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SENATE BILL NO. 178—SENATORS DENIS; AND WOODHOUSE

PREFILED FEBRUARY 13, 2017

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JOINT SPONSORS: ASSEMBLYMEN DIAZ AND THOMPSON

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Referred to Committee on Education

SUMMARY—Revises provisions relating to the funding formula for K-12 public education. (BDR 34-792)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

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

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AN ACT relating to education; revising the Nevada Plan to include a funding multiplier of 2.0 for pupils with disabilities and a funding multiplier that increases incrementally over a 4-year period for pupils who are English learners and pupils who are at risk; requiring the State Board of Education to adopt regulations requiring school districts and charter schools to report the number of pupils enrolled who are identified as English learners and the number of pupils who are at risk; requiring the Department of Education to prescribe annual measurable objectives and performance targets to track the performance of the school districts and charter schools in providing education and services to such pupils; requiring the submission of an annual report by each school district and charter school which includes their results with respect to the annual objectives and performance targets prescribed for the preceding school year and a plan for meeting those objectives and targets for the ensuing school year; and providing other matters properly relating thereto.



**Legislative Counsel's Digest:**

1 Under the Federal Every Student Succeeds Act, which reauthorized the  
2 Elementary and Secondary Education Act of 1965, the term "limited English  
3 proficient" was replaced with "English learner." (20 U.S.C. § 7801(20)) **Section 1**  
4 of this bill makes conforming changes to existing law to replace the term "limited  
5 English proficient" with "English learner." (NRS 385.007)

6 Existing law declares that "the proper objective of state financial aid to public  
7 education is to ensure each Nevada child a reasonably equal educational  
8 opportunity." (NRS 387.121) To accomplish this objective, the Legislature  
9 establishes, during each legislative session and for each school year of the  
10 biennium, an estimated statewide average basic support guarantee per pupil. (NRS  
11 387.122) This is the per pupil amount that is "guaranteed" on a statewide basis  
12 through a combination of state money and certain local revenues. The basic support  
13 guarantee for each school district is computed by multiplying the basic support  
14 guarantee per pupil that is established by law for the school district for each school  
15 year by pupil enrollment. (NRS 387.121-387.1223)

16 Commencing with Fiscal Year 2016-2017, the Legislature stated its intent to  
17 provide school districts and charter schools with additional resources expressed as a  
18 multiplier of the basic support guarantee, to meet the unique needs of certain  
19 categories of pupils, including pupils with disabilities, pupils who are English  
20 learners, pupils who are at risk and gifted and talented pupils. These additional  
21 resources are expressed as a multiplier of the basic support guarantee per pupil.  
22 (NRS 387.121, 388.429)

23 **Section 2** of this bill requires the State Board of Education to adopt regulations  
24 requiring each school district and charter school to separately report the number of  
25 pupils enrolled in the school district or charter school who are identified as English  
26 learners and pupils who are at risk. **Section 2** also requires the Department of  
27 Education to prescribe annual measurable objectives and performance targets to  
28 track the performance of the school districts and charter schools in providing  
29 education and services to pupils who are English learners and to pupils who are at  
30 risk. Finally, **section 2** requires each school district and charter school to submit an  
31 annual report to the Department which includes their results with respect to the  
32 annual measurable objectives and performance targets prescribed for the preceding  
33 school year and a plan for meeting the objectives and targets prescribed for the  
34 ensuing school year.

35 **Section 4** of this bill provides for a multiplier of 2.0 in the basic support  
36 guarantee for each pupil with a disability and a multiplier in the basic support  
37 guarantee for each pupil identified as an English learner or identified as at risk as  
38 follows: (1) for the 2017-2018 school year, a multiplier of at least 1.05; (2) for the  
39 2018-2019 school year, a multiplier of at least 1.15; (3) for the 2019-2020 school  
40 year, a multiplier of at least 1.3; and (4) for the 2020-2021 school year and each  
41 school year thereafter, a multiplier of at least 1.5. Only one multiplier is applied if a  
42 pupil is identified in both categories of English learner and at risk.

43 **Section 5** of this bill requires each school district and charter school to submit  
44 to the Department a plan to improve the academic performance and proficiency of  
45 pupils who are English learners and pupils who are at risk for the 2018-2019 school  
46 year. **Section 5** also requires the Department to submit to the Legislature before  
47 January 1, 2018, the annual measurable objectives and performance targets required  
48 by **section 2** to track the performance of the school districts and charter schools in  
49 providing education and services to pupils who are English learners and to pupils  
50 who are at risk.



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

1       **Section 1.** NRS 385.007 is hereby amended to read as  
2 follows:

3       385.007 As used in this title, unless the context otherwise  
4 requires:

5       1. “Achievement charter school” means a public school  
6 operated by a charter management organization, as defined in NRS  
7 388B.020, an educational management organization, as defined in  
8 NRS 388B.030, or other person pursuant to a contract with the  
9 Achievement School District pursuant to NRS 388B.210 and subject  
10 to the provisions of chapter 388B of NRS.

11       2. “Department” means the Department of Education.

12       3. *“English learner” has the meaning ascribed to it in 20*  
13 *U.S.C. § 7801(20).*

14       4. “Homeschooled child” means a child who receives  
15 instruction at home and who is exempt from compulsory  
16 attendance pursuant to NRS 392.070, but does not include an opt-in  
17 child.

18       ~~4. “Limited English proficient” has the meaning ascribed to it~~  
19 ~~in 20 U.S.C. § 7801(25).]~~

20       5. “Opt-in child” means a child for whom an education savings  
21 account has been established pursuant to NRS 353B.850, who is not  
22 enrolled full-time in a public or private school and who receives all  
23 or a portion of his or her instruction from a participating entity, as  
24 defined in NRS 353B.750.

25       6. “Public schools” means all kindergartens and elementary  
26 schools, junior high schools and middle schools, high schools,  
27 charter schools and any other schools, classes and educational  
28 programs which receive their support through public taxation and,  
29 except for charter schools, whose textbooks and courses of study are  
30 under the control of the State Board.

31       7. “State Board” means the State Board of Education.

32       8. “University school for profoundly gifted pupils” has the  
33 meaning ascribed to it in NRS 388C.040.

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

36       1. *The State Board shall adopt regulations requiring each*  
37 *school district and charter school to separately report, in the time*  
38 *and manner prescribed by the State Board, the number of pupils*  
39 *enrolled in each school district and charter school who are*  
40 *identified as English learners and the number of pupils who are at*  
41 *risk for purposes of calculating the basic support guarantee for*  
42 *those pupils pursuant to subsection 4 of NRS 387.122. The*



1 *regulations must require the school districts and charter schools to*  
2 *report the number of pupils in each such category using the prior*  
3 *school year's enrollment based upon:*

4 *(a) The results of the assessment of proficiency in the*  
5 *English language prescribed by the State Board pursuant to NRS*  
6 *390.810 and administered by the school districts and charter*  
7 *schools, for purposes of reporting pupils who are English*  
8 *learners.*

9 *(b) Except as otherwise provided in paragraph (c), the number*  
10 *of pupils who are eligible for free or reduced-price lunches*  
11 *pursuant to 42 U.S.C. §§ 1751 et seq., for purposes of reporting*  
12 *pupils who are at risk.*

13 *(c) If data relating to eligibility for free or reduced-price*  
14 *lunches for a school district or charter school is not available, the*  
15 *number of pupils who are identified as at risk pursuant to an*  
16 *alternative measure prescribed by the State Board.*

17 *2. The Department shall prescribe annual measurable*  
18 *objectives and performance targets to track the performance of the*  
19 *school districts and charter schools in providing education and*  
20 *services to pupils who are English learners and to pupils who are*  
21 *at risk, including, without limitation, whether the money provided*  
22 *pursuant to the multiplier prescribed in subsection 4 of NRS*  
23 *387.122 improves the academic performance and proficiency of*  
24 *those pupils.*

25 *3. On or before July 1 of each year, each school district and*  
26 *charter school shall submit a report to the Department, in the form*  
27 *prescribed by the Department, which includes the results with*  
28 *respect to the annual measurable objectives and performance*  
29 *targets prescribed by the Department pursuant to subsection 2 for*  
30 *the preceding school year and a plan to meet the annual*  
31 *measurable objectives and performance targets prescribed for the*  
32 *ensuing school year. The Department shall review each report to*  
33 *determine whether:*

34 *(a) The school district or charter school is meeting the annual*  
35 *measurable objectives and performance targets prescribed by the*  
36 *Department; and*

37 *(b) The plan of the school district or charter school is designed*  
38 *to meet the annual measurable objectives and performance targets*  
39 *prescribed for the ensuing school year.*

40 **Sec. 3.** NRS 387.1211 is hereby amended to read as follows:

41 387.1211 As used in NRS 387.121 to 387.1245, inclusive **†**,  
42 *and section 2 of this act:*

43 1. "Average daily attendance" means the total number of pupils  
44 attending a particular school each day during a period of reporting



1 divided by the number of days school is in session during that  
2 period.

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

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

11 **Sec. 4.** NRS 387.122 is hereby amended to read as follows:

12 387.122 1. For making the apportionments of the State  
13 Distributive School Account in the State General Fund required by  
14 the provisions of this title, the basic support guarantee per pupil for  
15 each school district is established by law for each school year. The  
16 formula for calculating the basic support guarantee ~~may~~ **must** be  
17 expressed as an estimated weighted average per pupil, based on the  
18 total expenditures for public education in the immediately preceding  
19 even-numbered fiscal year, plus any legislative appropriations for  
20 the immediately succeeding biennium, minus those local funds not  
21 guaranteed by the State pursuant to NRS 387.163.

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

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

26 (b) Salary costs;

27 (c) Transportation; and

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

31 3. The basic support guarantee per pupil must include a  
32 multiplier **of 2.0** for pupils with disabilities. Except as otherwise  
33 provided in this subsection, the funding provided to each school  
34 district and charter school through the multiplier **of 2.0** for pupils  
35 with disabilities is limited to the actual number of pupils with  
36 disabilities enrolled in the school district or charter school, not to  
37 exceed 13 percent of total pupil enrollment for the school district or  
38 charter school. If a school district or charter school has reported an  
39 enrollment of pupils with disabilities equal to more than 13 percent  
40 of total pupil enrollment, the school district or charter school must  
41 receive an amount of money necessary to satisfy the requirements  
42 for maintenance of effort under federal law.

43 4. ***Except as otherwise provided in this subsection, for each***  
44 ***pupil who is identified as an English learner or at risk, as reported***  
45 ***pursuant to subsection 1 of section 2 of this act, the basic support***



1 *guarantee per pupil established by law for each school district*  
2 *must be multiplied by:*

3 (a) *For the 2017-2018 school year, at least 1.05.*

4 (b) *For the 2018-2019 school year, at least 1.15.*

5 (c) *For the 2019-2020 school year, at least 1.3.*

6 (d) *For the 2020-2021 school year and each school year*  
7 *thereafter, at least 1.5.*

8 *↳ If a pupil is reported by a school district or charter school as*  
9 *both an English learner and at risk, only one multiplier may be*  
10 *applied for the pupil pursuant to this subsection.*

11 5. Not later than July 1 of each even-numbered year, the  
12 Superintendent of Public Instruction shall review and, if necessary,  
13 revise the factors used for the equity allocation model adopted for  
14 the previous biennium and present the review and any revisions at a  
15 meeting of the Legislative Committee on Education for  
16 consideration and recommendations by the Committee. After the  
17 meeting, the Superintendent of Public Instruction shall consider any  
18 recommendations of the Legislative Committee on Education,  
19 determine whether to include those recommendations in the equity  
20 allocation model and adopt the model. The Superintendent of Public  
21 Instruction shall submit the equity allocation model to the:

22 (a) Governor for inclusion in the proposed executive  
23 budget.

24 (b) Director of the Legislative Counsel Bureau for transmittal to  
25 the next regular session of the Legislature.

26 ~~15-1~~ 6. The Department shall make available updated  
27 information regarding the equity allocation model on the Internet  
28 website maintained by the Department.

29 **Sec. 5.** 1. On or before September 1, 2017, each school  
30 district and charter school shall submit to the Department of  
31 Education a plan for the 2018-2019 school year for the school  
32 district or charter school, as applicable, to improve the academic  
33 performance and proficiency of pupils who are English learners and  
34 pupils who are at risk.

35 2. On or before January 1, 2018, the Department of Education  
36 shall submit to the Director of the Legislative Counsel Bureau for  
37 transmittal to the Legislature the annual measurable objectives and  
38 performance targets prescribed by the Department pursuant to  
39 subsection 2 of section 2 of this act.

40 **Sec. 6.** The Legislative Counsel shall, in preparing the Nevada  
41 Revised Statutes and the supplements to the Nevada Administrative  
42 Code, substitute appropriately the term "limited English proficient"  
43 for the term "English learner."



- 1     **Sec. 7.** This act becomes effective:  
2     1. Upon passage and approval for the purpose of adopting  
3 regulations and performing any other preparatory administrative  
4 tasks that are necessary to carry out the provisions of this act;  
5 and  
6     2. On July 1, 2017, for all other purposes.

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