

ASSEMBLY BILL NO. 579—COMMITTEE ON WAYS AND MEANS

JUNE 4, 2011

Referred to Committee on Ways and Means

SUMMARY—Ensures sufficient funding for K-12 public education for the 2011-2013 biennium. (BDR S-1304)

FISCAL NOTE: Effect on Local Government: No.
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; ensuring sufficient funding for K-12 public education for the 2011-2013 biennium; apportioning the State Distributive School Account in the State General Fund for the 2011-2013 biennium; authorizing certain expenditures; making appropriations for purposes relating to basic support, class-size reduction and other educational purposes; temporarily diverting the money from the State Supplemental School Support Fund to the State Distributive School Account for use in funding operating costs and other expenditures of school districts; revising provisions governing local funds available for certain school districts for the 2011-2013 biennium; and providing other matters properly relating thereto.

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

- 1 **Section 1.** The basic support guarantee for school districts for
2 operating purposes for the 2011-2012 Fiscal Year is an estimated
3 weighted average of \$5,263 per pupil. For each respective school
4 district, the basic support guarantee per pupil for the 2011-2012
5 Fiscal Year is:
- | | | |
|---|-------------|---------|
| 6 | Carson City | \$5,992 |
| 7 | Churchill | \$6,053 |
| 8 | Clark | \$5,136 |



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| | | |
|----|------------|----------|
| 1 | Douglas | \$5,237 |
| 2 | Elko | \$6,314 |
| 3 | Esmeralda | \$18,403 |
| 4 | Eureka | \$100 |
| 5 | Humboldt | \$5,718 |
| 6 | Lander | \$100 |
| 7 | Lincoln | \$9,815 |
| 8 | Lyon | \$6,613 |
| 9 | Mineral | \$8,439 |
| 10 | Nye | \$6,572 |
| 11 | Pershing | \$8,987 |
| 12 | Storey | \$6,914 |
| 13 | Washoe | \$5,193 |
| 14 | White Pine | \$6,560 |

15 **Sec. 2.** 1. The basic support guarantee for school districts for
 16 operating purposes for the 2012-2013 Fiscal Year is an estimated
 17 weighted average of \$5,374 per pupil.

18 2. On or before April 1, 2012, the Executive Director of the
 19 Department of Taxation shall provide to the Superintendent of
 20 Public Instruction the certified total of the amount of ad valorem
 21 taxes to be received by each school district for Fiscal Year 2012-
 22 2013 pursuant to the levy imposed under subsection 1 of NRS
 23 387.195 and credited to the county's school district fund pursuant to
 24 subsection 4 of NRS 387.195.

25 3. Pursuant to NRS 362.115, on or before March 15 of each
 26 year, the Department of Taxation shall provide an estimate of the
 27 net proceeds of minerals based upon the statements required of mine
 28 operators.

29 4. For purposes of establishing the basic support guarantee, the
 30 estimated basic support guarantees per pupil for each school district
 31 for the 2012-2013 Fiscal Year for operating purposes are:

| 32 | 33 | 34 | 35 | 36 | 37 |
|----|-------------------|------------|-------------------|--------------------|----|
| | Basic | Estimated | Estimated | Estimated | |
| | Support | Ad Valorem | Ad Valorem | Basic | |
| | Guarantee | Adjustment | Adjustment | Support | |
| | Before | | | Guarantee | |
| 38 | <u>Adjustment</u> | | <u>Adjustment</u> | <u>as Adjusted</u> | |
| 38 | Carson City | \$5,193 | \$907 | \$6,100 | |
| 39 | Churchill | \$5,115 | \$974 | \$6,089 | |
| 40 | Clark | \$4,378 | \$871 | \$5,249 | |
| 41 | Douglas | \$3,250 | \$2,063 | \$5,313 | |
| 42 | Elko | \$5,660 | \$752 | \$6,412 | |
| 43 | Esmeralda | \$13,388 | \$5,005 | \$18,393 | |
| 44 | Eureka | (\$41,499) | \$41,599 | \$100 | |
| 45 | Humboldt | \$4,417 | \$1,424 | \$5,841 | |



| | Basic Support Guarantee Before Adjustment | Estimated Ad Valorem Adjustment | Estimated Basic Support Guarantee as Adjusted |
|----|---|---------------------------------------|---|
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | <u>School District</u> | | |
| 6 | Lander | (\$10,053) | \$10,153 |
| 7 | Lincoln | \$9,059 | \$921 |
| 8 | Lyon | \$5,970 | \$745 |
| 9 | Mineral | \$7,525 | \$1,066 |
| 10 | Nye | \$5,707 | \$985 |
| 11 | Pershing | \$7,818 | \$1,268 |
| 12 | Storey | \$650 | \$6,325 |
| 13 | Washoe | \$4,352 | \$958 |
| 14 | White Pine | \$5,135 | \$1,511 |
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5. The ad valorem adjustment may be made only to take into account the difference in the ad valorem taxes to be received and the estimated enrollment of the school district between the amount estimated as of March 1, 2011, and the amount estimated as of March 1, 2012, for the 2012-2013 Fiscal Year. Estimates of net proceeds of minerals received from the Department of Taxation on or before March 15 pursuant to subsection 3 must be taken into consideration in determining the adjustment.

6. Upon receipt of the certified total of ad valorem taxes to be received by each school district for Fiscal Year 2012-2013 pursuant to subsection 2, the Superintendent of Public Instruction shall recalculate the ad valorem adjustment and the tentative basic support guarantee for operating purposes for each school district for the 2012-2013 Fiscal Year based on the certified total of ad valorem taxes provided by the Executive Director of the Department of Taxation pursuant to subsection 2. The final basic support guarantee for each school district for the 2012-2013 Fiscal Year is the amount, which is recalculated for the 2012-2013 Fiscal Year pursuant to this section, taking into consideration estimates of net proceeds of minerals received from the Department of Taxation on or before March 15, 2012. The basic support guarantee recalculated pursuant to this section must be calculated on or before May 31, 2012.

Sec. 3. 1. The basic support guarantee for each special education program unit that is maintained and operated for at least 9 months of a school year is \$39,768 in the 2011-2012 Fiscal Year and \$39,768 in the 2012-2013 Fiscal Year, except as limited by subsection 2.

2. The maximum number of units and amount of basic support for special education program units within each of the school



1 districts, before any reallocation pursuant to NRS 387.1221, for the
2 Fiscal Years 2011-2012 and 2012-2013 are:

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| | <u>Allocation of Special Education Units</u> | | | |
|-----------------------|--|---------------|------------------|---------------|
| | <u>2011-2012</u> | | <u>2012-2013</u> | |
| <u>DISTRICT</u> | <u>Units</u> | <u>Amount</u> | <u>Units</u> | <u>Amount</u> |
| 7 Carson City | 81 | \$3,221,208 | 81 | \$3,221,208 |
| 8 Churchill County | 47 | \$1,869,096 | 47 | \$1,869,096 |
| 9 Clark County | 1,925 | \$76,553,400 | 1,925 | \$76,553,400 |
| 10 Douglas County | 70 | \$2,783,760 | 70 | \$2,783,760 |
| 11 Elko County | 84 | \$3,340,512 | 84 | \$3,340,512 |
| 12 Esmeralda County | 1 | \$39,768 | 1 | \$39,768 |
| 13 Eureka County | 3 | \$119,304 | 3 | \$119,304 |
| 14 Humboldt County | 32 | \$1,272,576 | 32 | \$1,272,576 |
| 15 Lander County | 12 | \$477,216 | 12 | \$477,216 |
| 16 Lincoln County | 18 | \$715,824 | 18 | \$715,824 |
| 17 Lyon County | 63 | \$2,505,384 | 63 | \$2,505,384 |
| 18 Mineral County | 8 | \$318,144 | 8 | \$318,144 |
| 19 Nye County | 58 | \$2,306,544 | 58 | \$2,306,544 |
| 20 Pershing County | 16 | \$636,288 | 16 | \$636,288 |
| 21 Storey County | 8 | \$318,144 | 8 | \$318,144 |
| 22 Washoe County | 567 | \$22,548,456 | 567 | \$22,548,456 |
| 23 White Pine County | 16 | \$636,288 | 16 | \$636,288 |
| 24 Subtotal | 3,009 | \$119,661,912 | 3,009 | \$119,661,912 |
| 25 Reserved by State | | | | |
| 26 Board of Education | 40 | \$1,590,720 | 40 | \$1,590,720 |
| 27 TOTAL | 3,049 | \$121,252,632 | 3,049 | \$121,252,632 |

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29 3. The State Board of Education shall reserve 40 special
30 education program units in each fiscal year of the 2011-2013
31 biennium, to be allocated to school districts by the State Board of
32 Education to meet additional needs that cannot be met by the
33 allocations provided in subsection 2 to school districts for that fiscal
34 year. In addition, charter schools in this State are authorized to apply
35 directly to the Department of Education for the reserved special
36 education program units, which may be allocated upon approval of
37 the State Board of Education.

38 4. Notwithstanding the provisions of subsections 2 and 3, the
39 State Board of Education is authorized to spend from the State
40 Distributive School Account up to \$158,414 in the Fiscal Year
41 2011-2012 and \$162,163 in the Fiscal Year 2012-2013 for
42 instructional programs incorporating educational technology for
43 gifted and talented pupils. Any school district may submit a written
44 application to the Department of Education requesting an allocation
45 for gifted and talented pupils. For each fiscal year of the 2011-2013



1 biennium, the Department will award the gifted and talented
2 amounts based on a review of applications received from school
3 districts.

4 **Sec. 4.** 1. There is hereby appropriated from the State
5 General Fund to the State Distributive School Account created by
6 NRS 387.030:

7 For the 2011-2012 Fiscal Year..... \$1,088,280,727
8 For the 2012-2013 Fiscal Year..... \$1,111,331,100

9 2. The money appropriated by subsection 1 must be:

10 (a) Expended in accordance with NRS 353.150 to 353.245,
11 inclusive, concerning the allotment, transfer, work program and
12 budget; and

13 (b) Work-programmed for the 2 separate Fiscal Years 2011-
14 2012 and 2012-2013, as required by NRS 353.215. Work programs
15 may be revised with the approval of the Governor upon the
16 recommendation of the Chief of the Budget Division of the
17 Department of Administration.

18 3. Transfers to and allotments from must be allowed and made
19 in accordance with NRS 353.215 to 353.225, inclusive, after
20 separate consideration of the merits of each request.

21 4. The sums appropriated by subsection 1 are available for
22 either fiscal year or may be transferred to Fiscal Year 2010-2011.
23 Money may be transferred from one fiscal year to another with the
24 approval of the Governor upon the recommendation of the Chief of
25 the Budget Division of the Department of Administration. If funds
26 appropriated by subsection 1 are transferred to Fiscal Year 2010-
27 2011, any remaining funds in the State Distributive School Account
28 after all obligations have been met that are not subject to reversion
29 to the State General Fund must be transferred back to Fiscal Year
30 2011-2012. Any amount transferred back to Fiscal Year 2011-2012
31 must not exceed the amount originally transferred to Fiscal Year
32 2010-2011.

33 5. Any remaining balance of the appropriation made by
34 subsection 1 for the 2011-2012 Fiscal Year must be transferred and
35 added to the money appropriated for the 2012-2013 Fiscal Year and
36 may be expended as that money is expended.

37 6. Any remaining balance of the appropriation made by
38 subsection 1 for the 2012-2013 Fiscal Year, including any money
39 added thereto pursuant to the provisions of subsections 3 and 5,
40 must not be committed for expenditure after June 30, 2013,
41 and must be reverted to the State General Fund on or before
42 September 20, 2013.

43 **Sec. 5.** 1. Expenditure of \$252,616,844 by the Department of
44 Education from money in the State Distributive School Account that



1 was not appropriated from the State General Fund is hereby
2 authorized during the fiscal year beginning July 1, 2011.

3 2. Expenditure of \$259,998,237 by the Department of
4 Education from money in the State Distributive School Account that
5 was not appropriated from the State General Fund is hereby
6 authorized during the fiscal year beginning July 1, 2012.

7 3. For purposes of accounting and reporting, the sums
8 authorized for expenditure by subsections 1 and 2 are considered to
9 be expended before any appropriation is made to the State
10 Distributive School Account from the State General Fund.

11 4. The money authorized to be expended by subsections 1 and
12 2 must be expended in accordance with NRS 353.150 to 353.245,
13 inclusive, concerning the allotment, transfer, work program and
14 budget. Transfers to and allotments from must be allowed and made
15 in accordance with NRS 353.215 to 353.225, inclusive, after
16 separate consideration of the merits of each request.

17 5. The Chief of the Budget Division of the Department of
18 Administration may, with the approval of the Governor, authorize
19 the augmentation of the amounts authorized for expenditure by the
20 Department of Education, in subsections 1 and 2, for the purpose of
21 meeting obligations of the State incurred under chapter 387 of NRS
22 with amounts from any other state agency, from any agency of local
23 government, from any agency of the Federal Government or from
24 any other source that he or she determines is in excess of the amount
25 taken into consideration by this act. The Chief of the Budget
26 Division shall reduce any authorization whenever he or she
27 determines that money to be received will be less than the amount
28 authorized in subsections 1 and 2.

29 **Sec. 6.** During each of the Fiscal Years 2011-2012 and 2012-
30 2013, whenever the State Controller finds that current claims against
31 the State Distributive School Account exceed the amount available
32 in the Account to pay those claims, the State Controller may
33 advance temporarily from the State General Fund to the State
34 Distributive School Account the amount required to pay the claims,
35 but not more than the amount expected to be received in the current
36 fiscal year from any source authorized for the State Distributive
37 School Account. No amount may be transferred unless requested by
38 the Chief of the Budget Division of the Department of
39 Administration.

40 **Sec. 7.** The Department of Education is hereby authorized to
41 spend from the State Distributive School Account the sums of
42 \$17,011,957 for the 2011-2012 Fiscal Year and \$17,758,916 for the
43 2012-2013 Fiscal Year for the support of courses which are
44 approved by the Department of Education as meeting the course of
45 study for an adult standard high school diploma as approved by the



1 State Board of Education. In each fiscal year of the 2011-2013
2 biennium, the sum authorized must be allocated among the various
3 school districts in accordance with a plan or formula developed by
4 the Department of Education to ensure that the money is distributed
5 equitably and in a manner that permits accounting for the
6 expenditures of school districts.

7 **Sec. 8.** The Department of Education is hereby authorized to
8 provide from the State Distributive School Account the sum of
9 \$50,000 to each of the 17 school districts in each fiscal year of the
10 2011-2013 biennium to support special counseling services for
11 elementary school pupils at risk of failure.

12 **Sec. 9.** The amounts of the guarantees set forth in sections 1
13 and 2 of this act may be reduced to effectuate a reserve required
14 pursuant to NRS 353.225.

15 **Sec. 10.** 1. The Department of Education shall transfer from
16 the State Distributive School Account the following sums for early
17 childhood education:

18 For the Fiscal Year 2011-2012..... \$3,338,875
19 For the Fiscal Year 2012-2013..... \$3,338,875

20 2. The money transferred by subsection 1 must be used by the
21 Department of Education for competitive state grants to school
22 districts and community-based organizations for early childhood
23 education programs.

24 3. To receive a grant of money pursuant to subsection 2, school
25 districts and community-based organizations must submit a
26 comprehensive plan to the Department of Education that includes,
27 without limitation:

28 (a) A detailed description of the proposed early childhood
29 education program;

30 (b) A description of the manner in which the money will be
31 used, which must supplement and not replace the money that would
32 otherwise be expended for early childhood education programs; and

33 (c) A plan for the longitudinal evaluation of the program to
34 determine the effectiveness of the program on the academic
35 achievement of children who participate in the program.

36 4. A school district or community-based organization that
37 receives a grant of money shall:

38 (a) Use the money to establish or expand prekindergarten
39 education programs.

40 (b) Use the money to supplement and not replace the money that
41 the school district or community-based organization would
42 otherwise expend for early childhood education programs, as
43 described in this section.

44 (c) Use the money to pay for the salaries and other items directly
45 related to the instruction of pupils in the classroom.



1 (d) Submit a longitudinal evaluation of the program in
2 accordance with the plan submitted pursuant to paragraph (c) of
3 subsection 3.

4 ➤ The money must not be used to remodel classrooms or facilities
5 or for playground equipment.

6 5. The Department of Education shall develop statewide
7 performance and outcome indicators to measure the effectiveness of
8 the early childhood education programs for which grants of money
9 were awarded pursuant to this section. In developing the indicators,
10 the Department shall establish minimum performance levels and
11 increase the expected performance rates on a yearly basis, based
12 upon the performance results of the participants. The indicators
13 must include, without limitation:

14 (a) Longitudinal measures of the developmental progress of
15 children before and after their completion of the program;

16 (b) Longitudinal measures of parental involvement in the
17 program before and after completion of the program; and

18 (c) The percentage of participants who drop out of the program
19 before completion.

20 6. The Department of Education shall review the evaluations of
21 the early childhood education programs submitted by each school
22 district and community-based organization pursuant to paragraph (d)
23 of subsection 4 and prepare a compilation of the evaluations for
24 inclusion in the report submitted pursuant to subsection 7.

25 7. The Department of Education shall, on an annual basis,
26 provide a written report to the Governor, the Legislative Committee
27 on Education and the Legislative Bureau of Educational
28 Accountability and Program Evaluation regarding the effectiveness
29 of the early childhood education programs for which grants of
30 money were received. The report must include, without limitation:

31 (a) The number of grants awarded;

32 (b) An identification of each school district and community-
33 based organization that received a grant of money and the amount of
34 each grant awarded;

35 (c) For each school district and community-based organization
36 that received a grant of money:

37 (1) The number of children who received services through a
38 program funded by the grant for each year that the program received
39 funding from the State for early childhood education programs; and

40 (2) The average per child expenditure for the program for
41 each year the program received funding from the State for early
42 childhood education programs;

43 (d) A compilation of the evaluations reviewed pursuant to
44 subsection 6 that includes, without limitation:



1 (1) A longitudinal comparison of the data showing the
2 effectiveness of the different programs; and

3 (2) A description of the programs in this State that are the
4 most effective;

5 (e) Based upon the performance of children in the program on
6 established performance and outcome indicators, a description of
7 revised performance and outcome indicators, including any revised
8 minimum performance levels and performance rates; and

9 (f) Any recommendations for legislation.

10 8. The sums transferred by subsection 1 are available for either
11 fiscal year. Any remaining balance of those sums must not be
12 committed for expenditure after June 30, 2013, and must be reverted
13 to the State Distributive School Account on or before September 20,
14 2013.

15 **Sec. 11.** The sums transferred in section 10 of this act:

16 1. Must be accounted for separately from any other money
17 received by the school districts of this State and used only for the
18 purposes specified in section 10 of this act.

19 2. May not be used to settle or arbitrate disputes between a
20 recognized organization representing employees of a school district
21 and the school district, or to settle any negotiations.

22 3. May not be used to adjust the district-wide schedules of
23 salaries and benefits of the employees of a school district.

24 **Sec. 12.** 1. The Department of Education shall transfer from
25 the State Distributive School Account the following sums for
26 special transportation costs to school districts:

27 For the 2011-2012 school year..... \$128,541

28 For the 2012-2013 school year..... \$128,541

29 2. Pursuant to NRS 392.015, the Department of Education shall
30 use the money transferred in subsection 1 to reimburse school
31 districts for the additional costs of transportation for any pupil to a
32 school outside the school district in which his or her residence is
33 located.

34 **Sec. 13.** 1. The Department of Education shall transfer from
35 the State Distributive School Account to the school districts the
36 following sums to pay the increase of salaries of professional school
37 library media specialists required by NRS 391.160:

38 For the Fiscal Year 2011-2012..... \$18,798

39 For the Fiscal Year 2012-2013..... \$18,798

40 2. The sums transferred pursuant to subsection 1 are available
41 for either fiscal year. Any remaining balance of those sums must not
42 be committed for expenditure after June 30, 2013, and must be
43 reverted to the State Distributive School Account on or before
44 September 20, 2013.



1 **Sec. 14.** Each school district shall expend the revenue made
2 available through this act, as well as other revenue from state, local
3 and federal sources, in a manner which is consistent with NRS
4 288.150 and which is designed to attain the goals of the Legislature
5 regarding educational reform in this State, especially with regard to
6 assisting pupils in need of remediation and pupils who are not
7 proficient in the English language. Materials and supplies for
8 classrooms are subject to negotiation by employers with recognized
9 employee organizations.

10 **Sec. 15.** The Legislature hereby finds and declares that:

11 1. The intended goal of the Legislature is to achieve a pupil-
12 teacher ratio of not more than 15 pupils per teacher or 30 pupils per
13 two teachers in kindergarten and grades 1, 2 and 3 where core
14 curriculum is taught;

15 2. Available money is estimated to provide a sufficient number
16 of teachers to achieve in each school district pupil-teacher ratios of
17 16 pupils per teacher in selected kindergarten classrooms in which
18 pupils are most at risk of failure and in grades 1 and 2 in Fiscal
19 Years 2011-2012 and 2012-2013, and to achieve a pupil-teacher
20 ratio in grade 3 of 19 pupils per teacher in Fiscal Years 2011-2012
21 and 2012-2013;

22 3. For the 2011-2012 Fiscal Year and the 2012-2013 Fiscal
23 Year, available money is estimated to achieve the ratios set forth in
24 subsection 2. However, in recognition of the significant downturn in
25 the national and state economies and to allow school districts
26 flexibility in addressing budget shortfalls during this fiscal crisis and
27 notwithstanding the provisions of NRS 388.700, 388.710 and
28 388.720 to the contrary, a school district may, for the 2011-2012
29 school year and the 2012-2013 school year, elect to increase the
30 class size by not more than two pupils per teacher to achieve ratios
31 of 18 pupils per teacher in grades 1 and 2, and 21 pupils per teacher
32 in grade 3. If a school district elects to increase class size as
33 authorized by this subsection:

34 (a) All money that would have otherwise been expended by the
35 school district to achieve the class sizes set forth in subsection 2
36 must be used to minimize the impact of budget reductions on class
37 sizes in grades 4 to 12, inclusive;

38 (b) The reduction of class sizes in grades 4 to 12, inclusive, must
39 be fiscally neutral such that the plan to reduce the ratios in those
40 grades will not cost more to carry out than complying with the ratios
41 prescribed by subsection 2; and

42 (c) All plans and reports concerning class size made by the
43 school district to the Department of Education must include the
44 pupil-teacher ratios achieved for each grade level, including grades
45 1, 2 and 3 and grades 4 to 12, inclusive;



1 4. Certain school districts do not have a sufficient number of
2 classrooms available to permit an average class size of 19 pupils per
3 teacher in grade 3;

4 5. It is unreasonable to assign two teachers to classrooms of 38
5 pupils to attain a district-wide pupil-teacher ratio of 19 pupils per
6 teacher in grade 3;

7 6. School districts may, instead, attain the desired pupil-teacher
8 ratio in classes where core curriculum is taught by using alternative
9 methods of reducing the ratio, such as employing teachers to
10 provide remedial instruction;

11 7. School districts may wish to use money for class-size
12 reduction to carry out programs that have been found to be effective
13 in improving academic achievement;

14 8. The Legislature has specifically designed the laws relating to
15 class-size reduction to allow the local school districts the necessary
16 discretion to effectuate the reduction in the manner appropriate in
17 their respective districts;

18 9. School districts are encouraged, to the extent possible, to
19 further reduce the pupil-teacher ratio in each classroom in the
20 district for grades 1, 2 and 3 for which additional funding is
21 provided;

22 10. The Legislature intends to continue the reduced pupil-
23 teacher ratio for selected kindergarten classrooms in which pupils
24 are most at risk of failure and for grades 1 and 2 throughout the
25 State and to continue reducing the pupil-teacher ratio in grade 3; and

26 11. Thereafter, the intended goal of the Legislature is to reduce
27 the pupil-teacher ratio per class in grade 3 to not more than 15
28 pupils per class, thereafter to reduce the pupil-teacher ratio per class
29 in grades 4, 5 and 6 to not more than 22 pupils per class and
30 thereafter to reduce the pupil-teacher ratio per class in grades 7 to
31 12, inclusive, to not more than 25 pupils per class.

32 **Sec. 16.** 1. The Department of Education shall transfer from
33 the State Distributive School Account the sum of \$140,768,048 for
34 distribution by the Superintendent of Public Instruction to the
35 county school districts for Fiscal Year 2011-2012 which must,
36 except as otherwise provided in subsection 3 of section 15 of this act
37 and sections 18 and 19 of this act, be used to employ teachers to
38 comply with the required ratio of pupils to teachers, as set forth in
39 NRS 388.700, in grades 1 and 2 and in selected kindergartens with
40 pupils who are considered at risk of failure by the Superintendent of
41 Public Instruction and to maintain the current ratio of pupils per
42 teacher in grade 3. Expenditures for the class-size reduction
43 program must be accounted for in a separate category of expenditure
44 in the State Distributive School Account.



1 2. Except as otherwise provided in subsection 3 of section 15
2 of this act and sections 18 and 19 of this act, the money transferred
3 by subsection 1 must be used to pay the salaries and benefits of not
4 less than 2,127 teachers employed by school districts to meet the
5 required pupil-teacher ratios in the 2011-2012 school year.

6 3. Any remaining balance of the sum transferred by subsection
7 1 must not be committed for expenditure after June 30, 2012, and
8 must be transferred and added to the money appropriated to the
9 State Distributive School Account pursuant to section 4 of this act
10 for the 2012-2013 Fiscal Year, and may be expended as the money
11 in section 17 of this act is expended.

12 **Sec. 17.** 1. The Department of Education shall transfer from
13 the State Distributive School Account the sum of \$144,222,019 for
14 distribution by the Superintendent of Public Instruction to the
15 county school districts for Fiscal Year 2012-2013 which must,
16 except as otherwise provided in subsection 3 of section 15 of this act
17 and sections 18 and 19 of this act, be used to employ teachers to
18 comply with the required ratio of pupils to teachers, as set forth in
19 NRS 388.700, in grades 1 and 2 and in selected kindergartens with
20 pupils who are considered at risk of failure by the Superintendent of
21 Public Instruction and to maintain the current ratio of pupils per
22 teacher in grade 3. Expenditures for the class-size reduction
23 program must be accounted for in a separate category of expenditure
24 in the State Distributive School Account.

25 2. Except as otherwise provided in subsection 3 of section 15
26 of this act and sections 18 and 19 of this act, the money transferred
27 by subsection 1 must be used to pay the salaries and benefits of not
28 less than 2,144 teachers employed by school districts to meet the
29 required pupil-teacher ratios in the 2012-2013 school year.

30 3. Any remaining balance of the sum transferred by subsection
31 1, including any money added thereto pursuant to section 16 of this
32 act, must not be committed for expenditure after June 30, 2013,
33 and must be reverted to the State General Fund on or before
34 September 20, 2013.

35 **Sec. 18.** 1. The board of trustees of each county school
36 district:

37 (a) Shall file a plan with the Superintendent of Public Instruction
38 describing how the money transferred pursuant to sections 16 and
39 17 of this act will be used to comply with the required ratio of pupils
40 to teachers in kindergarten and grades 1, 2 and 3 or with the ratio
41 authorized by subsection 3 of section 15 of this act;

42 (b) May, after receiving approval of the plan from the
43 Superintendent of Public Instruction, use the money appropriated by
44 sections 16 and 17 of this act to carry out:



1 (1) An alternative program for reducing the ratio of pupils
2 per teacher, including, without limitation, any legislatively approved
3 program of flexibility; or

4 (2) Programs of remedial education that have been found to
5 be effective in improving pupil achievement in grades 1, 2 and 3, so
6 long as the combined ratio of pupils per teacher in the aggregate of
7 kindergarten and grades 1, 2 and 3 of the school district does not
8 exceed the combined ratio of pupils per teacher in the aggregate of
9 kindergarten and grades 1, 2 and 3 of the school district in the 2004-
10 2005 school year.

11 ➤ The plan approved by the Superintendent of Public Instruction
12 must describe the method to be used by the school district to
13 evaluate the effectiveness of the alternative program or remedial
14 education programs in improving pupil achievement.

15 2. In no event must the provisions of this section be construed
16 to authorize the board of trustees of a school district in a county
17 whose population is 100,000 or more to develop an alternative plan
18 for the reduction of pupil-teacher ratios pursuant to subsection 2 of
19 NRS 388.720.

20 **Sec. 19.** 1. The money transferred for class-size reduction
21 pursuant to sections 16 and 17 of this act:

22 (a) May be applied first to pupils considered most at risk of
23 failure.

24 (b) Must not be used to settle or arbitrate disputes between a
25 recognized organization representing employees of a school district
26 and the school district, or to settle any negotiations.

27 (c) Must not be used to adjust the district-wide schedules of
28 salaries and benefits of the employees of a school district.

29 2. The money transferred for class-size reduction pursuant to
30 sections 16 and 17 of this act must not be distributed to a school
31 district unless that school district has:

32 (a) Filed with the Department of Education a plan required by
33 NRS 388.720 for achieving the required ratio set forth in NRS
34 388.700; and

35 (b) Demonstrated that, from resources of the school district
36 other than allocations received from the State Distributive School
37 Account for class-size reduction, a sufficient number of classroom
38 teachers have been employed to maintain the average pupil-teacher
39 ratio that existed for each grade for grades 1, 2 and 3, in that school
40 district for the 3 school years immediately preceding the start of the
41 class-size reduction program in the 1990-1991 school year.

42 **Sec. 20.** 1. There is hereby appropriated from the State
43 General Fund to the Other State Education Programs Account in the
44 State General Fund the following sums:



1 For the Fiscal Year 2011-2012..... \$7,955,911
 2 For the Fiscal Year 2012-2013..... \$7,563,582

3 2. The money appropriated by subsection 1 must be expended
 4 in accordance with NRS 353.150 to 353.245, inclusive, concerning
 5 the allotment, transfer, work program and budget. Transfers to and
 6 allotments from must be allowed and made in accordance with NRS
 7 353.215 to 353.225, inclusive, after separate consideration of the
 8 merits of each request.

9 3. The money appropriated by subsection 1 to finance specific
 10 programs as outlined in this subsection are available for both Fiscal
 11 Years 2011-2012 and 2012-2013 and may be transferred from one
 12 fiscal year to the other with the approval of the Interim Finance
 13 Committee upon the recommendation of the Governor as follows:

14 (a) A total of \$54,870 in both Fiscal Year 2011-2012 and Fiscal
 15 Year 2012-2013 for successful completion of the National Board
 16 Teacher Certification Program;

17 (b) A total of \$668,742 in both Fiscal Year 2011-2012 and
 18 Fiscal Year 2012-2013 for Counselor National Board Certification;

19 (c) A total of \$449,142 in both Fiscal Year 2011-2012 and
 20 Fiscal Year 2012-2013 for LEA library books;

21 (d) A total of \$1,912,241 in both Fiscal Year 2011-2012 and
 22 Fiscal Year 2012-2013 for educational technology; and

23 (e) A total of \$3,543,822 in both Fiscal Year 2011-2012 and
 24 Fiscal Year 2012-2013 for career and technical education.

25 4. Except as otherwise provided in subsection 3, unencumbered
 26 balances of the appropriations made by this section for the Fiscal
 27 Years 2011-2012 and 2012-2013 must not be committed for
 28 expenditure after June 30 of each fiscal year. Except as otherwise
 29 provided in subsection 3, unencumbered balances of these
 30 appropriations revert to the State General Fund on or before
 31 September 21, 2012, and September 20, 2013, for each fiscal year
 32 respectively.

33 **Sec. 21.** 1. There is hereby appropriated from the State
 34 General Fund to the Account for Programs for Innovation and the
 35 Prevention of Remediation created by NRS 385.379 the following
 36 sums:

37 For the Fiscal Year 2011-2012..... \$31,726,287
 38 For the Fiscal Year 2012-2013..... \$32,209,593

39 2. The money appropriated by subsection 1, excluding those
 40 sums set forth in sections 23 and 24 of this act, must be expended in
 41 accordance with NRS 353.150 to 353.245, inclusive, concerning the
 42 allotment, transfer, work program and budget. Transfers to and
 43 allotments from must be allowed and made in accordance with NRS
 44 353.215 to 353.225, inclusive, after separate consideration of the
 45 merits of each request.



* A B 5 7 9 *

1 3. Except as otherwise provided in sections 23 and 24 of this
2 act, the amounts appropriated by subsection 1 must be allocated to
3 the school districts pursuant to section 22 of this act for the
4 continuation of the full-day kindergarten program established
5 pursuant to Assembly Bill No. 4 of the 22nd Special Session,
6 chapter 3, Statutes of Nevada 2005, at page 91.

7 **Sec. 22.** 1. Except as otherwise provided in sections 23 and
8 24 of this act, the Department of Education shall distribute the
9 appropriation made by section 21 of this act to school districts that
10 elect to provide full-day kindergarten. In no event is a school district
11 required to submit an application for an allocation of money or
12 otherwise required to provide full-day kindergarten.

13 2. Except as otherwise provided in subsection 3, a school
14 district that elects to receive an allocation of money pursuant to this
15 section shall use the money to provide full-day kindergarten in each
16 school within the school district that is prioritized for full-day
17 kindergarten based upon the percentage of pupils enrolled in the
18 school who are eligible for free or reduced price lunches pursuant to
19 42 U.S.C. §§ 1751 et seq. A school district shall allocate the money
20 by assigning first priority to those schools within the school district
21 that have the highest percentage of pupils who are eligible for free
22 or reduced price lunches. If a school within a school district that is
23 required to provide full-day kindergarten pursuant to this section
24 currently provides full-day kindergarten with money that it receives
25 from the Federal Government or other funding allocations, the
26 school may redirect that money, to the extent authorized by
27 applicable federal law, for other programs of remediation at the
28 school and use the money provided by the Department of Education
29 from the allocation to provide full-day kindergarten.

30 3. A school that is otherwise required to provide full-day
31 kindergarten pursuant to subsection 2 may opt out of providing full-
32 day kindergarten.

33 4. A parent or legal guardian of a pupil who is otherwise zoned
34 to attend a public school that provides full-day kindergarten
35 pursuant to this section may request that the pupil not be enrolled in
36 full-day kindergarten. The school district in which the pupil is
37 enrolled shall grant the request and ensure that the pupil is allowed
38 to attend kindergarten, whether at the zoned school or another
39 school, for less than a full day.

40 **Sec. 23.** 1. The Department of Education shall transfer from
41 the Account for Programs for Innovation and the Prevention of
42 Remediation created by NRS 385.379 to the school districts
43 specified in this section the following sums for Fiscal Years 2011-
44 2012 and 2012-2013:



| <u>School District</u> | <u>2011-2012</u> | <u>2012-2013</u> |
|-------------------------------|------------------|------------------|
| Clark County School District | \$3,983,356 | \$3,983,356 |
| Elko County School District | \$1,335,736 | \$1,335,736 |
| Washoe County School District | \$2,141,856 | \$2,141,856 |
| TOTAL: | \$7,460,948 | \$7,460,948 |

2. A school district that receives an allocation pursuant to subsection 1 shall serve as fiscal agent for the respective regional training program for the professional development of teachers and administrators. As fiscal agent, each school district is responsible for payment, collection and holding of all money received from this State for the maintenance and support of the regional training program for the professional development of teachers and administrators and the Nevada Early Literacy Intervention Program established and operated by the applicable governing body.

3. Any remaining balance of the transfers made by subsection 1 for the 2011-2012 Fiscal Year must be added to the money received by the school districts for the 2012-2013 Fiscal Year and may be expended as that money is expended. Any remaining balance of the transfers made by subsection 1 for the 2012-2013 Fiscal Year, including any money added from the transfer for the previous fiscal year, must not be committed for expenditure after June 30, 2013, and must be reverted to the State General Fund on or before September 20, 2013.

Sec. 24. 1. The Department of Education shall transfer from the Account for Programs for Innovation and the Prevention of Remediation created by NRS 385.379 to the Statewide Council for the Coordination of the Regional Training Programs created by NRS 391.516 the sum of \$100,000 in Fiscal Years 2011-2012 and 2012-2013 for additional training opportunities for educational administrators in Nevada.

2. The Statewide Council shall use the money:

(a) To disseminate research-based knowledge related to effective educational leadership behaviors and skills.

(b) To develop, support and maintain ongoing activities, programs, training and networking opportunities.

(c) For purposes of providing additional training for educational administrators, including, without limitation, to pay:

(1) Travel expenses of administrators who attend the training program;

(2) Travel and per diem expenses for any consultants contracted to provide additional training; and

(3) Any charges to obtain a conference room for the provision of the additional training.



1 (d) To supplement and not replace the money that the school
2 district or the regional training program would otherwise expend for
3 the training of administrators as described in this section.

4 3. Any remaining balance of the transfers made by subsection
5 1 for the 2011-2012 Fiscal Year must be added to the money
6 received by the Statewide Council for the 2012-2013 Fiscal Year
7 and may be expended as that money is expended. Any remaining
8 balance of the transfers made by subsection 1 for the 2012-2013
9 Fiscal Year, including any money added from the transfer for the
10 previous fiscal year, must not be committed for expenditure after
11 June 30, 2013, and must be reverted to the State General Fund on or
12 before September 20, 2013.

13 **Sec. 25.** 1. Notwithstanding the provisions of subsection 2 of
14 section 26 of chapter 389, Statutes of Nevada 2009, at page 2138,
15 any money remaining in the Grant Fund for Incentives for Licensed
16 Educational Personnel at the end of Fiscal Year 2011 must be
17 carried forward to Fiscal Year 2012 and must be used for the
18 purchase of one-fifth of a year of retirement service credit and other
19 financial incentives for licensed educational personnel for the 2010-
20 2011 school year in accordance with NRS 391.166.

21 2. Any money carried forward pursuant to subsection 1 that
22 remains unexpended in the Grant Fund for Incentives for Licensed
23 Educational Personnel must not be committed for expenditure after
24 June 30, 2012, and must be reverted to the State General Fund on or
25 before September 21, 2012.

26 **Sec. 26.** 1. There is hereby appropriated from the State
27 General Fund to the Grant Fund for Incentives for Licensed
28 Educational Personnel created by NRS 391.166 to purchase one-
29 fifth of a year of retirement service credit and other financial
30 incentives for certain licensed educational personnel in accordance
31 with NRS 391.166:

| | | |
|----|------------------------------------|--------------|
| 32 | For the Fiscal Year 2011-2012..... | \$13,442,796 |
| 33 | For the Fiscal Year 2012-2013..... | \$15,855,905 |

34 2. The sums transferred by subsection 1 are available for either
35 fiscal year. Any remaining balance of those sums must not be
36 committed for expenditure after June 30, 2013, and must be reverted
37 to the State General Fund on or before September 20, 2013.

38 **Sec. 27.** NRS 387.191 is hereby amended to read as follows:

39 387.191 1. Except as otherwise provided in this subsection,
40 the proceeds of the tax imposed pursuant to NRS 244.33561 and any
41 applicable penalty or interest must be paid by the county treasurer to
42 the State Treasurer for credit to the State Supplemental School
43 Support Fund, which is hereby created in the State Treasury as a
44 special revenue fund. The county treasurer may retain from the
45 proceeds an amount sufficient to reimburse the county for the actual



1 cost of collecting and administering the tax, to the extent that the
2 county incurs any cost it would not have incurred but for the
3 enactment of this section or NRS 244.33561, but in no case
4 exceeding the amount authorized by statute for this purpose. Any
5 interest or other income earned on the money in the State
6 Supplemental School Support Fund must be credited to the Fund.

7 2. ~~¶The~~ *On and after July 1, 2013, the* money in the State
8 Supplemental School Support Fund is hereby appropriated for the
9 operation of the school districts and charter schools of the state, as
10 provided in this section. The money so appropriated is intended to
11 supplement and not replace any other money appropriated, approved
12 or authorized for expenditure to fund the operation of the public
13 schools for kindergarten through grade 12. Any money that remains
14 in the State Supplemental School Support Fund at the end of the
15 fiscal year does not revert to the State General Fund, and the balance
16 in the State Supplemental School Support Fund must be carried
17 forward to the next fiscal year.

18 3. On or before February 1, May 1, August 1 and November 1
19 of *2014, and on those dates* each year ~~¶~~ *thereafter*, the
20 Superintendent of Public Instruction shall transfer from the State
21 Supplemental School Support Fund all the proceeds of the tax
22 imposed pursuant to NRS 244.33561, including any interest or other
23 income earned thereon, and distribute the proceeds proportionally
24 among the school districts and charter schools of the state. The
25 proportionate amount of money distributed to each school district or
26 charter school must be determined by dividing the number of
27 students enrolled in the school district or charter school by the
28 number of students enrolled in all the school districts and charter
29 schools of the state. For the purposes of this subsection, the
30 enrollment in each school district and the number of students who
31 reside in the district and are enrolled in a charter school must be
32 determined as of the last day of the first school month of the school
33 district for the school year. This determination governs the
34 distribution of money pursuant to this subsection until the next
35 annual determination of enrollment is made. The Superintendent
36 may retain from the proceeds of the tax an amount sufficient to
37 reimburse the Superintendent for the actual cost of administering the
38 provisions of this section, to the extent that the Superintendent
39 incurs any cost the Superintendent would not have incurred but for
40 the enactment of this section, but in no case exceeding the amount
41 authorized by statute for this purpose.

42 4. The money received by a school district or charter school
43 from the State Supplemental School Support Fund pursuant to this
44 section must be used to improve the achievement of students and for
45 the payment of salaries to attract and retain qualified teachers and



1 other employees, except administrative employees, of the school
2 district or charter school. Nothing contained in this section shall be
3 deemed to impair or restrict the right of employees of the school
4 district or charter school to engage in collective bargaining as
5 provided by chapter 288 of NRS.

6 5. On or before November 10 of *2014, and on that date* each
7 year ~~and~~ *thereafter*, the board of trustees of each school district and
8 the governing body of each charter school shall prepare a report to
9 the Superintendent of Public Instruction, in the form prescribed
10 by the Superintendent. The report must provide an accounting of the
11 expenditures by the school district or charter school of the money it
12 received from the State Supplemental School Support Fund during
13 the preceding fiscal year.

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

18 **Sec. 28.** Section 8 of Chapter 4, Statutes of Nevada 2009, at
19 page 8 is hereby amended to read as follows:

20 Sec. 8. Transitory provision.

21 1. Notwithstanding the expiration of section 4 of this
22 measure on June 30, 2011, any tax and any interest or penalty
23 owing and unpaid as of that date and collected on or before
24 October 1, 2011, must be paid, deposited and credited to the
25 State General Fund as provided in that section.

26 2. The Superintendent of Public Instruction shall make
27 the initial transfer from the State Supplemental School
28 Support Fund, as required by section 6 of this measure, on or
29 before February 1, ~~2012,~~ *2014*.

30 3. The board of trustees of each school district and the
31 governing body of each charter school shall prepare their
32 initial reports to the Superintendent of Public Instruction,
33 as required by section 6 of this measure, on or before
34 November 10, ~~2012,~~ *2014*.

35 **Sec. 29.** 1. Expenditure of the following sums not
36 appropriated from the State General Fund or the State Highway
37 Fund is hereby authorized during the fiscal years beginning on
38 July 1, 2011, and ending on June 30, 2012, and beginning on July 1,
39 2012, and ending on June 30, 2013, by the Department of Education
40 for the State Supplemental School Support Fund created by
41 NRS 387.191:

42 For the Fiscal Year 2011-2012..... \$111,336,000
43 For the Fiscal Year 2012-2013..... \$115,121,424

44 2. The Superintendent of Public Instruction shall transfer all
45 money credited to the Supplemental School Support Fund, created



1 by NRS 387.191, on and after July 1, 2011, through June 30, 2013,
2 to the State Distributive School Account.

3 **Sec. 30.** 1. Notwithstanding the provisions of NRS 387.1235
4 and 387.328, for the purposes of the apportionments made pursuant
5 to NRS 387.124, local funds available for public schools include
6 \$20,000,000 for Fiscal Year 2011-2012 and \$20,000,000 for Fiscal
7 Year 2012-2013 of the money in the county school district's fund
8 for capital projects that was deposited in that fund pursuant to
9 paragraph (b) of subsection 1 of NRS 244.3354 and paragraph (b) of
10 subsection 1 of NRS 375.070.

11 2. The money available as local funds for public schools
12 pursuant to subsection 1 must be used for purposes other than
13 capital projects for school districts for only the 2011-2013
14 biennium.

15 **Sec. 31.** 1. This section and sections 1 to 16, inclusive, and
16 18 to 30, inclusive, of this act become effective on July 1, 2011.

17 2. Section 17 of this act becomes effective on July 1, 2012.

