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ASSEMBLY BILL NO. 266—COMMITTEE ON WAYS AND MEANS

(ON BEHALF OF THE NEVADA ASSOCIATION  
OF SCHOOL BOARDS)

MARCH 10, 2003

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Referred to Committee on Ways and Means

**SUMMARY**—Revises provisions governing education and makes appropriations for education. (BDR 34-903)

**FISCAL NOTE:** Effect on Local Government: No.  
Effect on the State: Contains Appropriations 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.

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AN ACT relating to education; requiring the Superintendent of Public Instruction to prepare a compilation of certain information for inclusion in the biennial budgetary request for the State Distributive School Account; requiring each school district to maintain a certain percentage in the ending balance of the general fund of the school district; revising provisions governing the calculation of basic support for pupils who are enrolled in kindergarten for a full school day; authorizing school districts to develop alternative plans for the reduction of pupil-teacher ratios in certain grades; requiring that the annual base salary of teachers and other licensed educational personnel must be cumulatively increased each year by a certain percentage; providing that certain children who are at risk must be admitted to kindergarten for a full school day; making various appropriations for education and educational personnel; and providing other matters properly relating thereto.

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



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1       **Section 1.** Chapter 385 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3       1. *The Superintendent of Public Instruction shall compile the*  
4 *biennial budgetary request for the State Distributive School*  
5 *Account prepared by the Department. In compiling the request,*  
6 *the Superintendent shall take into account, without limitation:*

7       (a) *The projected enrollment of pupils for each school district*  
8 *and for the school districts as a whole;*

9       (b) *The projected costs of salaries and benefits for existing and*  
10 *newly hired teachers, and for other school district employees,*  
11 *including, without limitation, the cost of merit increases and the*  
12 *cost of living adjustments recommended by the Superintendent of*  
13 *Public Instruction;*

14       (c) *The projected costs of supplies, equipment, services, fuel*  
15 *and utilities based upon such published indices, reports and*  
16 *research as the Superintendent of Public Instruction considers are*  
17 *credible and reliable regarding those costs to schools;*

18       (d) *The projected cost of existing and proposed educational*  
19 *programs, including, without limitation, enhancements to existing*  
20 *programs that are not included in the per pupil basic support*  
21 *guarantee; and*

22       (e) *The revenue that is anticipated to be available for the*  
23 *general operations of school districts other than money available*  
24 *from the State General Fund.*

25       2. *The compilation prepared pursuant to subsection 1 must be*  
26 *included with the biennial budgetary request for the State*  
27 *Distributive School Account prepared by the Department.*

28       **Sec. 2.** Chapter 387 of NRS is hereby amended by adding  
29 thereto a new section to read as follows:

30       1. *The board of trustees of each school district shall maintain*  
31 *an ending balance of 5 percent in the general fund of the school*  
32 *district.*

33       2. *The ending balance maintained pursuant to subsection 1*  
34 *must not be used to:*

35       (a) *Settle or arbitrate disputes between a recognized*  
36 *organization representing employees of a school district and the*  
37 *school district, or to settle any negotiations.*

38       (b) *Adjust the district-wide schedules of salaries and benefits*  
39 *of the employees of a school district.*

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

41       387.1233 1. Except as otherwise provided in subsection 2,  
42 basic support of each school district must be computed by:

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



1 (1) ~~Six tenths~~ *Except for those pupils enrolled in*  
2 *kindergarten who are counted pursuant to subparagraph (2), six-*  
3 *tenths* the count of pupils enrolled in the kindergarten department  
4 on the last day of the first school month of the school district for the  
5 school year, including, without limitation, the count of pupils who  
6 reside in the county and are enrolled in any charter school on the last  
7 day of the first school month of the school district for the school  
8 year.

9 (2) The count of pupils enrolled in *kindergarten for a full*  
10 *school day and the count of pupils enrolled in* grades 1 to 12,  
11 inclusive, on the last day of the first school month of the school  
12 district for the school year, including, without limitation, the count  
13 of pupils who reside in the county and are enrolled in any charter  
14 school on the last day of the first school month of the school district  
15 for the school year.

16 (3) The count of pupils not included under subparagraph (1)  
17 or (2) who are enrolled full-time in a program of distance education  
18 provided by that school district or a charter school located within  
19 that school district on the last day of the first school month of the  
20 school district for the school year.

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

23 (I) In a public school of the school district and are  
24 concurrently enrolled part-time in a program of distance education  
25 provided by another school district or a charter school on the last  
26 day of the first school month of the school district for the school  
27 year, expressed as a percentage of the total time services are  
28 provided to those pupils per school day in proportion to the total  
29 time services are provided during a school day to pupils who are  
30 counted pursuant to subparagraph (2).

31 (II) In a charter school and are concurrently enrolled part-  
32 time in a program of distance education provided by a school district  
33 or another charter school on the last day of the first school month of  
34 the school district for the school year, expressed as a percentage of  
35 the total time services are provided to those pupils per school day in  
36 proportion to the total time services are provided during a school  
37 day to pupils who are counted pursuant to subparagraph (2).

38 (5) The count of pupils not included under subparagraph (1),  
39 (2), (3) or (4), who are receiving special education pursuant to the  
40 provisions of NRS 388.440 to 388.520, inclusive, on the last day of  
41 the first school month of the school district for the school year,  
42 excluding the count of pupils who have not attained the age of 5  
43 years and who are receiving special education pursuant to  
44 subsection 1 of NRS 388.490 on that day.



1 (6) Six-tenths the count of pupils who have not attained the  
2 age of 5 years and who are receiving special education pursuant to  
3 subsection 1 of NRS 388.490 on the last day of the first school  
4 month of the school district for the school year.

5 (7) The count of children detained in detention homes,  
6 alternative programs and juvenile forestry camps receiving  
7 instruction pursuant to the provisions of NRS 388.550, 388.560 and  
8 388.570 on the last day of the first school month of the school  
9 district for the school year.

10 (8) The count of pupils who are enrolled in classes for at  
11 least one semester pursuant to subsection 4 of NRS 386.560,  
12 subsection 4 of NRS 386.580 or subsection 3 of NRS 392.070,  
13 expressed as a percentage of the total time services are provided to  
14 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  
16 to subparagraph (2).

17 (b) Multiplying the number of special education program units  
18 maintained and operated by the amount per program established for  
19 that school year.

20 (c) Adding the amounts computed in paragraphs (a) and (b).

21 2. If the enrollment of pupils in a school district or a charter  
22 school that is located within the school district on the last day of the  
23 first school month of the school district for the school year is less  
24 than the enrollment of pupils in the same school district or charter  
25 school on the last day of the first school month of the school district  
26 for either or both of the immediately preceding 2 school years, the  
27 largest number must be used from among the 3 years for purposes of  
28 apportioning money from the State Distributive School Account to  
29 that school district or charter school pursuant to NRS 387.124.

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

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

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

42 **Sec. 4.** NRS 387.303 is hereby amended to read as follows:

43 387.303 1. Not later than November 10 of each year, the  
44 board of trustees of each school district shall submit to the



1 Superintendent of Public Instruction and the Department of  
2 Taxation a report which includes the following information:

3 (a) For each fund within the school district, including, without  
4 limitation, the school district's general fund and any special revenue  
5 fund which receives state money, the total number and salaries of  
6 licensed and nonlicensed persons whose salaries are paid from the  
7 fund and who are employed by the school district in full-time  
8 positions or in part-time positions added together to represent full-  
9 time positions. Information must be provided for the current school  
10 year based upon the school district's final budget, including any  
11 amendments and augmentations thereto, and for the preceding  
12 school year. An employee must be categorized as filling an  
13 instructional, administrative, instructional support or other position.

14 (b) The count of pupils computed pursuant to paragraph (a) of  
15 subsection 1 of NRS 387.1233.

16 (c) The school district's actual expenditures in the fiscal year  
17 immediately preceding the report.

18 (d) The school district's proposed expenditures for the current  
19 fiscal year.

20 (e) The schedule of salaries for licensed employees in the  
21 current school year and a statement of whether the negotiations  
22 regarding salaries for the current school year have been completed.  
23 If the negotiations have not been completed at the time the schedule  
24 of salaries is submitted, the board of trustees shall submit a  
25 supplemental report to the Superintendent of Public Instruction upon  
26 completion of negotiations or the determination of an arbitrator  
27 concerning the negotiations that includes the schedule of salaries  
28 agreed to or required by the arbitrator.

29 (f) The number of teachers who received an increase in salary  
30 pursuant to subsection 2 of NRS 391.160 for the current and  
31 preceding fiscal years. If the board of trustees is required to pay an  
32 increase in salary retroactively pursuant to subsection ~~2~~ 3 of NRS  
33 391.160, the board of trustees shall submit a supplemental report to  
34 the Superintendent of Public Instruction not later than February 15  
35 of the year in which the retroactive payment was made that includes  
36 the number of teachers to whom an increase in salary was paid  
37 retroactively.

38 (g) The number of employees eligible for health insurance  
39 within the school district for the current and preceding fiscal years  
40 and the amount paid for health insurance for each such employee  
41 during those years.

42 (h) The rates for fringe benefits, excluding health insurance,  
43 paid by the school district for its licensed employees in the  
44 preceding and current fiscal years.



1 (i) The amount paid for extra duties, supervision of  
2 extracurricular activities and supplemental pay and the number of  
3 employees receiving that pay in the preceding and current fiscal  
4 years.

5 (j) The expenditures from the account created pursuant to  
6 subsection 3 of NRS 179.1187. The report must indicate the total  
7 amount received by the district in the preceding fiscal year, and the  
8 specific amount spent on books and computer hardware and  
9 software for each grade level in the district.

10 2. On or before November 25 of each year, the Superintendent  
11 of Public Instruction shall submit to the Department of  
12 Administration and the Fiscal Analysis Division of the Legislative  
13 Counsel Bureau, in a format approved by the Director of the  
14 Department of Administration, a compilation of the reports made by  
15 each school district pursuant to subsection 1.

16 3. The Superintendent of Public Instruction shall, in the  
17 compilation required by subsection 2, reconcile the revenues and  
18 expenditures of the school districts with the apportionment received  
19 by those districts from the State Distributive School Account for the  
20 preceding year.

21 **Sec. 5.** NRS 387.304 is hereby amended to read as follows:

22 387.304 The Department shall:

23 1. Conduct an annual audit of the count of pupils for  
24 apportionment purposes reported by each school district pursuant to  
25 NRS 387.123 and the data reported by each school district *pursuant*  
26 *to NRS 388.710* that is used to measure the effectiveness of the  
27 implementation of ~~the~~ a plan developed by each school district ~~to~~  
28 ~~reduce the pupil teacher ratio in kindergarten and grades 1, 2 and 3,~~  
29 as required by NRS ~~388.710.~~ *388.720.*

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

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

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

42 (c) Deficit cash balances in any fund;

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



1 (e) Variances of more than 10 percent between total actual  
2 general fund expenditures and budgeted total general fund  
3 expenditures.

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

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

12 **Sec. 6.** NRS 388.060 is hereby amended to read as follows:

13 388.060 1. Except as otherwise provided in this subsection,  
14 the board of trustees of each school district shall establish, equip and  
15 maintain a kindergarten in each elementary school or each school  
16 attendance area in the district. If, on or before June 1 immediately  
17 preceding the school year, admittance to kindergarten has been  
18 requested for fewer than 15 children, the mandatory provisions of  
19 this subsection do not apply to that school, and the board may  
20 decide whether to establish a kindergarten for those children. If the  
21 board decides not to establish such a kindergarten, it may provide:

22 (a) Transportation for each child to enable him to attend  
23 kindergarten at another school; or

24 (b) Upon agreement with a child's parent or guardian, an  
25 authorized program of instruction for kindergarten to be offered in  
26 the child's home, which includes, without limitation, assigning  
27 licensed educational personnel to assist and consult with the parent  
28 or guardian as necessary.

29 2. The board of trustees of a school district in which a  
30 kindergarten is to be established under the provisions of this title of  
31 NRS shall budget for this purpose by including the costs in the next  
32 regular budget for the school district ~~§~~ , *including, without*  
33 *limitation, the provision of kindergarten for a full school day to*  
34 *children who are at risk.*

35 **Sec. 7.** NRS 388.090 is hereby amended to read as follows:

36 388.090 1. Except as otherwise permitted pursuant to this  
37 section, boards of trustees of school districts shall schedule and  
38 provide a minimum of ~~180~~ *185* days of free school in the districts  
39 under their charge.

40 2. The Superintendent of Public Instruction may, upon  
41 application by a board of trustees, authorize a reduction of not more  
42 than 15 school days in a particular district to establish or maintain a  
43 12-month school program or a program involving alternative  
44 scheduling, if the board of trustees demonstrates that the proposed  
45 schedule for the program provides for a greater number of minutes



1 of instruction than would be provided under a program consisting of  
2 ~~[180]~~ 185 school days. Before authorizing a reduction in the number  
3 of required school days pursuant to this subsection, the  
4 Superintendent of Public Instruction must find that the proposed  
5 schedule will be used to alleviate problems associated with a growth  
6 in enrollment or overcrowding, or to establish and maintain a  
7 program of alternative schooling, including, without limitation, a  
8 program of distance education provided by the board of trustees  
9 pursuant to NRS 388.820 to 388.874, inclusive.

10 3. The Superintendent of Public Instruction may, upon  
11 application by a board of trustees, authorize the addition of minutes  
12 of instruction to any scheduled day of free school if days of free  
13 school are lost because of any interscholastic activity. Not more than  
14 5 days of free school so lost may be rescheduled in this manner.

15 4. Each school district shall schedule at least 3 contingent days  
16 of school in addition to the number of days required by this section,  
17 which must be used if a natural disaster, inclement weather or an  
18 accident necessitates the closing of a majority of the facilities within  
19 the district.

20 5. If more than 3 days of free school are lost because a natural  
21 disaster, inclement weather or an accident necessitates the closing of  
22 a majority of the facilities within a school district, the  
23 Superintendent of Public Instruction, upon application by the school  
24 district, may permit the additional days lost to be counted as school  
25 days in session. The application must be submitted in the manner  
26 prescribed by the Superintendent of Public Instruction.

27 6. The State Board shall adopt regulations providing  
28 procedures for changing schedules of instruction to be used if a  
29 natural disaster, inclement weather or an accident necessitates the  
30 closing of a particular school within a school district.

31 **Sec. 8.** NRS 388.700 is hereby amended to read as follows:

32 388.700 1. Except as otherwise provided in subsections 2, 3  
33 and 6, after the last day of the first month of the school year, the  
34 ratio in each school district of pupils ~~[per class in kindergarten and~~  
35 ~~grades 1, 2 and 3]~~ per licensed teacher designated to teach ~~[those]~~  
36 classes full time ~~[must not exceed 15 to 1]~~ in classes where core  
37 curriculum is taught ~~[ ]~~:

38 *(a) In kindergarten and grades 1, 2 and 3, must not exceed 15*  
39 *to 1; or*

40 *(b) If a plan is approved pursuant to subsection 2 of NRS*  
41 *388.720, must not exceed the ratio set forth in that plan for the*  
42 *grade levels specified in the plan.*

43 In determining this ratio, all licensed educational personnel who  
44 teach ~~[kindergarten or grade 1, 2 or 3]~~ *a grade level specified in*  
45 *paragraph (a) or a grade level specified in a plan that is approved*





1 *pursuant to subsection 2 of NRS 388.720, as applicable for the*  
2 *school district*, must be counted except teachers of art, music,  
3 physical education or special education, counselors, librarians,  
4 administrators, deans and specialists.

5 2. A school district may, within the limits of any plan adopted  
6 pursuant to NRS 388.720, assign a pupil whose enrollment in a  
7 grade occurs after the last day of the first month of the school year  
8 to any existing class regardless of the number of pupils in the class.

9 3. The State Board may grant to a school district a variance  
10 from the limitation on the number of pupils per class set forth in  
11 subsection 1 for good cause, including the lack of available financial  
12 support specifically set aside for the reduction of pupil-teacher  
13 ratios.

14 4. The State Board shall, on or before February 1 of each odd-  
15 numbered year, report to the Legislature on:

16 (a) Each variance granted by it during the preceding biennium,  
17 including the specific justification for the variance.

18 (b) The data reported to it by the various school districts  
19 pursuant to subsection 2 of NRS 388.710, including an explanation  
20 of that data, and the current pupil-teacher ratios per class in  
21 ~~kindergarten and grades 1, 2 and 3.~~ *the grade levels specified in*  
22 *paragraph (a) of subsection 1 or the grade levels specified in a*  
23 *plan that is approved pursuant to subsection 2 of NRS 388.720, as*  
24 *applicable for the school district.*

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

29 (a) The number of teachers employed;  
30 (b) The number of teachers employed in order to attain the ratio  
31 required by subsection 1;  
32 (c) The number of pupils enrolled; and  
33 (d) The number of teachers assigned to teach in the same  
34 classroom with another teacher or in any other arrangement other  
35 than one teacher assigned to one classroom of pupils,  
36 during the current school year in ~~kindergarten and grades 1, 2 and~~  
37 ~~3~~ *the grade levels specified in paragraph (a) of subsection 1 or the*  
38 *grade levels specified in a plan that is approved pursuant to*  
39 *subsection 2 of NRS 388.720, as applicable*, for each school  
40 district.

41 6. The provisions of this section do not apply to a charter  
42 school or to a program of distance education provided pursuant to  
43 NRS 388.820 to 388.874, inclusive.



1       **Sec. 9.** NRS 388.710 is hereby amended to read as follows:  
2       388.710 1. The State Board, in consultation with the trustees  
3 of the school districts and the recognized associations representing  
4 licensed educational personnel, after receiving comments from the  
5 general public, shall determine the data that must be monitored by  
6 each school district and used to measure the effectiveness of the  
7 implementation of ~~the~~ a plan developed by each school district ~~to~~  
8 ~~reduce the pupil-teacher ratio per class in kindergarten and grades 1,~~  
9 ~~2 and 3.] pursuant to NRS 388.720.~~

10       2. Each school district shall report the data to the State Board  
11 as required by the State Board.

12       **Sec. 10.** NRS 388.720 is hereby amended to read as follows:  
13       388.720 ~~Each]~~

14       1. *Except as otherwise provided in subsection 2, each* school  
15 district together with the recognized associations representing  
16 licensed educational personnel shall develop a plan to reduce the  
17 district's pupil-teacher ratio per class in kindergarten and grades 1, 2  
18 and 3 within the limits of available financial support specifically set  
19 aside for this purpose and submit that plan to the State Board.

20       2. *In lieu of complying with the pupil-teacher ratio prescribed*  
21 *in paragraph (a) of subsection 1 of NRS 388.700, a school district*  
22 *may, in consultation with recognized associations representing*  
23 *licensed educational personnel, develop a plan to reduce the*  
24 *district's pupil-teacher ratios per class for specified grade levels in*  
25 *elementary school. A plan developed pursuant to this subsection*  
26 *must set forth the grade levels to which the ratios apply and must*  
27 *be submitted to the State Board for its approval. The State Board*  
28 *shall approve a plan if the plan:*

29       (a) *Reduces the district's pupil-teacher ratio; and*

30       (b) *Is fiscally neutral such that the plan will not cost more to*  
31 *carry out than a plan that complies with the ratios prescribed in*  
32 *paragraph (a) of subsection 1 of NRS 388.700.*

33       **Sec. 11.** NRS 391.160 is hereby amended to read as follows:

34       391.160 1. The salaries of teachers and other employees must  
35 be determined by the character of the service required. A school  
36 district shall not discriminate between male and female employees  
37 in the matter of salary.

38       2. *The annual base salary to which a licensed teacher or*  
39 *other employee of a school district who is licensed pursuant to this*  
40 *chapter is entitled to receive must be cumulatively increased on*  
41 *July 1, 2005, and on July 1 of each year thereafter, by any*  
42 *percentage by which the average industrial hourly wage in the*  
43 *State increased during the previous fiscal year, as determined on*  
44 *July 1 of each year by the Employment Security Division of the*  
45 *Department of Employment, Training and Rehabilitation. An*



1 *increase in salary given in accordance with this subsection is in*  
2 *addition to any other increase to which the teacher may otherwise*  
3 *be entitled, including, without limitation, the increase provided*  
4 *pursuant to subsection 3.*

5 3. Each year when determining the salary of a teacher who  
6 holds certification issued by the National Board for Professional  
7 Teaching Standards, a school district shall add 5 percent to the  
8 salary that the teacher would otherwise receive in 1 year for his  
9 classification on the schedule of salaries for the school district if:

10 (a) On or before January 31 of the school year, the teacher has  
11 submitted evidence satisfactory to the school district of his current  
12 certification; and

13 (b) The teacher is assigned by the school district to provide  
14 classroom instruction during that school year.

15 No increase in salary may be given during a particular school year  
16 to a teacher who submits evidence of certification after January 31  
17 of that school year. For the first school year that a teacher submits  
18 evidence of his current certification, the board of trustees of the  
19 school district to whom the evidence was submitted shall pay  
20 the increase in salary required by this subsection retroactively to the  
21 beginning of that school year. Once a teacher has submitted  
22 evidence of such certification to the school district, the school  
23 district shall retain the evidence in its records, as applicable, for  
24 future school years. An increase in salary given in accordance with  
25 this subsection is in addition to any other increase to which the  
26 teacher may otherwise be entitled.

27 ~~{3.}~~ 4. In determining the salary of a licensed teacher who is  
28 employed by a school district after the teacher has been employed  
29 by another school district in this state, the present employer shall,  
30 except as otherwise provided in subsection ~~{6.}~~ 7:

31 (a) Give the teacher the same credit for previous teaching  
32 service as he was receiving from his former employer at the end of  
33 his former employment;

34 (b) Give the teacher credit for his final year of service with his  
35 former employer, if credit for that service is not included in credit  
36 given pursuant to paragraph (a); and

37 (c) Place the teacher on the schedule of salaries of the school  
38 district in a classification that is commensurate with the level of  
39 education acquired by the teacher, as set forth in the applicable  
40 negotiated agreement with the present employer.

41 ~~{4.}~~ 5. A school district may give the credit required by  
42 subsection ~~{3.}~~ 4 for previous teaching service earned in another state  
43 if the Commission has approved the standards for licensing teachers  
44 of that state. The Commission shall adopt regulations that establish  
45 the criteria by which the Commission will consider the standards for



1 licensing teachers of other states for the purposes of this subsection.  
2 The criteria may include, without limitation, whether the  
3 Commission has authorized reciprocal licensure of educational  
4 personnel from the state under consideration.

5 ~~5-~~ 6. In determining the salary of a licensed administrator,  
6 other than the superintendent of schools, who is employed by a  
7 school district after the administrator has been employed by another  
8 school district in this state, the present employer shall, except as  
9 otherwise provided in subsection ~~6-~~ 7:

10 (a) Give the administrator the same credit for previous  
11 administrative service as he was receiving from his former  
12 employer, at the end of his former employment;

13 (b) Give the administrator credit for his final year of service  
14 with his former employer, if credit for that service is not otherwise  
15 included in the credit given pursuant to paragraph (a); and

16 (c) Place the administrator on the schedule of salaries of the  
17 school district in a classification that is comparable to the  
18 classification the administrator had attained on the schedule of  
19 salaries of his former employer.

20 ~~6-~~ 7. This section does not:

21 (a) Require a school district to allow a teacher or administrator  
22 more credit for previous teaching or administrative service than the  
23 maximum credit for teaching or administrative experience provided  
24 for in the schedule of salaries established by it for its licensed  
25 personnel.

26 (b) Permit a school district to deny a teacher or administrator  
27 credit for his previous teaching or administrative service on the  
28 ground that the service differs in kind from the teaching or  
29 administrative experience for which credit is otherwise given by the  
30 school district.

31 ~~7-~~ 8. As used in this section:

32 (a) "Previous administrative service" means the total of:

33 (1) Any period of administrative service for which an  
34 administrator received credit from his former employer at the  
35 beginning of his former employment; and

36 (2) His period of administrative service in his former  
37 employment.

38 (b) "Previous teaching service" means the total of:

39 (1) Any period of teaching service for which a teacher  
40 received credit from his former employer at the beginning of his  
41 former employment; and

42 (2) His period of teaching service in his former employment.

43 **Sec. 12.** NRS 392.040 is hereby amended to read as follows:

44 392.040 1. Except as otherwise provided by law, each parent,  
45 custodial parent, guardian or other person in the State of Nevada



1 having control or charge of any child between the ages of 7 and 17  
2 years shall send the child to a public school during all the time the  
3 public school is in session in the school district in which the child  
4 resides.

5 2. A child who is 5 years of age on or before September 30 of a  
6 school year may be admitted to kindergarten at the beginning of that  
7 school year, and his enrollment must be counted for purposes of  
8 apportionment. *If such a child is at risk, he must be admitted to*  
9 *kindergarten for a full school day and not for a part of a school*  
10 *day.* If a child is not 5 years of age on or before September 30 of a  
11 school year, the child must not be admitted to kindergarten.

12 3. Except as otherwise provided in subsection 4, a child who is  
13 6 years of age on or before September 30 of a school year must:

14 (a) If he has not completed kindergarten ~~[-, be]~~ :  
15 (1) *Be* admitted to kindergarten at the beginning of that  
16 school year; *and*

17 (2) *If he is at risk, be admitted to kindergarten for a full*  
18 *school day and not for a part of a school day;* or

19 (b) If he has completed kindergarten, be admitted to the first  
20 grade at the beginning of that school year,  
21 and his enrollment must be counted for purposes of apportionment.  
22 If a child is not 6 years of age on or before September 30 of a school  
23 year, the child must not be admitted to the first grade until the  
24 beginning of the school year following his sixth birthday.

25 4. The parents, custodial parent, guardian or other person  
26 within the State of Nevada having control or charge of a child who  
27 is 6 years of age on or before September 30 of a school year may  
28 elect for the child not to attend kindergarten or the first grade during  
29 that year. The parents, custodial parent, guardian or other person  
30 who makes such an election shall file with the board of trustees of  
31 the appropriate school district a waiver in a form prescribed by the  
32 board.

33 5. Whenever a child who is 6 years of age is enrolled in a  
34 public school, each parent, custodial parent, guardian or other  
35 person in the State of Nevada having control or charge of the child  
36 shall send him to the public school during all the time the school is  
37 in session. This requirement for attendance does not apply to any  
38 child under the age of 7 years who has not yet been enrolled or has  
39 been formally withdrawn from enrollment in public school.

40 6. A child who is 7 years of age on or before September 30 of a  
41 school year must:

42 (a) If he has completed kindergarten and the first grade, be  
43 admitted to the second grade.

44 (b) If he has completed kindergarten, be admitted to the first  
45 grade.



1 (c) If the parents, custodial parent, guardian or other person in  
2 the State of Nevada having control or charge of the child waived the  
3 child's attendance from kindergarten pursuant to subsection 4,  
4 undergo an assessment by the district pursuant to subsection 7 to  
5 determine whether the child is prepared developmentally to be  
6 admitted to the first grade. If the district determines that the child is  
7 prepared developmentally, he must be admitted to the first grade. If  
8 the district determines that the child is not so prepared ~~[-he]~~ :

- 9 (1) *He* must be admitted to kindergarten ~~[-]~~ ; and
- 10 (2) *If he is at risk, he must be admitted to kindergarten for*  
11 *a full school day and not for a part of a school day.*

12 The enrollment of any child pursuant to this subsection must be  
13 counted for apportionment purposes.

14 7. Each school district shall prepare and administer before the  
15 beginning of each school year a developmental screening test to a  
16 child:

17 (a) Who is 7 years of age on or before September 30 of the next  
18 school year; and

19 (b) Whose parents waived his attendance from kindergarten  
20 pursuant to subsection 4,  
21 to determine whether the child is prepared developmentally to be  
22 admitted to the first grade. The results of the test must be made  
23 available to the parents, custodial parent, guardian or other person  
24 within the State of Nevada having control or charge of the child.

25 8. A child who becomes a resident of this state after  
26 completing kindergarten or beginning first grade in another state in  
27 accordance with the laws of that state may be admitted to the grade  
28 he was attending or would be attending had he remained a resident  
29 of the other state regardless of his age, unless the board of trustees  
30 of the school district determines that the requirements of this section  
31 are being deliberately circumvented.

32 9. As used in this section ~~[-,"kindergarten" includes:]~~ :

- 33 (a) *A child is "at risk" if he is eligible for free and reduced-*  
34 *price school lunches pursuant to 42 U.S.C. §§ 1751 et seq.*
- 35 (b) *"Kindergarten" includes:*

36 (1) A kindergarten established by the board of trustees of a  
37 school district pursuant to NRS 388.060;

38 ~~[(b)]~~ (2) A kindergarten established by the governing body of a  
39 charter school; and

40 ~~[(e)]~~ (3) An authorized program of instruction for kindergarten  
41 offered in a child's home pursuant to NRS 388.060.

42 **Sec. 13.** 1. There is hereby appropriated from the State  
43 General Fund to the Department of Education the following sums to  
44 assist school districts with restoring reductions made to their  
45 operating funds:



1 For the Fiscal Year 2003-2004..... \$85,411,970  
 2 For the Fiscal Year 2004-2005..... \$73,110,775

3 2. The board of trustees of a school district that has, since the  
 4 2000-2001 Fiscal Year, eliminated services or programs or  
 5 otherwise made reductions to maintain a balanced budget may apply  
 6 to the Department of Education for money from the appropriation  
 7 made by subsection 1 to restore the services, programs or other  
 8 reductions. The amount requested by a school district must include a  
 9 separate breakdown for each program, service or other reduction  
 10 setting forth the amount that is necessary to restore the program or  
 11 service. To the extent that money is available from the appropriation  
 12 made by subsection 1, the Department of Education shall distribute  
 13 the money to each school district to assist the school district with  
 14 restoring programs or services that have been, since the 2000-2001  
 15 Fiscal Year, reduced or eliminated by the school district.

16 3. Any remaining balance of the appropriation made by  
 17 subsection 1 for the 2003-2004 Fiscal Year must be added to the  
 18 money for the 2004-2005 Fiscal Year and may be expended as that  
 19 money is expended. Any remaining balance of the appropriation  
 20 made by subsection 1 for the 2004-2005 Fiscal Year, including any  
 21 money added from the appropriation for the previous fiscal year,  
 22 must not be committed for expenditure after June 30, 2005, and  
 23 reverts to the State General Fund as soon as all payments of money  
 24 committed have been made.

25 **Sec. 14.** 1. There is hereby appropriated from the State  
 26 General Fund to the State Distributive School Account the  
 27 following sums to pay for the inflation of certain projected costs:

28 For the Fiscal Year 2003-2004..... \$14,417,085  
 29 For the Fiscal Year 2004-2005..... \$25,780,512

30 2. The money appropriated by subsection 1 must be distributed  
 31 to the school districts throughout this state to pay for the inflation of  
 32 the costs projected by the school districts for utilities, property and  
 33 liability insurance, health insurance and educational supplies,  
 34 material and equipment that were made in preparing the biennial  
 35 budgetary request for the State Distributive School Account for the  
 36 2003-2005 biennium. The money allocated pursuant to this  
 37 subsection must be in addition to the money that is otherwise  
 38 distributed to school districts from the State Distributive School  
 39 Account for those costs for the 2003-2005 biennium.

40 **Sec. 15.** 1. There is hereby appropriated from the State  
 41 General Fund to the State Distributive School Account the  
 42 following sums for instructional supplies, instructional equipment  
 43 and textbooks:

44 For the Fiscal Year 2003-2004..... \$19,065,550  
 45 For the Fiscal Year 2004-2005..... \$19,932,600



1 2. To the extent money is available from the appropriation  
2 made by subsection 1, the money must be distributed to the school  
3 districts throughout this state in an amount equal to \$50 per pupil  
4 enrolled in each school district. A school district shall use the  
5 money only for instructional supplies, instructional equipment and  
6 textbooks. A school district may not use the money to:

7 (a) Reduce or supplant the money which would otherwise be  
8 expended by the school district for instructional supplies,  
9 instructional equipment and textbooks.

10 (b) Satisfy the expenditure requirements of NRS 387.207.

11 **Sec. 16.** 1. There is hereby appropriated from the State  
12 General Fund to the State Distributive School Account the  
13 following sums for English language learner programs:

14	For the Fiscal Year 2003-2004.....	\$37,484,000
15	For the Fiscal Year 2004-2005.....	\$39,471,200

16 2. The money appropriated by subsection 1 must be distributed  
17 to the school districts throughout this state based upon the number  
18 of pupils enrolled in English language learner programs in each  
19 school district. The money allocated pursuant to this subsection  
20 must be in addition to the money that is otherwise distributed to  
21 school districts from the State Distributive School Account for the  
22 2003-2005 biennium for per pupil basic support.

23 **Sec. 17.** 1. There is hereby appropriated from the State  
24 General Fund to the Department of Education the following sums to  
25 provide increases in salaries and associated benefits, excluding  
26 health insurance, for teachers and other licensed educational  
27 personnel:

28	For the Fiscal Year 2003-2004.....	\$85,065,474
29	For the Fiscal Year 2004-2005.....	\$182,740,403

30 2. The money from the appropriation made by subsection 1  
31 must be apportioned in the same proportions per pupil as established  
32 by the Department of Education for the various county school  
33 districts for the 2003-2004 Fiscal Year and for the 2004-2005 Fiscal  
34 Year. Each school district shall use the money to provide increases  
35 in salaries and associated benefits, excluding health insurance, of  
36 approximately 5 percent per fiscal year for the teachers and other  
37 licensed educational personnel employed by the school district.

38 3. Any balance of the sums appropriated by subsection 1  
39 remaining at the end of the respective fiscal years must not be  
40 committed for expenditure after June 30 of the respective fiscal  
41 years and reverts to the State General Fund as soon as all payments  
42 of money committed have been made.

43 **Sec. 18.** 1. There is hereby appropriated from the State  
44 General Fund to the State Distributive School Account the





1 following sums for expenses related to providing health insurance  
2 for licensed educational personnel:

3 For the Fiscal Year 2003-2004..... \$22,241,362  
4 For the Fiscal Year 2004-2005..... \$48,785,448

5 2. The money appropriated by subsection 1 must be distributed  
6 to the school districts throughout this state to increase the amount of  
7 money available to pay the costs of health insurance for the licensed  
8 educational personnel of each school district. The money allocated  
9 pursuant to this subsection must be in addition to the money that is  
10 otherwise distributed to school districts from the State Distributive  
11 School Account for the 2003-2005 biennium.

12 **Sec. 19.** 1. There is hereby appropriated from the State  
13 General Fund to the Department of Education the following sums to  
14 provide signing bonuses to teachers who are newly hired by school  
15 districts:

16 For the Fiscal Year 2003-2004..... \$5,000,000  
17 For the Fiscal Year 2004-2005..... \$5,000,000

18 2. A newly hired teacher may not receive a signing bonus until  
19 he has taught for a school district in this state for at least 30 days. A  
20 teacher may not receive more than one signing bonus pursuant to  
21 this section. A teacher who teaches for a school district in this state  
22 before the effective date of this act and who subsequently transfers  
23 to another school district in this state is not eligible to receive a  
24 signing bonus pursuant to this section.

25 3. A school district that wishes to provide signing bonuses to  
26 its newly hired teachers shall submit information to the Department  
27 of Education, in a format prescribed by the Department, concerning  
28 the number of teachers who are newly hired by the school district to  
29 teach for the 2003-2004 school year and the teachers who are newly  
30 hired by the school district to teach for the 2004-2005 school year.  
31 A school district shall submit a request for each fiscal year that it  
32 wishes to provide signing bonuses pursuant to this section.

33 4. The Department of Education shall use the money  
34 appropriated by subsection 1 to provide signing bonuses to not more  
35 than 2,500 teachers who are newly hired for the 2003-2004 school  
36 year and to provide signing bonuses to not more than 2,500 teachers  
37 who are newly hired for the 2004-2005 school year. The amount of  
38 a bonus paid to each teacher must not exceed \$2,000.

39 5. Any balance of the sums appropriated by subsection 1  
40 remaining at the end of the respective fiscal years must not be  
41 committed for expenditure after June 30 of the respective fiscal  
42 years and reverts to the State General Fund as soon as all payments  
43 of money committed have been made.



1     **Sec. 20.** 1. There is hereby appropriated from the State  
2 General Fund to the Department of Education the following sums to  
3 provide stipends to certain teachers and school psychologists:

4         For the Fiscal Year 2003-2004..... \$16,138,859  
5         For the Fiscal Year 2004-2005..... \$16,865,108

6     2. The board of trustees of a school district may apply to the  
7 Department of Education to provide stipends to:

8         (a) Licensed teachers who provide instruction in mathematics at  
9 a secondary school and who hold an endorsement to teach in that  
10 subject area.

11         (b) Licensed teachers who provide instruction to pupils who are  
12 enrolled in a program of special education or a program for pupils  
13 who are limited English proficient if those teachers hold an  
14 endorsement to teach in the subject area in which they provide  
15 instruction.

16         (c) School psychologists.

17         (d) Licensed teachers who have been employed to teach for at  
18 least 1 school year at an at-risk school where at least 50 percent of  
19 the pupils enrolled in the school are eligible for free and reduced-  
20 price school lunches pursuant to 42 U.S.C. §§ 1751 et seq.

21     3. The Department of Education shall distribute the money  
22 appropriated by subsection 1 to each school district that submits an  
23 application based upon the number of teachers and school  
24 psychologists employed by each school district who satisfy the  
25 qualifications for a stipend set forth in subsection 2. A school  
26 district that receives a grant of money shall use the money to pay:

27         (a) To the teachers employed by the school district who satisfy  
28 the qualifications set forth in paragraph (a) or (b) of subsection 2, a  
29 stipend of \$3,000 per teacher.

30         (b) To the school psychologists employed by the school district,  
31 a stipend of \$3,000 per school psychologist.

32         (c) To the teachers employed by the school district who satisfy  
33 the qualifications set forth in paragraph (d) of subsection 2, a  
34 stipend of \$2,000 per teacher.

35 If the amount of a distribution to a school district is insufficient to  
36 pay a stipend to each teacher and school psychologist who satisfies  
37 the qualifications, the school district shall prescribe additional  
38 criteria for receipt of a stipend, which may include, without  
39 limitation, the number of years a teacher or school psychologist has  
40 been employed in that position.

41     4. Any balance of the sums appropriated by subsection 1  
42 remaining at the end of the respective fiscal years must not be  
43 committed for expenditure after June 30 of the respective fiscal  
44 years and reverts to the State General Fund as soon as all payments  
45 of money committed have been made.



1 **Sec. 21.** 1. There is hereby appropriated from the State  
2 General Fund to the State Distributive School Account the  
3 following sums for the addition of 5 days of school to be used for  
4 professional development:

5 For the Fiscal Year 2003-2004..... \$42,906,370  
6 For the Fiscal Year 2004-2005..... \$44,193,560

7 2. The money appropriated by subsection 1 must be used by  
8 the Department of Education for allocation to the 17 county school  
9 districts in a fair and equitable manner. A school district that  
10 receives an allocation of money shall ensure that the money is used  
11 for 5 additional days of school for the 2003-2004 school year and 5  
12 additional days of school for the 2004-2005 school year to be used  
13 for the professional development of teachers.

14 **Sec. 22.** 1. There is hereby appropriated from the State  
15 General Fund to the Department of Education the sum of  
16 \$15,240,533 for distribution to school districts to provide  
17 kindergarten pursuant to section 12 of this act for a full school day  
18 to children who are at risk.

19 2. The money appropriated pursuant to subsection 1 must be  
20 distributed to the school districts throughout this state for the  
21 purposes of preparing for and carrying out kindergarten for a full  
22 school day to children who are at risk.

23 3. Any remaining balance of the appropriation made by  
24 subsection 1 must not be committed for expenditure after June 30,  
25 2005, and reverts to the State General Fund as soon as all payments  
26 of money committed have been made.

27 **Sec. 23.** 1. There is hereby appropriated from the State  
28 General Fund to the Department of Education the following sums  
29 for tutoring, summer school and intersession programs:

30 For the Fiscal Year 2003-2004..... \$6,735,477  
31 For the Fiscal Year 2004-2005..... \$7,335,197

32 2. A school district may apply to the Department of Education  
33 for a grant of money from the appropriation made by subsection 1 to  
34 provide:

- 35 (a) Programs of tutoring for pupils;
- 36 (b) Summer school; or
- 37 (c) Special programs for pupils between sessions in schools with  
38 year-round school calendars,  
39 or any combination thereof.

40 3. An application submitted pursuant to subsection 2 must  
41 include an explanation of each type of program that the school  
42 district will offer with the money. Within the limits of money made  
43 available by the appropriation, the Department of Education shall  
44 distribute the money to the school districts with approved  
45 applications based upon the number of pupils that are estimated to



1 participate in the programs that will be offered. If a school district  
2 receives a grant of money, the school district shall ensure that the  
3 individual public schools located within the school district are given  
4 the opportunity to select which program or combination of programs  
5 will be most effective in improving the academic achievement of  
6 pupils enrolled in the school or enhancing the education of pupils  
7 enrolled in the school.

8 4. The sums appropriated by subsection 1 are available for  
9 either fiscal year. Any remaining balance of those sums must not be  
10 committed for expenditure after June 30, 2005, and reverts to the  
11 State General Fund as soon as all payments of money committed  
12 have been made.

13 **Sec. 24.** 1. There is hereby appropriated from the State  
14 General Fund to the Department of Education the following sums  
15 for school districts to offer career and technical education courses:

16	For the Fiscal Year 2003-2004.....	\$5,000,000
17	For the Fiscal Year 2004-2005.....	\$5,000,000

18 2. The Department of Education shall distribute the money  
19 appropriated by subsection 1 to the 17 county school districts based  
20 upon the number of pupils enrolled in each school district in career  
21 and technical education courses. A school district that receives a  
22 grant of money pursuant to this subsection must use the money to  
23 purchase equipment, supplies, software and related technology, and  
24 to pay other costs associated with providing career and technical  
25 education courses.

26 3. The sums appropriated by subsection 1 are available for  
27 either fiscal year. Any remaining balance of those sums must not be  
28 committed for expenditure after June 30, 2005, and reverts to the  
29 State General Fund as soon as all payments of money committed  
30 have been made.

31 **Sec. 25.** 1. There is hereby appropriated from the State  
32 General Fund to the Department of Education the following sums  
33 for the support of programs of education for certain pupils who are  
34 temporarily removed from the classroom and assigned to a  
35 temporary alternative placement:

36	For the Fiscal Year 2003-2004.....	\$27,862,101
37	For the Fiscal Year 2004-2005.....	\$28,419,239

38 2. A school district may apply to the Department of Education  
39 for a grant of money from the appropriation made by subsection 1.  
40 An application must include:

41 (a) A description of the manner in which the school district  
42 ensures that the public schools within the school district comply  
43 with NRS 392.4642 to 392.4648, inclusive.

44 (b) A plan for the school district to use a grant of money to  
45 provide programs of education to pupils who are temporarily



1 removed from the classroom and assigned to a temporary alternative  
2 placement pursuant to NRS 392.4642 to 392.4648, inclusive,  
3 including, without limitation, the payment of salaries and benefits to  
4 teachers who provide the programs of education to those pupils.

5 (c) The proposed budget for the plan set forth in paragraph (b),  
6 which must not exceed:

7 (1) For each elementary school for the Fiscal Year 2003-  
8 2004, \$56,865.

9 (2) For each elementary school for the Fiscal Year 2004-  
10 2005, \$58,002.

11 (3) For each secondary school for the Fiscal Year 2003-2004,  
12 \$57,552.

13 (4) For each secondary school for the Fiscal Year 2004-2005,  
14 \$58,703.

15 (d) Any additional information requested by the Department.

16 3. The Department shall distribute the money appropriated by  
17 subsection 1 to school districts with approved applications based  
18 upon the number of elementary schools and secondary schools in  
19 each school district. A school district that receives a grant of money  
20 shall use the money to pay the salaries and benefits of teachers who  
21 provide programs of education to pupils who are temporarily  
22 removed from the classroom and assigned to a temporary alternative  
23 placement pursuant to NRS 392.4642 to 392.4648, inclusive.

24 4. If a school district receives a grant of money for the 2003-  
25 2004 Fiscal Year and the school district desires to receive a grant of  
26 money for the 2004-2005 Fiscal Year, it must submit another  
27 application pursuant to subsection 2.

28 5. Any balance of the sums appropriated by subsection 1  
29 remaining at the end of the respective fiscal years must not be  
30 committed for expenditure after June 30 of the respective fiscal  
31 years and reverts to the State General Fund as soon as all payments  
32 of money committed have been made.

33 **Sec. 26.** 1. This section and sections 1 to 11, inclusive, and  
34 13 to 25, inclusive, of this act become effective on July 1, 2003.

35 2. Section 12 of this act becomes effective on July 1, 2004.

