

Amendment No. 852

Senate Amendment to Senate Bill No. 98	(BDR 34-444)
Proposed by: Senate Committee on Finance	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

AAK



Date: 5/31/2023

S.B. No. 98—Revises provisions relating to education. (BDR 34-444)





## SENATE BILL NO. 98—COMMITTEE ON FINANCE

(ON BEHALF OF THE JOINT INTERIM STANDING  
COMMITTEE ON EDUCATION)

PREFILED FEBRUARY 2, 2023

Referred to Committee on Finance

SUMMARY—Revises provisions relating to education. (BDR 34-444)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Contains Appropriation not included in  
Executive Budget.

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

AN ACT relating to education; revising provisions relating to ~~funding for pupils enrolled full time in a program of distance education provided by a school district; authorizing~~ annual reports of accountability for public schools; revising provisions relating to the Education Stabilization Account; revising provisions relating to the Commission on School Funding ; [to meet at certain times under certain circumstances]; requiring the Commission to conduct ~~an~~ interim ~~study~~ studies on school funding ~~;~~ and accountability for school funding; making ~~an appropriation;~~ appropriations; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law ~~requires the Legislature to appropriate money from the State Education Fund, less the money in the Education Stabilization Account, to fund, in an amount determined sufficient by the Legislature, the operation of each school district for all pupils generally through adjusted base per pupil funding for each pupil enrolled in the school district. (NRS 387.1214) Section 1 of this bill requires the appropriation from the State Education Fund to fund the operation of each school district to be in an amount determined sufficient by the Legislature to provide, for each pupil who is enrolled full time in a program of distance education provided by a school district, the statewide base per pupil funding amount instead of the adjusted base per pupil funding amount provided for other pupils enrolled in the school district. This is consistent with the funding provided for each pupil estimated to be enrolled full time in a program of distance education provided by a charter school or university school for profoundly gifted pupils. (NRS 387.1214) Sections 2, 3 and 5 of this bill make conforming changes to reflect the change in per pupil funding for pupils enrolled full time in a program of distance education provided by a school district.~~ requires the preparation of an annual report of accountability for each school district and sponsor of charter schools in this State, as well as the for all public schools in the State as a whole. (NRS 385A.010-385A.520) Existing law imposes certain duties on the Superintendent of Public Instruction relating to the accountability of public schools. (NRS 385A.080) Section 3.3 of this bill additionally requires the Superintendent to establish metrics of performance

for public schools for each grade and, along with each school district and charter school, publish such metrics on their respective Internet websites and report data on such metrics to the Governor, State Board of Education and Director of the Legislative Counsel Bureau for transmission to the Joint Interim Standing Committee on Education.

Existing law creates the Education Stabilization Account in the State Education Fund and allows the Interim Finance Committee to authorize the transfer of money in the Account to the State Education Fund if actual enrollment growth in a fiscal year exceeds projected enrollment growth or if the collection of revenue in a fiscal year results in the State Education Fund receiving 97 percent or less of the money authorized for expenditure from the State Education Fund. (NRS 387.1213) Section 3.5 of this bill additionally authorizes the Interim Finance Committee to transfer money from the Account to the State Education Fund if: (1) money deposited in the State Education Fund was found by an audit to have been deposited in error; or (2) an error in the application of the Pupil-Centered Funding Plan by the Department of Education creates a shortfall in the State Education Fund.

Existing law creates the Commission on School Funding and authorizes the Commission to meet only between July 1 of an odd-numbered year and September 30 of the subsequent even-numbered year. (NRS 387.1246) Section 4 of this bill : (1) requires the Commission to meet monthly; (2) authorizes the Commission to meet in person or, at the discretion of the Chair of the Commission, by use of a remote technology system; (3) authorizes the Commission to meet between July 1 of an odd-numbered year and December 31 of the subsequent even-numbered year; and (4) authorizes the Commission to also meet during any regular or special session of the Legislature, if requested to do so by the chair of the Senate Standing Committee on Education, Assembly Standing Committee on Education, Senate Standing Committee on Finance, ~~for~~ Assembly Standing Committee on Ways and Means, ~~or~~ Interim Finance Committee. Section 4.5 of this bill expands the duties of the Commission by requiring the Commission to: (1) review the academic progress made by pupils in each public school; and (2) review and consider strategies to improve the accessibility of existing and new programs within and between public schools. Section 7.5 of this bill: (1) expires the terms of incumbent members of the Commission on June 30, 2023; (2) requires the appointment or reappointment of members of the Commission on or before July 1, 2023, to staggered terms; and (3) requires the Commission to hold its first meeting during Fiscal Year 2023-2024 on or before September 1, 2023.

Section 7 of this bill requires the Commission to conduct ~~an~~ interim studies on school funding and school accountability. Section 7 requires the interim study on school funding ~~that examines~~ to examine topics relating to: (1) the funding of building improvement and modernization projects by small school districts; (2) ~~performance metrics to assess the impact of increased investments in K-12 public education and accountability measures to ensure the effective use of such investments;~~ (3) the number of professional educators graduating from institutions of higher education in this State; ~~and~~ (3) the classification and compensation of professional educators and support personnel at public schools; and ~~and~~ (4) changes to the laws governing sales and use tax and property tax to fully fund public schools in this State at an optimal level of funding. Section 7 requires the interim study on school accountability to include recommendations for performance metrics to assess the impact of increased investments in K-12 public education and accountability measures to ensure the effective use of such investments. Section 6 of this bill appropriates ~~\$320,000~~ \$1,500,000 from the State General Fund to the Commission for the cost of the ~~study~~ studies required by section 7. Sections 6.3 and 6.5 of this bill appropriate money for the payment of travel and per diem expenses for members of the Commission on School Funding and employees of the Department of Education, respectively, for attending meetings of the Commission.

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

**Section 1.** ~~NRS 387.1214 is hereby amended to read as follows:~~

~~387.1214 1. After a direct legislative appropriation is made to the State Education Fund from the State General Fund pursuant to NRS 387.1212, the Legislature shall determine the statewide base per pupil funding amount for each fiscal year of the biennium, which is the amount of money expressed on a per pupil basis for the projected enrollment of the public schools in this State, determined to be sufficient by the Legislature to fund the costs of all public schools in this State to operate and provide general education to all pupils for any purpose for which specific funding is not appropriated pursuant to paragraph (a), (b) or (c) of subsection 2 or NRS 387.122. It is the intent of the Legislature that the statewide base per pupil funding amount for any fiscal year, to the extent practicable, be not less than the statewide base per pupil funding amount for the immediately preceding fiscal year, adjusted by inflation, unless the amount of money contained in the State Education Fund, excluding the Education Stabilization Account, decreases from the preceding fiscal year. If the amount of money contained in the State Education Fund, excluding the Education Stabilization Account, decreases from the preceding fiscal year, it is the intent of the Legislature that a proportional reduction be made in both the statewide base per pupil funding amount and the weighted funding appropriated pursuant to paragraph (c) of subsection 2.~~

~~2. After a direct legislative appropriation is made to the State Education Fund from the State General Fund pursuant to NRS 387.1212, the money in the State Education Fund, excluding any amount of money in the Education Stabilization Account, must be appropriated as established by law for each fiscal year of the biennium for the following purposes:~~

~~(a) To each school district, an amount of money determined to be sufficient by the Legislature, when combined with any other resources available for this purpose, to provide food services and transportation for pupils and any other similar service that the Legislature deems appropriate;~~

~~(b) To each school district, charter school or university school for profoundly gifted pupils, an amount of money determined to be sufficient by the Legislature, when combined with any other resources available for this purpose, to provide local funding to support pupils with disabilities;~~

~~(c) To each school district, an amount of money determined to be sufficient by the Legislature, when combined with any other resources available for this purpose, to provide [adjusted];~~

~~(1) The statewide base per pupil funding amount for each pupil estimated to be enrolled full-time in a program of distance education provided by the school district; and~~

~~(2) Adjusted base per pupil funding for each pupil estimated to be enrolled in the school district [.] other than a pupil identified in subparagraph (1);~~

~~(d) To each charter school or university school for profoundly gifted pupils, an amount of money determined to be sufficient by the Legislature, when combined with any other resources available for this purpose, to provide;~~

~~(1) The statewide base per pupil funding amount for each pupil estimated to be enrolled full-time in a program of distance education provided by the charter school or university school for profoundly gifted pupils; and~~

~~(2) Adjusted base per pupil funding for each pupil estimated to be enrolled in the charter school or university school for profoundly gifted pupils other than a pupil identified in subparagraph (1);~~

~~— (c) To each school district, charter school or university school for profoundly gifted pupils, an amount of money determined to be sufficient by the Legislature, when combined with any other resources available for this purpose, to provide additional weighted funding for each pupil estimated to be enrolled in the school district, charter school or university school for profoundly gifted pupils who is:~~

- ~~— (1) An English learner;~~  
~~— (2) An at-risk pupil; or~~  
~~— (3) A gifted and talented pupil.~~

~~2. The adjusted base per pupil funding appropriated pursuant to subparagraph (2) of paragraph (c) of subsection 2 for each school district must be determined by applying the cost adjustment factor established pursuant to NRS 387.1215 which applies to the school district and the attendance area adjustment established pursuant to NRS 387.1218 which applies to each applicable area of the school district to the statewide base per pupil funding amount.~~

~~4. The adjusted base per pupil funding appropriated pursuant to subparagraph (2) of paragraph (d) of subsection 2 for each charter school or university school for profoundly gifted pupils must be determined by applying the cost adjustment factor established pursuant to NRS 387.1215 which applies to the charter school or university school and, if applicable, the attendance area adjustment established pursuant to NRS 387.1218 to the statewide base per pupil funding amount.~~

~~5. The weighted funding appropriated pursuant to paragraph (c) of subsection 2 must be established separately for each category of pupils identified in that paragraph and expressed as a multiplier to be applied to the statewide base per pupil funding amount determined pursuant to subsection 1. A pupil who belongs to more than one category of pupils or for whom a school district, charter school or university school for profoundly gifted pupils is eligible to receive the statewide multiplier pursuant to NRS 387.122 must receive only the weighted funding for the single category to which the pupil belongs which has the largest multiplier or the statewide multiplier, whichever is larger. It is the intent of the Legislature that, to the extent practicable:~~

~~— (a) The multiplier for each category of pupils for any fiscal year be not less than the multiplier for the immediately preceding fiscal year unless:~~

~~— (1) The amount of money contained in the State Education Fund, excluding the Education Stabilization Account, decreases from the preceding fiscal year, in which event it is the intent of the Legislature that a proportional reduction be made in both the statewide base per pupil funding amount and the weighted funding appropriated pursuant to paragraph (c) of subsection 2; or~~

~~— (2) The amount of money contained in the State Education Fund, excluding the Education Stabilization Account, increases from the preceding fiscal year but in an amount which, after funding the appropriations required by paragraphs (a) to (d), inclusive, of subsection 2, is insufficient to fund the multiplier for each category of pupils, in which event it is the intent of the Legislature that the remaining money in the State Education Fund be used to provide a multiplier for each category of pupils which is as close as practicable to the multiplier for the preceding fiscal year;~~

~~— (b) The recommendations of the Commission for the multiplier for each category of pupils be considered and the multiplier for one category of pupils may be changed by an amount that is not proportional to the change in the multiplier for one or more other categories of pupils if the Legislature determines that a disproportionate need to serve the pupils in the affected category exists; and~~

~~— (c) If the multipliers for all categories of pupils in a fiscal year are increased from the multipliers in the immediately preceding fiscal year, a proportional increase is considered for the statewide base per pupil funding amount.~~

~~6. For any money identified in subsection 4 of NRS 362.170 which is deposited to the credit of the State Education Fund;~~

~~(a) The amount of such money for the county from which the money was collected that does not exceed the total amount of money appropriated pursuant to subsection 2 to the county school district is deemed to be the first money appropriated pursuant to subsection 2 for that county school district.~~

~~(b) The amount of such money for the county from which the money was collected which exceeds the total amount of money appropriated pursuant to subsection 2 to the county school district must be transferred to the county school district and is hereby authorized for expenditure as a continuing appropriation for the purpose of mitigating the adverse effects of the cyclical nature of the industry of extracting and processing minerals on the ability of the county school district to offer its pupils a reasonably equal educational opportunity.~~

~~7. The weighted funding appropriated pursuant to paragraph (c) of subsection 2;~~

~~(a) May not be used to settle or arbitrate disputes between a recognized organization representing employees of a school district or the governing body of a charter school and the school district or governing body or to settle any negotiations; and~~

~~(b) May not be used to adjust the district-wide schedules of salaries and benefits of the employees of a school district.] (Deleted by amendment.)~~

**Sec. 2. [NRS 387.1223 is hereby amended to read as follows:**

~~387.1223 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. If October 1, January 1, April 1 or July 1 falls on a Saturday, Sunday or legal holiday, the report may be submitted before 5 p.m. on the next business day.~~

~~2. Except as otherwise provided in subsection 3, the yearly apportionment from the State Education Fund for each school district must be computed by:~~

~~(a) Multiplying the adjusted base per pupil funding established for that school district for that school year by the sum of:~~

~~(1) The count of pupils enrolled in kindergarten and grades 1 to 12, inclusive, in a public school in the school district based on the average daily enrollment of those pupils during the quarter [.] , *excluding the count of pupils enrolled full time in a program of distance education provided by that school district.*~~

~~(2) [The count of pupils not included under subparagraph (1) who are enrolled full time in a program of distance education provided by that school district, based on the average daily enrollment of those pupils during the quarter.~~

~~(3)] The count of pupils who reside in the county and are enrolled;~~

~~(I) In a public school of the school district and are concurrently enrolled part time in a program of distance education provided by another school district or a charter school, based on the average daily enrollment of those pupils during the quarter.~~

~~(II) In a charter school and are concurrently enrolled part time in a program of distance education provided by the school district, based on the average daily enrollment of those pupils during the quarter.~~

~~[(4)] (3) The count of pupils not included under subparagraph (1) [.] or (2) , [or (3).] who are receiving special education pursuant to the provisions of NRS 388.417 to 388.469, inclusive, and 388.5251 to 388.5267, inclusive, based on the average daily enrollment of those pupils during the quarter and excluding the count~~

1 of pupils who have not attained the age of 5 years and who are receiving special  
2 education pursuant to NRS 388.435.

3 ~~[(5)] (4) Six-tenths the count of pupils who have not attained the age of 5~~  
4 ~~years and who are receiving special education pursuant to NRS 388.435, based on~~  
5 ~~the average daily enrollment of those pupils during the quarter.~~

6 ~~[(6)] (5) The count of children detained in facilities for the detention of~~  
7 ~~children, alternative programs and juvenile forestry camps receiving instruction~~  
8 ~~pursuant to the provisions of NRS 388.550, 388.560 and 388.570, based on the~~  
9 ~~average daily enrollment of those pupils during the quarter.~~

10 ~~[(7)] (6) The count of pupils who are enrolled in classes for at least one~~  
11 ~~semester pursuant to subsection 1 of NRS 388A.471, subsection 1 of NRS~~  
12 ~~388A.474 or subsection 1 of NRS 392.074, based on the average daily enrollment~~  
13 ~~of pupils during the quarter and expressed as a percentage of the total time services~~  
14 ~~are provided to those pupils per school day in proportion to the total time services~~  
15 ~~are provided during a school day to pupils who are counted pursuant to~~  
16 ~~subparagraph (1).~~

17 ~~[(8)] (7) The count of pupils enrolled in a challenge school based on the~~  
18 ~~average daily enrollment of those pupils calculated in the manner set forth in an~~  
19 ~~agreement entered into pursuant to NRS 388D.230.~~

20 ~~— (b) Adding to the amount computed in paragraph (a) [the]:~~

21 ~~— (1) The sum of the count of pupils not included under subparagraph (1)~~  
22 ~~of paragraph (a) who are enrolled full time in a program of distance education~~  
23 ~~provided by that school district, based on the average daily enrollment of those~~  
24 ~~pupils during the quarter, multiplied by the statewide base per pupil funding~~  
25 ~~amount established for that school year; and~~

26 ~~— (2) The amounts appropriated pursuant to paragraphs (a), (b) and (c) of~~  
27 ~~subsection 2 of NRS 387.1214.~~

28 ~~— 3. Except as otherwise provided in subsection 4, if the enrollment of pupils in~~  
29 ~~a school district or a charter school that is located within the school district based~~  
30 ~~on the average daily enrollment of pupils during the quarter of the school year is~~  
31 ~~less than or equal to 95 percent of the enrollment of pupils in the same school~~  
32 ~~district or charter school based on the average daily enrollment of pupils during the~~  
33 ~~same quarter of the immediately preceding school year, the enrollment of pupils~~  
34 ~~during the same quarter of the immediately preceding school year must be used for~~  
35 ~~purposes of making the monthly apportionments from the State Education Fund to~~  
36 ~~that school district or charter school pursuant to NRS 387.124.~~

37 ~~— 4. If the Department determines that a school district or charter school~~  
38 ~~deliberately causes a decline in the enrollment of pupils in the school district or~~  
39 ~~charter school to receive a higher apportionment pursuant to subsection 3,~~  
40 ~~including, without limitation, by eliminating grades or moving into smaller~~  
41 ~~facilities, the enrollment number from the current school year must be used for~~  
42 ~~purposes of apportioning money from the State Education Fund to that school~~  
43 ~~district or charter school pursuant to NRS 387.124.~~

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

47 ~~— 6. Pupils who are excused from attendance at examinations or have completed~~  
48 ~~their work in accordance with the rules of the board of trustees must be credited~~  
49 ~~with attendance during that period.~~

50 ~~— 7. Pupils who are incarcerated in a facility or institution operated by the~~  
51 ~~Department of Corrections must not be counted for the purpose of computing the~~  
52 ~~yearly apportionment pursuant to this section. The average daily attendance for~~  
53 ~~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 the yearly apportionment pursuant to this section. (Deleted by amendment.)~~

**Sec. 3.** ~~NRS 387.12445 is hereby amended to read as follows:~~

~~387.12445 1. Except as otherwise provided in subsection 2, each school district shall ensure that all statewide base per pupil funding and adjusted base per pupil funding received by the school district pursuant to paragraph (c) of subsection 2 of NRS 387.1214 is accounted for separately and, after a deduction for the administrative expenses of the school district in an amount which does not exceed the amount prescribed by the Department by regulation for each school district, be distributed and used as described in this subsection. The statewide base per pupil funding and adjusted base per pupil funding provided to each school district must:~~

~~(a) Be distributed by each school district to its public schools in a manner that ensures each pupil in the school district receives a reasonably equal educational opportunity.~~

~~(b) Be used to support the educational needs of all pupils in the school district, including, without limitation, operating each public school in the school district, training and supporting educational personnel and carrying out any program or service established by, or requirement imposed pursuant to, this title for any purpose for which specific funding is not appropriated pursuant to paragraph (a), (b) or (c) of subsection 2 of NRS 387.1214 or NRS 387.122.~~

~~2. If a school district determines that an additional amount of money is necessary to satisfy requirements for maintenance of effort or any other requirement under federal law for pupils with disabilities enrolled in the school district, the school district may transfer the necessary amount of money from the statewide base per pupil funding or adjusted base per pupil funding received by the school district for that purpose.~~

~~3. Each school district shall ensure that all weighted funding received by the school district pursuant to paragraph (c) of subsection 2 of NRS 387.1214 is accounted for separately and distributed directly to each school in which the relevant pupils are estimated to be enrolled.~~

~~4. Each public school shall account separately for the local funding for pupils with disabilities received by the public school pursuant to paragraph (b) of subsection 2 of NRS 387.1214, for the statewide base per pupil funding received by the public school pursuant to subparagraph (1) of paragraph (c) of subsection 2 of NRS 387.1214, for the adjusted base per pupil funding received by the public school pursuant to subparagraph (2) of paragraph (c) of subsection 2 of NRS 387.1214, for each category of weighted funding received by the public school pursuant to paragraph (c) of subsection 2 of NRS 387.1214 and for money received from the statewide multiplier pursuant to NRS 387.122. Unless the provisions of subsection 7 or 8 impose greater restrictions on the use of weighted funding by a public school, the public school must use the weighted funding received for each relevant pupil.~~

~~(a) As a supplement to the statewide base per pupil funding or adjusted base per pupil funding received for the pupil; and~~

~~(b) Solely for the purpose of providing such additional educational programs, services or support as are necessary to ensure the pupil receives a reasonably equal educational opportunity.~~

~~5. Except as otherwise provided in subsection 6, the separate accounting required by subsection 4 for pupils with disabilities and gifted and talented pupils must include:~~

~~— (a) The amount of money provided to the public school for special education; and~~

~~— (b) The cost of:~~

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

~~— (2) Related services, including, without limitation, services provided by psychologists, therapists and health-related personnel;~~

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

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

~~— (5) The supplies and equipment needed for providing special education.~~

~~— 6. Money received from federal sources must be accounted for separately and excluded from the accounting required pursuant to subsection 5.~~

~~— 7. A public school that receives weighted funding for one or more at-risk pupils must use that weighted funding only to provide Victory services and, if one or more at-risk pupils for whom the school received weighted funding in the at-risk pupil category also belong to one or more other categories of pupils who receive weighted funding, the additional services for each such at-risk pupil which are appropriate for each category to which the at-risk pupil belongs.~~

~~— 8. A public school that receives weighted funding for one or more pupils who are English learners must use that weighted funding only to provide Zoom services and, if one or more English learners for whom the school received weighted funding in the English learner category also belong to one or more other categories of pupils who receive weighted funding, the additional services for each such English learner which are appropriate for each category to which the English learner belongs.~~

~~— 9. The Department shall adopt regulations prescribing the maximum amount of money that each school district may deduct for its administrative expenses from the statewide base per pupil funding and adjusted base per pupil funding received by the school district. When adopting such regulations, the Department may express the maximum amount of money that may be deducted as a percentage of the statewide base per pupil funding and adjusted base per pupil funding received by the school district.~~

~~— 10. As used in this section:~~

~~— (a) "Victory services" means any one or more of the following services:~~

~~— (1) A prekindergarten program provided free of charge.~~

~~— (2) A summer academy or other instruction for pupils provided free of charge at times during the year when school is not in session.~~

~~— (3) Additional instruction or other learning opportunities provided free of charge at times of day when school is not in session.~~

~~— (4) Professional development for teachers and other educational personnel concerning instructional practices and strategies that have proven to be an effective means to increase pupil achievement in populations of at-risk pupils.~~

~~— (5) Incentives for hiring and retaining teachers and other licensed educational personnel who provide Victory services.~~

~~— (6) Employment of paraprofessionals, other educational personnel and other persons who provide Victory services.~~

~~— (7) A reading skills center.~~

~~— (8) Integrated student supports, wrap around services and evidence based programs designed to meet the needs of at-risk pupils.~~

~~— (9) Any other service or program that has a demonstrated record of success for similarly situated pupils in comparable school districts and has been reviewed and approved as a Victory service by the Superintendent of Public Instruction.~~

~~(b) "Zoom services" means any one or more of the following services:~~  
~~(1) A prekindergarten program provided free of charge;~~  
~~(2) A reading skills center;~~  
~~(3) Professional development for teachers and other licensed educational personnel regarding effective instructional practices and strategies for pupils who are English learners;~~  
~~(4) Incentives for hiring and retaining teachers and other licensed educational personnel who provide Zoom services;~~  
~~(5) Engagement and involvement with parents and families of pupils who are English learners, including, without limitation, increasing effective, culturally appropriate communication with and outreach to parents and families to support the academic achievement of those pupils;~~  
~~(6) A summer academy or, for those schools that do not operate on a traditional school calendar, an intercession academy provided free of charge, including, without limitation, the provision of transportation to attend the summer academy or intercession academy;~~  
~~(7) An extended school day;~~  
~~(8) Any other service or program that has a demonstrated record of success for similarly situated pupils in comparable school districts and has been reviewed and approved as a Zoom service by the Superintendent of Public Instruction.]~~  
**(Deleted by amendment.)**

**Sec. 3.3. NRS 385A.080 is hereby amended to read as follows:**

385A.080 1. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to NRS 385A.070 and provide the forms to the respective school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school.

(b) Provide statistical information and technical assistance to the school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school to ensure that the reports provide comparable information with respect to each school in each district, each charter school and among the districts and charter schools throughout this State.

(c) Consult with a representative of the:

- (1) Nevada State Education Association;
- (2) Nevada Association of School Boards;
- (3) Nevada Association of School Administrators;
- (4) Nevada Parent Teacher Association;
- (5) Budget Division of the Office of Finance;
- (6) Legislative Counsel Bureau; and
- (7) Charter School Association of Nevada,

↪ concerning the program adopted pursuant to subsection 1 of NRS 385A.070 and consider any advice or recommendations submitted by the representatives with respect to the program.

**(d) Establish metrics of performance for public schools for each grade which include, without limitation, metrics for:**

- (1) The growth and proficiency of pupils in literacy, mathematics and science;**
- (2) The engagement and proficiency of pupils in courses for college and career readiness; and**
- (3) The retention and recruitment of teachers and education support professionals.**

2. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program adopted pursuant to subsection 1 of NRS 385A.070 and consider any advice or recommendations submitted by the representatives with respect to the program.

3. The Superintendent of Public Instruction and each school district and charter school shall:

(a) Publish the metrics established pursuant to paragraph (d) of subsection 1 on their respective Internet websites; and

(b) On or before October 1 of each year, report data relating to each metric established pursuant to paragraph (d) of subsection 1 to the Governor, the State Board and the Director of the Legislative Counsel Bureau for transmission to the Joint Interim Standing Committee on Education.

Sec. 3.5. NRS 387.1213 is hereby amended to read as follows:

387.1213 1. The Education Stabilization Account is hereby created in the State Education Fund. Except as otherwise provided in subsections 3 and 4, each year after the close of the previous fiscal year and before the issuance of the State Controller's annual report, each county school district shall transfer from the county school district fund to the Education Stabilization Account any amount by which the budgeted ending fund balance of the county school district fund exceeds 16.6 percent of the total budgeted expenditures for the fund. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

2. Money transferred pursuant to subsection 1 to the Education Stabilization Account is a continuing appropriation solely for the purpose of authorizing the expenditure of the transferred money for the purposes set forth in this section.

3. The balance in the Education Stabilization Account must not exceed 15 percent of the total of all appropriations and authorizations from the State Education Fund, excluding the Education Stabilization Account, for the immediately preceding fiscal year. Any money transferred to the Education Stabilization Account which exceeds this amount must instead be transferred to the State Education Fund.

4. If the Interim Finance Committee finds that:

(a) Upon submission of a request from the Department, the actual enrollment growth for a fiscal year exceeds the projected enrollment growth by an amount that the Interim Finance Committee determines would make a transfer of money to the State Education Fund necessary to fund the excess enrollment; ~~{or}~~

(b) The collection of revenue in any fiscal year will result in the State Education Fund receiving 97 percent or less of the money authorized for expenditure from the State Education Fund ~~{or}~~;

(c) Upon submission of a request from the Department, any amount of money which was deposited in the State Education Fund is found by an audit to have been deposited in error; or

(d) Upon submission of a request from the Department, any error in the application of the Pupil-Centered Funding Plan by the Department has created a shortfall in the State Education Fund.

the Committee shall by resolution establish an amount of money to transfer from the Education Stabilization Account to the State Education Fund and direct the State Controller to transfer that amount to the State Education Fund. The State Controller shall thereupon make the transfer.

5. The balance remaining in the State Education Fund, excluding the balance remaining in the Education Stabilization Account, that has not been committed for expenditure on or before June 30 of an odd-numbered fiscal year must be

transferred to the Education Stabilization Account to the extent that such a transfer would not cause the balance in the Education Stabilization Account to exceed the limit established in subsection 3.

**Sec. 4.** NRS 387.1246 is hereby amended to read as follows:

387.1246 1. The Commission on School Funding, consisting of 11 members, is hereby created.

2. The Commission consists of the following members, who may not be Legislators:

- (a) One member appointed by the Governor, who serves as Chair;
- (b) Two members appointed by the Majority Leader of the Senate;
- (c) Two members appointed by the Speaker of the Assembly;
- (d) One member appointed by the Minority Leader of the Senate;
- (e) One member appointed by the Minority Leader of the Assembly;
- (f) Two members appointed by the Governor, each of whom is the chief financial officer of a school district in this State which has more than 40,000 pupils enrolled in its public schools, nominated by the Nevada Association of School Superintendents or its successor organization; and
- (g) Two members appointed by the Governor, each of whom is the chief financial officer of a school district in this State which has 40,000 or fewer pupils enrolled in its public schools, nominated by the Nevada Association of School Superintendents or its successor organization.

➤ In making appointments to the Commission, the appointing authorities shall consider whether the membership generally reflects the geographic distribution of pupils in the State.

3. Each member of the Commission must:

- (a) Be a resident of this State;
- (b) Not have been registered as a lobbyist pursuant to NRS 218H.200 for a period of at least 2 years immediately preceding appointment to the Commission;
- (c) Have relevant experience in public education;
- (d) Have relevant experience in fiscal policy, school finance or similar or related financial activities;
- (e) Have the education, experience and skills necessary to effectively execute the duties and responsibilities of a member of the Commission; and
- (f) Have demonstrated ability in the field of economics, taxation or other discipline necessary to school finance and be able to bring knowledge and professional judgment to the deliberations of the Commission.

4. Each member of the Commission serves a term of 3 years and may be reappointed to additional terms.

5. Each member may be removed by the appointing authority for good cause. A vacancy on the Commission must be filled in the same manner as the original appointment.

6. The Commission shall:

(a) Elect a Vice Chair from among its members at its first meeting for a term of 3 years. A vacancy in the office of Vice Chair must be filled by the Commission by election for the remainder of the existing term.

(b) Adopt such rules governing the conduct of the Commission as it deems necessary.

(c) ~~[Hold its first meeting on or before October 1, 2019,]~~ Meet at least once each month and hold such ~~[additional]~~ number of meetings as may be necessary to accomplish the tasks assigned to it in the time allotted.

(d) Meet in person or, at the discretion of the Chair in consultation with the Superintendent of Public Instruction based on the items on the agenda for a meeting, by use of a remote technology system, as defined in NRS 241.015.

7. A majority of the members of the Commission constitutes a quorum and a majority of those present must concur in any decision.

8. The Department shall provide the Commission with meeting rooms, data processing services and administrative and clerical assistance. The Superintendent of Public Instruction and Office of Finance shall jointly provide the Commission with professional staff services.

9. While engaged in the business of the Commission, each member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

10. The Commission may meet only ~~[between]~~ :  
(a) *Between* July 1 of an odd-numbered year and ~~[September 30]~~ *December 31* of the subsequent even-numbered year ~~[-]~~ ; or

(b) *During any regular or special session of the Legislature, if requested to do so by the chair of the:*

(1) *Senate Standing Committee on Education;*

(2) *Assembly Standing Committee on Education;*

(3) *Senate Standing Committee on Finance;* ~~for~~

(4) *Assembly Standing Committee on Ways and Means* ~~[-]~~ ; or

(5) *Interim Finance Committee.*

Sec. 4.5. NRS 387.12463 is hereby amended to read as follows:

387.12463 1. The Commission shall:

(a) Provide guidance to school districts and the Department on the implementation of the Pupil-Centered Funding Plan.

(b) Monitor the implementation of the Pupil-Centered Funding Plan and make any recommendations to the Joint Interim Standing Committee on Education that the Commission determines would, within the limits of appropriated funding, improve the implementation of the Pupil-Centered Funding Plan or correct any deficiencies of the Department or any school district or public school in carrying out the Pupil-Centered Funding Plan.

(c) Review the statewide base per pupil funding amount, the adjusted base per pupil funding for each school district and the multiplier for weighted funding for each category of pupils appropriated by law pursuant to NRS 387.1214 for each biennium and recommend any revisions the Commission determines to be appropriate to create an optimal level of funding for the public schools in this State, including, without limitation, by recommending the creation or elimination of one or more categories of pupils to receive additional weighted funding. If the Commission makes a recommendation pursuant to this paragraph which would require more money to implement than was appropriated from the State Education Fund in the immediately preceding biennium, the Commission shall also identify a method to fully fund the recommendation within 10 years after the date of the recommendation.

(d) Review the laws and regulations of this State relating to education, make recommendations to the Joint Interim Standing Committee on Education for any revision of such laws and regulations that the Commission determines would improve the efficiency or effectiveness of public education in this State and notify each school district of each such recommendation.

(e) Review and recommend to the Department revisions of the cost adjustment factors for each county established pursuant to NRS 387.1215 and the method for calculating the attendance area adjustment established pursuant to NRS 387.1218.

(f) Review the academic progress made by pupils in each public school since the implementation of the Pupil-Centered Funding Plan, including, without limitation, any changes to the academic progress of such pupils as the result of

1 any additional money provided to each such school by the Pupil-Centered  
2 Funding Plan. In performing such a review, the Commission shall:

3 (I) Use metrics to measure the academic achievement of pupils which  
4 include, without limitation:

5 (I) The rate of graduation of pupils from high school by type of  
6 diploma;

7 (II) The performance of pupils on standardized examinations in  
8 math, reading and science;

9 (III) The number of credentials or other certifications in fields of  
10 career and technical education earned by pupils;

11 (IV) The number of pupils who earn a passing score on an advanced  
12 placement examination;

13 (V) The number of pupils who earn a passing score on an  
14 international baccalaureate examination;

15 (VI) The percentage of pupils in each school who lack a sufficient  
16 number of credits to graduate by the end of their 12th grade year;

17 (VII) The percentage of pupils in each school who drop out;

18 (VIII) The number of pupils who enroll in higher education upon  
19 graduation;

20 (IX) The number of pupils who enroll in a vocational or technical  
21 school or apprenticeship training program;

22 (X) The attendance rate for pupils;

23 (XI) The number of violent acts by pupils and disciplinary actions  
24 against pupils; and

25 (XII) Any other metric prescribed by the Commission;

26 (2) Use metrics to measure the improvement of pupils enrolled in  
27 elementary school in literacy which include, without limitation:

28 (I) The literacy rate for pupils in first, third and fifth grades;

29 (II) The number of pupils in elementary school who were promoted  
30 to the next grade after testing below proficient in reading in the immediately  
31 preceding school year, separated by grade level and by level of performance on  
32 the relevant test;

33 (III) The number of schools that employ a licensed teacher  
34 designated to serve as a literacy specialist pursuant to NRS 388.159 and the  
35 number of schools that fail to employ and designate such a licensed teacher; and

36 (IV) Any other metric prescribed by the Commission;

37 (3) Use metrics to measure the ability of public schools to hire and retain  
38 sufficient staff to meet the needs of the public schools which include, without  
39 limitation:

40 (I) The rate of vacancies in positions for teachers, support staff and  
41 administrators;

42 (II) The attendance rate for teachers;

43 (III) The retention rate for teachers;

44 (IV) The number of schools and classrooms within each school in  
45 which the number of pupils in attendance exceeds the designed capacity for the  
46 school or classroom;

47 (V) The number of classes taught by a substitute teacher for more  
48 than 25 percent of the school year; and

49 (VI) Any other metric prescribed by the Commission;

50 (4) Use metrics to measure the extent to which schools meet the needs  
51 and expectations of pupils, parents or legal guardians of pupils, teachers and  
52 administrators which include, without limitation:



(I) The results of an annual survey of satisfaction of school employees;

(II) The results of an annual survey of satisfaction of pupils, parents or legal guardians of pupils and graduates; and

(III) Any other metric prescribed by the Commission;

(5) Identify the progress made by each school, school district and charter school on improving the literacy of pupils enrolled in elementary school;

(6) Make recommendations for strategies to increase the efficacy, efficiency, transparency and accountability of public schools; and

(7) Make recommendations to the Department, school districts and charter schools to improve the reporting, tracking, monitoring, analyzing and dissemination of data relating to pupil achievement and financial accountability, including, without limitation, revisions to the metrics identified in subparagraphs (I) to (4), inclusive.

(g) Review and consider strategies to improve the accessibility of existing and new programs for pupils within and between public schools, including, without limitation, open zoning.

2. The Commission shall present any recommendations pursuant to paragraphs (a) to (d), inclusive, of subsection 1 at a meeting of the Joint Interim Standing Committee on Education for consideration and revision by the Committee. The Joint Interim Standing Committee on Education shall review each recommendation of the Commission and determine whether to transmit the recommendation or a revised version of the recommendation to the Governor or the Legislature.

**Sec. 5.** ~~[NRS 387.12468 is hereby amended to read as follows:~~

~~— 387.12468 1. On or before October 1 of each year, each school district shall create a report that includes a description of the personnel employed and services provided by the school district during the immediately preceding school year and any changes that the school district anticipates making to the personnel and services during the current school year. The school district shall post a copy of the report on the Internet website maintained by the school district.~~

~~— 2. On or before October 1 of each year, each public school shall create a report that includes a description of the personnel employed and services provided by the school during the immediately preceding school year and any changes the school anticipates making to the personnel and services during the current school year. The public school shall post a copy of the report on the Internet website maintained by the public school or, if the public school does not maintain an Internet website, on the Internet website maintained by the school district or the governing body or sponsor of the public school, as applicable.~~

~~— 3. The Department shall prescribe by regulation the format and contents of the information to be provided to create the report created by each school district pursuant to subsection 1 and each public school pursuant to subsection 2. The reports must include, as applicable and without limitation:~~

~~— (a) Each grade level at which the public school enrolls pupils;~~

~~— (b) The number of pupils attending the public school;~~

~~— (c) The average class size at the public school;~~

~~— (d) The number of persons employed by the public school to provide instruction, support to pupils, administrative support and other personnel including, without limitation, the number of employees in any subgroup of each type or classification of personnel as prescribed by the Department;~~

~~— (e) The professional development provided by the public school;~~

~~— (f) The amount of money spent per pupil for supplies, materials, equipment and textbooks;~~



~~(g) For each category of pupils for which the public school receives any additional funding, including, without limitation, pupils with disabilities, pupils who are English learners, at-risk pupils and gifted and talented pupils;~~

~~(1) The number of pupils in each category who attend the public school;~~

~~(2) If the Department determines that pupils within a category must be divided based on severity of need, the number of pupils in each such subcategory; and~~

~~(3) The number of persons employed to provide instruction, support to pupils, administrative support and other personnel employed by the public school and dedicated to providing services to each category or subcategory of pupils, including, without limitation, any subgroup of each kind of personnel prescribed by the Department;~~

~~(h) The total amount of money received to support the operations of the public school, divided by the number of pupils enrolled in the public school and expressed as a per pupil amount;~~

~~(i) The total amount of money received by the public school as statewide base per pupil funding, divided by the number of pupils enrolled full-time in a program of distance education provided by the public school and expressed as a per pupil amount;~~

~~(j) The total amount of money received by the public school as adjusted base per pupil funding, divided by the number of pupils enrolled in the public school, not including pupils enrolled full-time in a program of distance education, and expressed as a per pupil amount; and~~

~~[(j)] (k) The amount of money received by the public school as weighted funding for each category of pupils supported by weighted funding, divided by the number of pupils enrolled in the public school who are identified in the appropriate category and expressed as a per pupil amount for each category.] (Deleted by amendment.)~~

**Sec. 6. 1.** There is hereby appropriated from the State General Fund to the Commission on School Funding created by NRS 387.1246 the sum of ~~[\$320,000]~~ **\$1,500,000** for the cost of conducting the ~~[study of school funding]~~ **studies** required by section 7 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

**Sec. 6.3. 1. There is hereby appropriated from the State General Fund to the Department of Education the sum of \$10,000 in Fiscal Year 2024-2025 for the payment of travel and per diem expenses for members of the Commission on School Funding created by NRS 387.1246.**

**2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.**

Sec. 6.5. 1. There is hereby appropriated from the State General Fund to the Department of Education for the payment of travel and per diem expenses for employees of the Department to attend meetings of the Commission on School Funding created by NRS 387.1246 the following sums:

For the Fiscal Year 2023-2024 ..... \$6,200

For the Fiscal Year 2024-2025 ..... \$6,200

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 7. 1. The Commission on School Funding created by NRS 387.1246 shall conduct an interim study concerning school funding. The study must include, without limitation, an examination of:

(a) Methods to enable small school districts to acquire capital and engage in building improvement and modernization projects, including, without limitation:

(1) The creation of a revolving fund to make loans to small school districts;

(2) The allocation of additional funding to the Nevada State Infrastructure Bank and implementation of changes to statute or regulation as necessary to permit the Nevada State Infrastructure Bank to provide financial assistance to smaller school districts; and

(3) Financial assistance through the Municipal Bond Bank pursuant to NRS 350A.010 to 350A.210, inclusive.

(b) ~~Recommendations for performance metrics to assess the impact of increased investments in K-12 public education and accountability measures to ensure the effective use of such investments in K-12 public education.~~

~~(c)~~ The number of teachers graduating from institutions of higher education in this State each year relative to the number of teacher positions sought to be filled by school districts in this State each year.

~~(d)~~ (c) The classification and compensation of teachers and support personnel at public schools in this State and whether insufficient compensation is contributing to the difficulty in attracting and retaining teachers and support personnel at public schools.

~~(e)~~ (d) Recommendations for changes to the laws governing sales and use tax and property tax to fully fund public schools in this State at an optimal level of funding.

2. The Commission on School Funding created by NRS 387.1246 shall conduct an interim study concerning school accountability. The study must include, without limitation, recommendations for performance metrics to assess the impact of increased investments in K-12 public education and accountability measures to ensure the effective use of such investments in K-12 public education.

3. On or before November 15, 2024, the Commission shall submit a report of its findings, ~~from the studies performed pursuant to subsections 1 and 2,~~ including, without limitation, any recommendations for legislation, to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Nevada Legislature.

1        Sec. 7.5. 1. The terms of the members of the Commission on School  
2 Funding appointed pursuant to NRS 387.1246 who are incumbent on June 30,  
3 2023, expire on that date.

4        2. Notwithstanding the provisions of subsection 4 of NRS 387.1246, as  
5 amended by section 4 of this act, on or before July 1, 2023:

6        (a) The Governor shall:

7        (1) Appoint to the Commission on School Funding to serve initial  
8 terms that expire on July 1, 2025:

9        (I) One member described in paragraph (f) of subsection 2 of NRS  
10 387.1246, as amended by section 4 of this act.

11        (II) One member described in paragraph (g) of subsection 2 of  
12 NRS 387.1246, as amended by section 4 of this act.

13        (2) Appoint to the Commission on School Funding to serve an initial  
14 term that expires on July 1, 2026:

15        (I) One member described in paragraph (a) of subsection 2 of NRS  
16 387.1246, as amended by section 4 of this act.

17        (II) One member described in paragraph (f) of subsection 2 of  
18 NRS 387.1246, as amended by section 4 of this act.

19        (III) One member described in paragraph (g) of subsection 2 of  
20 NRS 387.1246, as amended by section 4 of this act.

21        (b) The Majority Leader of the Senate shall:

22        (1) Appoint to the Commission on School Funding to serve an initial  
23 term that expires on July 1, 2025, one member described in paragraph (b) of  
24 subsection 2 of NRS 387.1246, as amended by section 4 of this act.

25        (2) Appoint to the Commission on School Funding to serve an initial  
26 term that expires on July 1, 2026, one member described in paragraph (b) of  
27 subsection 2 of NRS 387.1246, as amended by section 4 of this act.

28        (c) The Speaker of the Assembly shall:

29        (1) Appoint to the Commission on School Funding to serve an initial  
30 term that expires on July 1, 2025, one member described in paragraph (c) of  
31 subsection 2 of NRS 387.1246, as amended by section 4 of this act.

32        (2) Appoint to the Commission on School Funding to serve an initial  
33 term that expires on July 1, 2026, one member described in paragraph (c) of  
34 subsection 2 of NRS 387.1246, as amended by section 4 of this act.

35        (d) The Minority Leader of the Senate shall appoint to the Commission on  
36 School Funding to serve an initial term that expires on July 1, 2026, one  
37 member described in paragraph (d) of subsection 2 of NRS 387.1246, as  
38 amended by section 4 of this act.

39        (e) The Minority Leader of the Assembly shall appoint to the Commission  
40 on School Funding to serve an initial term that expires on July 1, 2025, one  
41 member described in paragraph (e) of subsection 2 of NRS 387.1246, as  
42 amended by section 4 of this act.

43        3. The Governor, Majority Leader of the Senate, Speaker of the  
44 Assembly, Minority Leader of the Senate and Minority Leader of the  
45 Assembly may reappoint a member of the Commission on School Funding  
46 whose term expires on June 30, 2023, if that member meets the qualifications  
47 for membership prescribed by subsection 2 of NRS 387.1246, as amended by  
48 section 4 of this act.

49        4. The Commission on School Funding shall hold its first meeting during  
50 Fiscal Year 2023-2024 not later than September 1, 2023.

51        5. As used in this section, "Commission on School Funding" means the  
52 Commission on School Funding created by NRS 387.1246, as amended by  
53 section 4 of this act.

1       **Sec. 8.**   This act becomes effective on July 1, 2023.