disabilities who are eligible to receive benefits pursuant to this chapter. The Panel consists of:

(a) The Administrator of the Division of Child and Family Services of the Department of Health and Human Services;



(b) The Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services;

(c) The Director of the Department of Health and Human Services; and

(d) The Superintendent of Public Instruction.

2. A member of the Panel may designate a person to represent him or her at any meeting of the Panel. The person designated may exercise all the duties, rights and privileges of the member he or she represents.

3. The Panel shall ~~+~~:

~~—(a) Every time a person with a disability is to be placed pursuant to subsection 2 of NRS 395.010 in a foster home or residential facility, meet to determine the needs of the person and the availability of homes or facilities under the authority of the Department of Health and Human Services after a joint evaluation of that person is completed by the Department of Education and the Department of Health and Human Services;~~

~~—(b) Determine the appropriate placement of the person, giving priority to homes or facilities under the authority of the Department of Health and Human Services over any home or facility located outside of this State; and~~

~~—(c) Make a recommendation concerning the placement of the person.~~ *perform such duties as prescribed by the State Board.*

Sec. 26. NRS 354.598005 is hereby amended to read as follows:

354.598005 1. If anticipated resources actually available during a budget period exceed those estimated, a local government may augment a budget in the following manner:

(a) If it is desired to augment the appropriations of a fund to which ad valorem taxes are allocated as a source of revenue, the governing body shall, by majority vote of all members of the governing body, adopt a resolution reciting the appropriations to be augmented, and the nature of the unanticipated resources intended to be used for the augmentation. Before the adoption of the resolution, the governing body shall publish notice of its intention to act thereon in a newspaper of general circulation in the county for at least one publication. No vote may be taken upon the resolution until 3 days after the publication of the notice.

(b) If it is desired to augment the budget of any fund other than a fund described in paragraph (a) or an enterprise or internal service fund, the governing body shall adopt, by majority vote of all members of the governing body, a resolution providing therefor at a regular meeting of the body.



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2. A budget augmentation becomes effective upon delivery to the Department of Taxation of an executed copy of the resolution providing therefor.

3. Nothing in NRS 354.470 to 354.626, inclusive, precludes the amendment of a budget by increasing the total appropriation for any fiscal year to include a grant-in-aid, gift or bequest to a local unit of government which is required to be used for a specific purpose as a condition of the grant. Acceptance of such a grant and agreement to the terms imposed by the granting agency or person constitutes an appropriation to the purpose specified.

4. A local government need not file an augmented budget for an enterprise or internal service fund with the Department of Taxation but shall include the budget augmentation in the next quarterly report.

5. Budget appropriations may be transferred between functions, funds or contingency accounts in the following manner, if such a transfer does not increase the total appropriation for any fiscal year and is not in conflict with other statutory provisions:

(a) The person designated to administer the budget for a local government may transfer appropriations within any function.

(b) The person designated to administer the budget may transfer appropriations between functions or programs within a fund, if:

(1) The governing body is advised of the action at the next regular meeting; and

(2) The action is recorded in the official minutes of the meeting.

(c) Upon recommendation of the person designated to administer the budget, the governing body may authorize the transfer of appropriations between funds or from the contingency account, if:

(1) The governing body announces the transfer of appropriations at a regularly scheduled meeting and sets forth the exact amounts to be transferred and the accounts, functions, programs and funds affected;

(2) The governing body sets forth its reasons for the transfer; and

(3) The action is recorded in the official minutes of the meeting.

6. In any year in which the Legislature by law increases or decreases the revenues of a local government, and that increase or decrease was not included or anticipated in the local government's final budget as adopted pursuant to NRS 354.598, the governing body of any such local government may, within 30 days of adjournment of the legislative session, file an amended budget with the Department of Taxation increasing or decreasing its anticipated



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1 revenues and expenditures from that contained in its final budget to
2 the extent of the actual increase or decrease of revenues resulting
3 from the legislative action.

4 7. In any year in which the Legislature enacts a law requiring
5 an increase or decrease in expenditures of a local government,
6 which was not anticipated or included in its final budget as adopted
7 pursuant to NRS 354.598, the governing body of any such local
8 government may, within 30 days of adjournment of the legislative
9 session, file an amended budget with the Department of Taxation
10 providing for an increase or decrease in expenditures from that
11 contained in its final budget to the extent of the actual amount made
12 necessary by the legislative action.

13 8. An amended budget, as approved by the Department of
14 Taxation, is the budget of the local government for the current fiscal
15 year.

16 9. On or before January 1 of each school year, each school
17 district shall adopt an amendment to its final budget after the ~~count~~
18 *average daily enrollment* of pupils is ~~completed~~ *reported for the*
19 *preceding quarter* pursuant to subsection 1 of NRS 387.1233. The
20 amendment must reflect any adjustments necessary as a result of the
21 ~~completed count of pupils.~~ *report.*

22 **Sec. 27.** NRS 701B.350 is hereby amended to read as follows:

23 701B.350 1. The Renewable Energy School Pilot Program is
24 hereby created. The goal of the Program is to encourage the
25 development of and determine the feasibility for the integration of
26 renewable energy systems on school properties.

27 2. The Commission shall adopt regulations for the Program.
28 Such regulations shall include, but not be limited to:

- 29 (a) A time frame for implementation of the Program;
30 (b) The allowed renewable energy systems and combinations of
31 such renewable energy systems on school property;
32 (c) The amount of capacity that may be installed at each school
33 property that participates in the Program;
34 (d) A process by which a school district may apply for
35 participation in the Program;
36 (e) Requirements for participation by a school district;
37 (f) The type of transactions allowed between a renewable energy
38 system generator, a school district and a utility;
39 (g) Incentives which may be provided to a school district or
40 school property to encourage participation; and
41 (h) Such other parameters as determined by the Commission and
42 are consistent with the development of renewable energy systems at
43 school properties.



3. The Program shall be limited to 10 school properties. Not more than 6 school properties from any one school district may participate in the Program.

4. The Commission shall adopt the regulations necessary to implement the Program not later than March 1, 2008.

5. The Commission shall prepare a report detailing the results of the Program and shall submit the report to the Legislature by December 1, 2008.

6. As used in this section:

(a) "Commission" means the Public Utilities Commission of Nevada.

(b) "Owned, leased or occupied" includes, without limitation, any real property, building or facilities which are owned, leased or occupied under a deed, lease, contract, license, permit, grant, patent or any other type of legal authorization.

(c) "Renewable energy system" has the meaning ascribed to it in NRS 704.7815.

(d) "School district" ~~has the meaning ascribed to it in NRS 395.0075.~~ *means a county school district created pursuant to chapter 386 of NRS.*

(e) "School property" means any real property, building or facilities which are owned, leased or occupied by a public school as defined in NRS 385.007.

(f) "Utility" has the meaning ascribed to it in NRS 701B.180.

Sec. 28. 1. On or before October 1, 2016, the Superintendent of Public Instruction shall prepare and submit to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the 79th Session of the Nevada Legislature a report of the per pupil expenditures associated with legislative appropriations for pupils with disabilities, pupils who are limited English proficient, pupils who are at risk and gifted and talented pupils.

2. As used in this section, "pupils who are at risk" means a pupil who is eligible for free or reduced-price lunch pursuant to 42 U.S.C. §§ 1751 et seq., or an alternative measure prescribed by the State Board of Education.

Sec. 29. 1. Notwithstanding the provisions of NRS 387.122, as amended by section 7 of this act, the Department shall calculate an amount of funding for each pupil with a disability for Fiscal Year 2016-2017 by dividing the total count of such pupils by the money appropriated by the Legislature for such pupils in Fiscal Year 2016-2017. The Department shall report this multiplier to the basic support guarantee to the State Board of Education, the Interim Finance Committee and the Governor.

2. Except as otherwise provided in subsections 3 and 4, the funding provided to each school district pursuant to subsection 1



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1 must not exceed 13 percent of total pupil enrollment for the school
2 district.

3 3. If a school district has reported an enrollment of pupils with
4 disabilities equal to more than 13 percent of total pupil enrollment
5 for the average of the last 3 fiscal years, the school district is entitled
6 to receive money equal to the average of the enrollment of pupils
7 with disabilities for those last 3 fiscal years or an amount necessary
8 to satisfy requirements for maintenance of effort under federal law,
9 whichever is higher.

10 4. A school district may not receive less funding pursuant to
11 subsection 1 for Fiscal Year 2016-2017 than the amount per pupil
12 with a disability that the school district received from the State in
13 Fiscal Year 2015-2016.

14 **Sec. 30.** NRS 387.1221, 395.001, 395.0065, 395.0075,
15 395.008, 395.010, 395.030, 395.040, 395.050 and 395.060 are
16 hereby repealed.

17 **Sec. 31.** 1. This section and sections 2, 4, 5, 7, 9, 12, 14, 17,
18 18, 19, 21, 22, 24 and 26 to 29, inclusive, of this act become
19 effective upon passage and approval.

20 2. Sections 1, 3, 6, 8, 10, 15, 20, 23, 25 and 30 of this act
21 become effective on July 1, 2016.

22 3. Sections 11, 13 and 16 of this act become effective on
23 July 1, 2017.

LEADLINES OF REPEALED SECTIONS

**387.1221 Basic support guarantee for special education
program units; reallocation of unused allocation; authorization
to contract to provide special education program unit;
authorization to provide early intervening services.**

395.001 Definitions.

395.0065 “Related services” defined.

395.0075 “School district” defined.

395.008 “Special education program” defined.

**395.010 Special education program and related services to
be provided to person with disability.**

**395.030 Application for benefits; action by board of
trustees.**

**395.040 Duties of Superintendent of Public Instruction
upon receipt of application.**



395.050 Transportation of person with disability; State to pay for provision of special education program and related services.

395.060 Money to carry out provisions of chapter.

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