

ASSEMBLY BILL NO. 124—COMMITTEE ON WAYS AND MEANS

(ON BEHALF OF THE STATE CONTROLLER)

FEBRUARY 13, 2003

Referred to Committee on Ways and Means

SUMMARY—Revises provisions governing apportionments from State Distributive School Account and distribution of money to school districts and charter schools. (BDR 34-97)

FISCAL NOTE: Effect on Local Government: No. Effect on the State: No.

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

AN ACT relating to education; revising the dates for apportionments from the State Distributive School Account among school districts and charter schools; revising the provisions governing the distribution of money by the State Treasurer to school districts and charter schools; 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.** NRS 387.124 is hereby amended to read as follows:
- 2 387.124 Except as otherwise provided in this section and
- 3 NRS 387.528:
- 4 1. On or before August ~~{1, November 1, February 1}~~ **15,**
- 5 **November 15, February 15** and May ~~{1}~~ **15** of each year, the
- 6 Superintendent of Public Instruction shall apportion the State
- 7 Distributive School Account in the State General Fund among the
- 8 several county school districts and charter schools in amounts
- 9 approximating one-fourth of their respective yearly apportionments
- 10 less any amount set aside as a reserve. The apportionment to a
- 11 school district, computed on a yearly basis, equals the difference



1 between the basic support and the local funds available pursuant to
2 NRS 387.1235, minus all the funds attributable to pupils who reside
3 in the county but attend a charter school and all the funds
4 attributable to pupils who reside in the county and are enrolled full
5 time or part time in a program of distance education provided by
6 another school district or a charter school. No apportionment may be
7 made to a school district if the amount of the local funds exceeds the
8 amount of basic support. If an agreement is not filed for a pupil who
9 is enrolled in a program of distance education as required by NRS
10 388.854, the Superintendent of Public Instruction shall not apportion
11 money for that pupil to the board of trustees of the school district in
12 which the pupil resides, or the board of trustees or governing body
13 that provides the program of distance education.

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

28 3. Except as otherwise provided in this subsection, the
29 apportionment to a charter school that is sponsored by the State
30 Board, computed on a yearly basis, is equal to:

31 (a) The sum of the basic support per pupil in the county in
32 which the pupil resides plus the amount of local funds available per
33 pupil pursuant to NRS 387.1235 and all other funds available for
34 public schools in the county in which the pupil resides; or

35 (b) The statewide average per pupil amount for pupils who are
36 enrolled full time,

37 whichever is greater. If the calculation set forth in paragraph (a) is
38 less than the calculation pursuant to paragraph (b), the school
39 district in which the charter school is located shall pay the difference
40 directly to the charter school. If a charter school provides a program
41 of distance education pursuant to NRS 388.820 to 388.874,
42 inclusive, the apportionment to the charter school for pupils who are
43 enrolled in the program of distance education must be calculated as
44 set forth in subsection 2 or 4, as applicable.



1 4. In addition to the apportionments made pursuant to this
2 section, an apportionment must be made to a school district or
3 charter school that provides a program of distance education for
4 each pupil who is enrolled part time in the program if an agreement
5 is filed for that pupil pursuant to NRS 388.854 or 388.858, as
6 applicable. The amount of the apportionment must be equal to the
7 percentage of the total time services are provided to the pupil
8 through the program of distance education per school day in
9 proportion to the total time services are provided during a school
10 day to pupils who are counted pursuant to subparagraph (2) of
11 paragraph (a) of subsection 1 of NRS 387.1233 for the school
12 district in which the pupil resides.

13 5. The governing body of a charter school may submit a
14 written request to the Superintendent of Public Instruction to
15 receive, in the first year of operation of the charter school, an
16 apportionment 30 days before the apportionment is required to be
17 made pursuant to subsection 1. Upon receipt of such a request, the
18 Superintendent of Public Instruction may make the apportionment
19 30 days before the apportionment is required to be made. A charter
20 school may receive all four apportionments in advance in its first
21 year of operation.

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

30 **Sec. 2.** NRS 387.185 is hereby amended to read as follows:

31 387.185 1. Except as otherwise provided in subsection 2 ,
32 *subsection 6 of NRS 387.124* and NRS 387.528, all school money
33 due each county school district must be paid over by the State
34 Treasurer to the county treasurer on August ~~[1, November 1,~~
35 ~~February 1] 15, November 15, February 15~~ and May ~~[1] 15~~ of each
36 year , or as soon thereafter as ~~[the county treasurer may apply for it,]~~
37 *practicable based upon the cash balances in the State General*
38 *Fund*, upon the warrant of the State Controller drawn in conformity
39 with the apportionment of the Superintendent of Public Instruction
40 as provided in NRS 387.124.

41 2. Except as otherwise provided in *subsection 6 of NRS*
42 *387.124 and* NRS 387.528, if the board of trustees of a school
43 district establishes and administers a separate account pursuant to
44 the provisions of NRS 354.603, all school money due that school
45 district must be paid over by the State Treasurer to the school



1 district on August ~~[1, November 1, February 1]~~ *15, November 15,*
2 *February 15* and May ~~[1]~~ *15* of each year , or as soon thereafter as
3 ~~[the school district may apply for it,]~~ *practicable based upon the*
4 *cash balances in the State General Fund,* upon the warrant of
5 the State Controller drawn in conformity with the apportionment of
6 the Superintendent of Public Instruction as provided in
7 NRS 387.124.

8 3. No county school district may receive any portion of the
9 public school money unless that school district has complied with
10 the provisions of this title and regulations adopted pursuant thereto.

11 4. Except as otherwise provided in this subsection ~~[1]~~ *and*
12 *subsection 6 of NRS 387.124,* all school money due each charter
13 school must be paid over by the State Treasurer to the governing
14 body of the charter school on August ~~[1, November 1, February 1]~~
15 *15, November 15, February 15* and May ~~[1]~~ *15* of each year , or as
16 soon thereafter as ~~[the governing body may apply for it,]~~ *practicable*
17 *based upon the cash balances in the State General Fund,* upon the
18 warrant of the State Controller drawn in conformity with the
19 apportionment of the Superintendent of Public Instruction as
20 provided in NRS 387.124. If the Superintendent of Public
21 Instruction has approved, pursuant to subsection 5 of NRS 387.124,
22 a request for payment of an apportionment 30 days before the
23 apportionment is otherwise required to be made, the money due to
24 the charter school must be paid by the State Treasurer to the
25 governing body of the charter school on July ~~[1, October 1,~~
26 ~~January 1]~~ *15, October 15, January 15* or April ~~[1,]~~ *15,* as
27 applicable ~~[1,]~~ *, or as soon thereafter as practicable based upon the*
28 *cash balances in the State General Fund.*

29 **Sec. 3.** This act becomes effective on July 1, 2003.

