

SUMMARY—Ensures sufficient funding for K-12 public education for the 2021-2023 biennium.

(BDR 34-1169)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State: Contains Appropriation included in Executive Budget.

AN ACT relating to education; ensuring sufficient funding for K-12 public education for the 2021-2023 biennium; apportioning the State Education Fund for the 2021-2023 biennium; authorizing certain expenditures; making appropriations relating to base per-pupil funding, weighted funding and other educational purposes; revising provisions relating to the Pupil-Centered Funding Plan; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN

SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. The total public support for school districts, charter schools and university schools for profoundly gifted pupils for Fiscal Year 2021-2022 is an estimated average of \$10,204 per pupil.

2. As used in this section, “total public support” includes all money appropriated directly for the support of the public schools in this State, including, without limitation, the statewide base per



pupil funding amount, adjusted base per pupil funding, additional weighted funding and all money appropriated for a specific program or purpose in support of the public schools, and all other money projected to be received for the support of the public schools from taxes, fees and other revenues authorized by state law, excluding any money provided by the Federal Government directly to a public school or school district or otherwise provided on a one-time basis in response to an emergency.

Sec. 2. 1. The total public support for school districts, charter schools and university schools for profoundly gifted pupils for Fiscal Year 2022-2023 is an estimated average of \$10,290 per pupil.

2. As used in this section, “total public support” includes all money appropriated directly for the support of the public schools in this State, including, without limitation, the statewide base per pupil funding amount, adjusted base per pupil funding, additional weighted funding and all money appropriated for a specific program or purpose in support of the public schools, and all other money projected to be received for the support of the public schools from taxes, fees and other revenues authorized by state law, excluding any money provided by the Federal Government directly to a public school or school district or otherwise provided on a one-time basis in response to an emergency.

Sec. 3. 1. There is hereby appropriated from the State General Fund to the Pupil-Centered Funding Plan Account in the State Education Fund:

For the Fiscal Year 2021-2022.....	\$1,396,939,483
For the Fiscal Year 2022-2023.....	\$1,223,780,931



2. The Legislature declares that the money appropriated by this section is sufficient, when combined with other money reasonably available for this purpose, to fund the operation of the public schools in this State for kindergarten through grade 12 for the next ensuing biennium for the population reasonably estimated for that biennium.

3. The money appropriated by subsection 1 must be:

(a) Expended in accordance with NRS 353.150 to 353.246, inclusive, concerning the allotment, transfer, work program and budget; and

(b) Work-programmed for the 2 separate fiscal years of the 2021-2023 biennium, as required by NRS 353.215. Work programs may be revised with the approval of the Governor upon the recommendation of the Director of the Office of Finance in the Office of the Governor.

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

Sec. 4. 1. Expenditure from or transfer to the Pupil-Centered Funding Plan Account in the State Education Fund of \$3,013,387,160 from money in the State Education Fund that was not appropriated from the State General Fund is hereby authorized during Fiscal Year 2021-2022.

2. Expenditure from or transfer to the Pupil-Centered Funding Plan Account in the State Education Fund of \$3,239,583,349 from money in the State Education Fund that was not appropriated from the State General Fund is hereby authorized during Fiscal Year 2022-2023.

3. The money authorized to be expended or transferred by subsections 1 and 2 must be expended or transferred in accordance with NRS 353.150 to 353.246, inclusive, concerning the allotment, transfer, work program and budget. Transfers to and allotments from must be allowed



and made in accordance with NRS 353.215 to 353.225, inclusive, after separate consideration of the merits of each request.

Sec. 5. 1. For each respective school district, the Department of Education shall transfer from the Pupil-Centered Funding Plan Account in the State Education Fund the following sums for food services and transportation for pupils and any other similar service for Fiscal Year 2021-2022:

	Food Services	Transportation
Carson City	\$525,622	\$2,338,121
Churchill	\$125,376	\$1,980,140
Clark	\$363,705	\$146,298,844
Douglas	\$0	\$3,441,571
Elko	\$344,693	\$4,255,427
Esmeralda	\$48,943	\$326,275
Eureka	\$396,459	\$431,253
Humboldt	\$56,081	\$1,608,763
Lander	\$37,240	\$430,551
Lincoln	\$69,515	\$767,800
Lyon	\$0	\$4,699,837
Mineral	\$72,495	\$353,442
Nye	\$0	\$3,847,541



Pershing	\$60,477	\$718,387
Storey	\$22,843	\$543,585
Washoe	\$0	\$25,958,402
White Pine	\$82,178	\$1,086,215

2. For each respective school district, charter school and university school for profoundly gifted pupils, the Department of Education shall transfer from the Pupil-Centered Funding Plan Account in the State Education Fund the following sums which may be used for local funding for pupils with disabilities for Fiscal Year 2021-2022:

Carson City	\$7,547,383
Churchill	\$1,862,019
Clark	\$350,169,543
Douglas	\$3,785,594
Elko	\$5,859,740
Esmeralda	\$44,311
Eureka	\$198,615
Humboldt	\$2,374,930
Lander	\$732,955
Lincoln	\$327,715
Lyon	\$8,182,953
Mineral	\$215,665



Nye	\$7,569,572
Pershing	\$456,815
Storey	\$54,667
Washoe	\$45,738,073
White Pine	\$517,218
Charter Schools, combined	\$6,415,159
University Schools, combined	\$0

3. The statewide base per pupil funding amount for Fiscal Year 2021-2022 is \$6,980 per pupil.

4. For each respective school district, the adjusted base per pupil funding amount for Fiscal

Year 2021-2022 is:

Carson City	\$7,763
Churchill	\$8,093
Clark	\$7,264
Douglas	\$9,177
Elko	\$9,279
Esmeralda	\$22,360
Eureka	\$33,746
Humboldt	\$9,713
Lander	\$10,547
Lincoln	\$13,725



Lyon	\$8,532
Mineral	\$12,286
Nye	\$8,764
Pershing	\$11,794
Storey	\$23,274
Washoe	\$7,222
White Pine	\$11,298

5. For each charter school or university school for profoundly gifted pupils, the statewide base per pupil funding amount for each pupil enrolled full-time in a program of distance education provided by such a school in Fiscal Year 2021-2022 is \$6,980. For each such school which provides in-person instruction in each of the respective counties, the adjusted base per pupil funding amount for Fiscal Year 2021-2022, before application of the appropriate attendance area adjustment, is:

Carson City	\$6,980
Churchill	\$7,169
Clark	\$7,197
Douglas	\$6,980
Elko	\$7,169
Esmeralda	\$7,169
Eureka	\$7,169



Humboldt	\$7,169
Lander	\$7,169
Lincoln	\$7,169
Lyon	\$6,980
Mineral	\$7,169
Nye	\$7,169
Pershing	\$7,169
Storey	\$6,980
Washoe	\$6,980
White Pine	\$7,169

6. The Department of Education shall determine the final adjusted base per pupil funding amount for Fiscal Year 2021-2022 for a charter school or university school for profoundly gifted pupils by applying the appropriate attendance area adjustment for the location of the charter school or university school within a county to the amount established by subsection 5 for the county in which the charter school or university school is located. For a charter school or university school in each of the following counties, the final adjusted base per pupil funding amount for Fiscal Year 2021-2022 shall not exceed:

Carson City	\$7,494
Churchill	\$8,093
Clark	\$7,197



Elko	\$7,715
Washoe	\$6,980
White Pine	\$10,367

7. The additional weighted funding for each pupil estimated to be enrolled in a public school in each respective category for Fiscal Year 2021-2022, expressed as a multiplier to the statewide base per pupil funding amount, is:

For English learners	0.24
For at-risk pupils	0.03
For gifted and talented pupils	0.12

8. For each respective school district, charter school and university school for profoundly gifted pupils, the Department of Education shall transfer from the Pupil-Centered Funding Plan Account in the State Education Fund the following sums for additional weighted funding at the levels established by subsection 7 for Fiscal Year 2021-2022:

	English Learners	At-Risk Pupils	Gifted and Talented Pupils
Carson City	\$1,430,707	\$669,135	\$354,238
Churchill	\$237,020	\$590,618	\$0
Clark	\$61,950,498	\$45,419,303	\$3,853,983



Douglas	\$371,245	\$156,708	\$128,814
Elko	\$1,132,544	\$1,614,769	\$128,814
Esmeralda	\$17,310	\$8,342	\$0
Eureka	\$10,159	\$1,192	\$0
Humboldt	\$488,403	\$362,218	\$0
Lander	\$76,827	\$79,247	\$0
Lincoln	\$54,252	\$45,284	\$0
Lyon	\$645,675	\$834,621	\$29,317
Mineral	\$76,827	\$98,035	\$0
Nye	\$532,886	\$986,130	\$0
Pershing	\$88,651	\$58,989	\$0
Storey	\$13,704	\$13,704	\$0
Washoe	\$10,976,479	\$4,371,586	\$1,462,520
White Pine	\$24,519	\$168,129	\$0
Charter Schools, combined	\$6,898,100	\$4,845,863	\$714,507
University Schools, combined	\$0	\$0	\$0

9. Pursuant to the expression of legislative intent in subsection 3 of NRS 387.121, as amended by section 20 of this act, the Carson City and Douglas, Elko, Esmeralda, Eureka, Humboldt, Lincoln, Pershing and Storey County school districts may each reapportion money received pursuant to subsections 4 and 8 in a manner similar to the apportionment of such money in the



fiscal year ending on June 30, 2020, to ensure that each pupil in the district receives a reasonably equal educational opportunity.

Sec. 6. 1. For each respective school district, the Department of Education shall transfer from the Pupil-Centered Funding Plan Account in the State Education Fund the following sums for food services and transportation for pupils and any other similar service for Fiscal Year 2022-2023:

	Food Services	Transportation
Carson City	\$526,080	\$2,340,160
Churchill	\$125,485	\$1,982,861
Clark	\$364,022	\$146,426,415
Douglas	\$0	\$3,444,572
Elko	\$344,994	\$4,259,138
Esmeralda	\$48,985	\$326,559
Eureka	\$396,805	\$431,629
Humboldt	\$56,130	\$1,610,165
Lander	\$37,273	\$430,926
Lincoln	\$69,576	\$768,470
Lyon	\$0	\$4,703,936
Mineral	\$72,558	\$353,750
Nye	\$0	\$3,850,896



Pershing	\$60,530	\$719,013
Storey	\$22,863	\$544,059
Washoe	\$0	\$25,981,037
White Pine	\$82,250	\$1,087,162

2. For each respective school district, charter school and university school for profoundly gifted pupils, the Department of Education shall transfer from the Pupil-Centered Funding Plan Account in the State Education Fund the following sums which may be used for local funding for pupils with disabilities for Fiscal Year 2022-2023:

Carson City	\$7,553,965
Churchill	\$1,863,643
Clark	\$350,474,887
Douglas	\$3,788,895
Elko	\$5,864,849
Esmeralda	\$44,350
Eureka	\$198,789
Humboldt	\$2,377,001
Lander	\$733,594
Lincoln	\$328,001
Lyon	\$8,190,088
Mineral	\$215,853



Nye	\$7,576,172
Pershing	\$457,214
Storey	\$54,715
Washoe	\$45,777,956
White Pine	\$517,669
Charter Schools, combined	\$6,420,753
University Schools, combined	\$0

3. The statewide base per pupil funding amount for Fiscal Year 2022-2023 is \$7,074 per pupil.

4. For each respective school district, the adjusted base per pupil funding amount for Fiscal

Year 2022-2023 is:

Carson City	\$7,753
Churchill	\$8,197
Clark	\$7,361
Douglas	\$9,165
Elko	\$9,267
Esmeralda	\$22,331
Eureka	\$33,701
Humboldt	\$9,701
Lander	\$10,683
Lincoln	\$13,707



Lyon	\$8,644
Mineral	\$12,447
Nye	\$8,881
Pershing	\$11,779
Storey	\$23,243
Washoe	\$7,318
White Pine	\$11,445

5. For each charter school or university school for profoundly gifted pupils, the statewide base per pupil funding amount for each pupil enrolled full-time in a program of distance education provided by such a school in Fiscal Year 2022-2023 is \$7,074. For each such school which provides in-person instruction in each of the respective counties, the adjusted base per pupil funding amount for Fiscal Year 2022-2023 is:

Carson City	\$7,074
Churchill	\$7,265
Clark	\$7,293
Douglas	\$7,074
Elko	\$7,265
Esmeralda	\$7,265
Eureka	\$7,265
Humboldt	\$7,265



Lander	\$7,265
Lincoln	\$7,265
Lyon	\$7,074
Mineral	\$7,265
Nye	\$7,265
Pershing	\$7,265
Storey	\$7,074
Washoe	\$7,074
White Pine	\$7,265

6. The Department of Education shall determine the final adjusted base per pupil funding amount for Fiscal Year 2022-2023 for a charter school or university school for profoundly gifted pupils by applying the appropriate attendance area adjustment for the location of the charter school or university school within a county to the amount established by subsection 5 for the county in which the charter school or university school is located. For a charter school or university school in each of the following counties, the final adjusted base per pupil funding amount for Fiscal Year 2022-2023 shall not exceed:

Carson City	\$7,594
Churchill	\$8,197
Clark	\$7,293
Elko	\$7,818



Washoe	\$7,074
White Pine	\$10,501

7. The additional weighted funding for each pupil estimated to be enrolled in a public school in each respective category for Fiscal Year 2022-2023, expressed as a multiplier to the statewide base per pupil funding amount, is:

For English learners	0.23
For at-risk pupils	0.03
For gifted and talented pupils	0.12

8. For each respective school district, charter school and university school for profoundly gifted pupils, the Department of Education shall transfer from the Pupil-Centered Funding Plan Account in the State Education Fund the following sums for additional weighted funding at the levels established by subsection 7 for Fiscal Year 2022-2023:

	English Learners	At-Risk Pupils	Gifted and Talented Pupils
Carson City	\$1,431,955	\$669,719	\$354,547
Churchill	\$237,227	\$591,133	\$0
Clark	\$62,004,518	\$45,458,908	\$3,905,636
Douglas	\$371,568	\$156,844	\$128,926



Elko	\$1,133,531	\$1,616,177	\$128,926
Esmeralda	\$17,325	\$8,349	\$0
Eureka	\$10,168	\$1,193	\$0
Humboldt	\$488,829	\$362,534	\$0
Lander	\$76,894	\$79,316	\$0
Lincoln	\$54,299	\$45,324	\$0
Lyon	\$646,238	\$835,349	\$29,710
Mineral	\$76,894	\$98,120	\$0
Nye	\$533,351	\$986,990	\$0
Pershing	\$88,729	\$59,040	\$0
Storey	\$13,716	\$13,716	\$0
Washoe	\$10,986,051	\$4,375,398	\$1,482,121
White Pine	\$24,541	\$168,275	\$0
Charter Schools, combined	\$6,904,115	\$4,850,088	\$724,083
University Schools, combined	\$0	\$0	\$0

9. Pursuant to the expression of legislative intent in subsection 3 of NRS 387.121, as amended by section 20 of this act, the Carson City and Douglas, Elko, Esmeralda, Eureka, Humboldt, Lincoln, Pershing and Storey County school districts may each reapportion money received pursuant to subsections 4 and 8 in a manner similar to the apportionment of such money in the fiscal year ending on June 30, 2020, to ensure that each pupil in the district receives a reasonably equal educational opportunity.



Sec. 7. 1. There is hereby appropriated from the State General Fund to the Account for State Special Education Services created by NRS 388.5243 for the support of pupils with disabilities the following amounts:

For the Fiscal Year 2021-2022.....\$224,704,022
For the Fiscal Year 2022-2023.....\$230,258,569

2. Expenditure of \$1,999,900 in both Fiscal Year 2021-2022 and Fiscal Year 2022-2023 from money in the Account for State Special Education Services created by NRS 388.5243 that was not appropriated from the State General Fund is hereby authorized for expenditure for the support of pupils with disabilities.

3. The Department of Education shall transfer from the Account for State Special Education Services created by NRS 388.5243 the following sums for pupils with disabilities:

For the Fiscal Year 2021-2022.....\$223,203,922
For the Fiscal Year 2022-2023.....\$228,758,469

4. The money transferred pursuant to subsection 3 must be used only to fund the school districts, charter schools and university schools for profoundly gifted pupils for the enrollment of pupils with disabilities in accordance with the funding multiplier calculated by the Department of Education pursuant to subsection 1 of NRS 387.122, as amended by section 21 of this act.

5. The Department of Education shall transfer from the Account for State Special Education Services created by NRS 388.5243 the following sums for pupils with disabilities:

For the Fiscal Year 2021-2022.....\$1,500,000
For the Fiscal Year 2022-2023.....\$1,500,000



6. The money transferred pursuant to subsection 5 must be used only to fund the school districts, charter schools and university schools for profoundly gifted pupils for the enrollment of pupils with disabilities in accordance with the funding multiplier calculated by the Department of Education pursuant to subsection 2 of NRS 387.122, as amended by section 21 of this act.

7. The Department of Education may transfer from the Account for State Special Education Services created by NRS 388.5243 the following sums for pupils with disabilities:

For the Fiscal Year 2021-2022.....	\$2,000,000
For the Fiscal Year 2022-2023.....	\$2,000,000

8. The money transferred pursuant to subsection 7 must be used only to carry out the purposes of subsection 4 of NRS 388.5243.

9. Any remaining balance of the sums transferred pursuant to subsections 3 and 5 for Fiscal Year 2021-2022 and Fiscal Year 2022-2023 must not be committed for expenditure after June 30 of each fiscal year and must be reverted to the State General Fund on or before September 16, 2022, and September 15, 2023, for each fiscal year respectively.

Sec. 8. 1. There is hereby appropriated from the State General Fund to the Other State Education Programs Account in the State General Fund the following sums:

For the Fiscal Year 2021-2022.....	\$37,432,458
For the Fiscal Year 2022-2023.....	\$37,432,458

2. The money appropriated by subsection 1 must be expended in accordance with NRS 353.150 to 353.246, inclusive, concerning the allotment, transfer, work program and budget.



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

3. Expenditure of \$252,098 by the Department of Education from money in the Other State Education Programs Account that was not appropriated from the State General Fund is hereby authorized during Fiscal Year 2022-2023.

4. The Department of Education shall transfer from the Other State Education Programs Account the sum of \$19,260,398 for both Fiscal Year 2021-2022 and Fiscal Year 2022-2023 for distribution by the Superintendent of Public Instruction to county school districts for the support of courses which are approved by the Department of Education as meeting the course of study for an adult standard high school diploma as approved by the State Board of Education. In each fiscal year of the 2021-2023 biennium, the sum transferred must be allocated among the various school districts in accordance with a plan or formula developed by the Department of Education to ensure that the money is distributed equitably and in a manner that permits accounting for the expenditures of school districts.

5. The Department of Education shall, not later than November 1, 2021, and November 1, 2022, provide a written report to the Governor, the Legislative Committee on Education and the Director of the Legislative Counsel Bureau that describes, for the immediately preceding fiscal year, each expenditure made from the amount transferred pursuant to subsection 4 or pursuant to subsection 4 of section 19 of chapter 376, Statutes of Nevada 2019, as amended by section 67 of chapter 5, Statutes of Nevada 2020, 31st Special Session, at page 66, as applicable, and the performance results of the participants of the Adult High School Diploma program.



6. Any remaining balance of the allocations made pursuant to subsection 4 for Fiscal Year 2021-2022 must be added to the money received by the school districts for Fiscal Year 2022-2023 and may be expended as that money is expended. Any remaining balance of the allocations made pursuant to subsection 4 for Fiscal Year 2022-2023, including any such money added from the previous fiscal year, must not be committed for expenditure after June 30, 2023, and must be reverted to the State General Fund on or before September 15, 2023.

7. The money appropriated by subsection 1 to finance specific programs as outlined in this subsection is available for both Fiscal Year 2021-2022 and Fiscal Year 2022-2023 and may be transferred from one fiscal year to the other with the approval of the Interim Finance Committee upon the recommendation of the Governor as follows:

(a) A total of \$3,865,513 in Fiscal Year 2021-2022 and \$3,865,513 in Fiscal Year 2022-2023 for the Jobs for America's Graduates Program. Of the total transferred in each fiscal year pursuant to this paragraph, expenditure of an amount up to \$252,098 in each fiscal year is contingent upon matching money being provided from sources other than the appropriation in subsection 1. The Department of Education shall not distribute the money identified in this paragraph to the Jobs for America's Graduates Program until an equivalent amount of matching money has been committed.

(b) A total of \$300,000 in both Fiscal Year 2021-2022 and Fiscal Year 2022-2023 to the Department of Education for transfer to the Clark County Public Education Foundation, Inc., for the implementation and operation of educational leadership training programs. Expenditure of this money is contingent upon matching money being provided from sources other than the appropriation in subsection 1. The Department of Education shall not distribute any money for the



implementation and operation of educational leadership training programs until an equivalent amount of matching money has been committed.

8. Upon acceptance of the money transferred pursuant to paragraph (b) of subsection 7, the Clark County Public Education Foundation, Inc., agrees to:

(a) Prepare and transmit a report to the Interim Finance Committee on or before September 16, 2022, that describes each expenditure made from the money transferred pursuant to paragraph (b) of subsection 7 from the date on which the money was received by the Clark County Public Education Foundation, Inc., through June 30, 2022;

(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 15, 2023, that describes each expenditure made from the money transferred pursuant to paragraph (b) of subsection 7 from the date on which the money was received by the Clark County Public Education Foundation, Inc., through June 30, 2023; and

(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the Clark County Public Education Foundation, Inc., regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money transferred pursuant to paragraph (b) of subsection 7.

9. Any remaining balance of the sums transferred pursuant to subsection 7 must not be committed for expenditure after June 30, 2023, by the entity to which the money is transferred or any entity to which such money is granted or otherwise transferred in any manner, and any portion of the transferred money remaining must not be spent for any purpose after September 15, 2023.



10. The Department of Education shall transfer from the Other State Education Programs Account the sum of \$13,543,822 in Fiscal Year 2021-2022 and \$13,543,822 in Fiscal Year 2022-2023 for the award of grants for programs of career and technical education pursuant to NRS 388.393 and, notwithstanding the provisions of subsections 1, 2 and 3 of NRS 388.392, not for the use of leadership and training activities and pupil organizations.

11. Any remaining balance of the sums transferred pursuant to subsection 10 must not be committed for expenditure after June 30 of each fiscal year and must be reverted to the State General Fund on or before September 16, 2022, and September 15, 2023, for each fiscal year respectively.

12. The Department of Education shall transfer from the Other State Education Programs Account the sum of \$462,725 in both Fiscal Year 2021-2022 and Fiscal Year 2022-2023 for the award of grants to support public broadcasting in this State.

13. Any remaining balance of the sums transferred pursuant to subsection 12 must not be committed for expenditure after June 30 of each fiscal year by the entity to which the money is transferred or any entity to which such money is granted or otherwise transferred in any manner, and any portion of the transferred money remaining must not be spent for any purpose after September 16, 2022, and September 15, 2023, for each fiscal year respectively.

Sec. 9. 1. There is hereby appropriated from the State General Fund to the Professional Development Programs Account:

For the Fiscal Year 2021-2022.....	\$7,347,792
For the Fiscal Year 2022-2023.....	\$7,347,792



2. The money appropriated by subsection 1 must be expended in accordance with NRS 353.150 to 353.246, inclusive, concerning the allotment, transfer, work program and budget. Transfers to and allotments from must be allowed and made in accordance with NRS 353.215 to 353.225, inclusive, after separate consideration of the merits of each request.

Sec. 10. 1. Of the sums appropriated by subsection 1 of section 9 of this act, the Department of Education shall transfer to the school districts specified in this subsection the following sums for Fiscal Year 2021-2022 and Fiscal Year 2022-2023:

<u>School District</u>	<u>2021-2022</u>	<u>2022-2023</u>
Clark County School District	\$3,855,876	\$3,855,876
Elko County School District	\$1,210,837	\$1,210,837
Washoe County School District	\$2,172,984	\$2,172,984
TOTAL:	\$7,239,697	\$7,239,697

2. A school district that receives a transfer of money 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 the 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 pursuant to subsection 1 for Fiscal Year 2021-2022 must be added to the money received by the school districts for Fiscal Year 2022-2023 and



may be expended as that money is expended. Any remaining balance of the transfers made pursuant to subsection 1 for Fiscal Year 2022-2023, including any money added from the transfer for the previous fiscal year, must not be committed for expenditure after June 30, 2023, and must be reverted to the State General Fund on or before September 15, 2023.

Sec. 11. 1. Of the sums appropriated by subsection 1 of section 9 of this act, the Department of Education shall transfer to the Statewide Council for the Coordination of the Regional Training Programs created by NRS 391A.130 the sum of \$100,000 in both Fiscal Year 2021-2022 and Fiscal Year 2022-2023 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 the purpose 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.

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



3. Any remaining balance of the transfer made pursuant to subsection 1 for Fiscal Year 2021-2022 must be added to the money received by the Statewide Council for Fiscal Year 2022-2023 and may be expended as that money is expended. Any remaining balance of the transfer made pursuant to subsection 1 for Fiscal Year 2022-2023, including any money added from the transfer for the previous fiscal year, must not be committed for expenditure after June 30, 2023, and must be reverted to the State General Fund on or before September 15, 2023.

Sec. 12. 1. Of the sums appropriated by subsection 1 of section 9 of this act, the Department of Education may expend the sum of \$100,000 in both Fiscal Year 2021-2022 and Fiscal Year 2022-2023 for additional training opportunities for educational administrators in Nevada.

2. The Department of Education 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 the purpose 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.



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

3. Of the sums appropriated by subsection 1 of section 9 of this act, the sums of \$100,000 in Fiscal Year 2021-2022 and \$100,000 in Fiscal Year 2022-2023 are available for both Fiscal Year 2021-2022 and Fiscal Year 2022-2023 and may be transferred within the same budget account from one fiscal year to the other with the approval of the Interim Finance Committee upon the recommendation of the Governor.

Sec. 13. Of the sums appropriated by subsection 1 of section 9 of this act, the Department of Education may expend the sum of \$8,095 in both Fiscal Year 2021-2022 and Fiscal Year 2022-2023 for the operating and travel costs associated with the Teacher of the Year program.

Sec. 14. 1. There is hereby appropriated from the State General Fund to the 1/5 Retirement Credit Purchase Program Account in the State General Fund to purchase one-fifth of a year of retirement service credit pursuant to section 5 of chapter 8, Statutes of Nevada 2007, 23rd Special Session, at page 18:

For the Fiscal Year 2021-2022.....\$459,849

For the Fiscal Year 2022-2023.....\$459,849

2. The money appropriated by subsection 1 is available for either fiscal year with the approval of the Interim Finance Committee upon the recommendation of the Governor. Any remaining balance of those sums must not be committed for expenditure after June 30, 2023, and must be reverted to the State General Fund on or before September 15, 2023.



Sec. 15. 1. There is hereby appropriated from the State General Fund to the Teach Nevada Scholarship Program Account created by NRS 391A.575 to award grants to universities, colleges and other providers of an alternative licensure program that are approved to award Teach Nevada Scholarships pursuant to NRS 391A.585:

For the Fiscal Year 2021-2022.....\$2,407,861
For the Fiscal Year 2022-2023.....\$2,407,861

2. The money appropriated by subsection 1 must be expended in accordance with NRS 353.150 to 353.246, inclusive, concerning the allotment, transfer, work program and budget. Transfers to and allotments from must be allowed and made in accordance with NRS 353.215 to 353.225, inclusive, after separate consideration of the merits of each request.

3. Expenditure of \$3,991,383 in Fiscal Year 2021-2022 and \$4,070,683 in Fiscal Year 2022-2023 from money in the Teach Nevada Scholarship Program Account that was not appropriated from the State General Fund is hereby authorized to award grants to universities, colleges and other providers of an alternative licensure program that are approved to award Teach Nevada Scholarships pursuant to NRS 391A.585.

4. For the purposes of accounting and reporting, the sum authorized for expenditure by subsection 3 is considered to be expended before any appropriation is made to the Teach Nevada Scholarship Program Account from the State General Fund.

Sec. 16. Any amount apportioned to a county school district pursuant to subsection 4 of NRS 362.170 in Fiscal Year 2020-2021 shall be deemed revenue in the State Education Fund for Fiscal Year 2021-2022.



Sec. 17. Any balance remaining in the Account for Programs for Innovation and the Prevention of Remediation created by NRS 387.1247, the Teachers' School Supplies Assistance Account created by NRS 387.1253 or the Account for the New Nevada Education Funding Plan created by NRS 387.129 that has not been committed for expenditure before July 1, 2021, must be reverted to the State Education Fund.

Sec. 18. 1. Notwithstanding the provisions of subsection 3 of NRS 387.1223 to the contrary and except as otherwise provided in subsection 2, for Fiscal Year 2021-2022, if the enrollment of pupils in a school district or a charter school that is located within the school district based on the average daily enrollment of pupils during the quarter of the school year is less than or equal to 95 percent of the enrollment of pupils in the same school district or charter school based on the average daily enrollment of pupils during the same quarter of either of the 2 immediately preceding school years, the enrollment of pupils during the same quarter of the school year of the 2 immediately preceding school years with the higher enrollment must be used for purposes of making the monthly apportionments from the State Education Fund to that school district or charter school pursuant to NRS 387.124.

2. The provisions of subsection 1 and the provisions of subsection 3 of NRS 387.1223 do not apply to any decrease in enrollment of pupils in a charter school caused by an action of the sponsor of the charter school.

Sec. 19. 1. The State Education Fund is hereby created as a special revenue fund to be administered by the Superintendent of Public Instruction for the purpose of supporting the operation of the public schools in this State.



2. The Education Stabilization Account is hereby created in the State Education Fund.

3. There is hereby appropriated from the State General Fund to the Education Stabilization Account in the State Education Fund the sum of \$50,000,000.

4. The amount appropriated to the Education Stabilization Account by subsection 3 is a loan to the Department of Education to fund any future transfers from the Account authorized by law on or after July 1, 2021. The money appropriated by subsection 3 is a continuing appropriation solely for the purpose of authorizing the expenditure of the appropriated money for the purposes set forth in this subsection.

5. Commencing on July 1, 2022, the Department of Education shall repay in annual installments to the State General Fund amounts equal to any transfers of money into the Education Stabilization Account until the loan created by this section is fully repaid.

Sec. 20. NRS 387.121 is hereby amended to read as follows:

387.121 1. The Legislature declares that the proper objective of state financial aid to public education is to ensure each Nevada child a reasonably equal educational opportunity. Recognizing wide local variations in wealth and costs per pupil, this State should supplement local financial ability to whatever extent necessary in each school district to provide programs of instruction in both compulsory and elective subjects that offer full opportunity for every Nevada child to receive the benefit of the purposes for which public schools are maintained. Therefore, the quintessence of the State's financial obligation for such programs can be expressed by combining money raised pursuant to state law at the local level with state money to provide a certain basic level of support to each pupil in this State, adjusted to account for variation in the local costs to provide a



reasonably equal educational opportunity to pupils and for the costs of providing a reasonably equal educational opportunity to pupils with certain additional educational needs. This formula is designated the Pupil-Centered Funding Plan.

2. It is the intent of the Legislature, commencing with Fiscal Year 2019-2020, to promote transparency and accountability in state funding for public education by accounting for all state financial aid to public schools and projected local financial aid to public schools, both on a per pupil basis and on a per program basis, and expressing the total per pupil amount of all such support.

3. It is the intent of the Legislature to accomplish the transition to the Pupil-Centered Funding Plan without causing an unexpected loss of revenue to any school district , *charter school or university school for profoundly gifted pupils* which may receive less money *on a per-pupil basis* under the Pupil-Centered Funding Plan than the district , *charter school or university school for profoundly gifted pupils* received during the fiscal year ending on June 30, 2020. Except as otherwise provided in subsection 4, if a school district , *charter school or university school for profoundly gifted pupils* would receive less money under the Pupil-Centered Funding Plan than the district , *charter school or university school for profoundly gifted pupils* received during the fiscal year ending on June 30, 2020, it is the intent of the Legislature that the school district , *charter school or university school for profoundly gifted pupils* instead receive ~~the same~~ a *reasonably similar* level of funding *on a per-pupil basis* that the district , *charter school or university school for profoundly gifted pupils* received during the fiscal year ending on June 30, 2020, and be given the flexibility to reapportion money between its adjusted base per pupil funding



and weighted funding in a manner similar to the apportionment of such money in the fiscal year ending on June 30, 2020, to ensure that each pupil in the district , *charter school or university school for profoundly gifted pupils* receives a reasonably equal educational opportunity. *When determining whether charter schools should receive a reasonably similar level of funding on a per-pupil basis that charter schools received during the fiscal year ending on June 30, 2020, it is the intent of the Legislature that all charter schools should be considered as a whole rather than evaluated individually.*

4. It is the intent of the Legislature to ensure that no school district that receives a modified allocation of money as described in subsection 3 receives less funding in a school year than the school district received in the immediately preceding school year unless the enrollment in the school district continues to decline for a period of 2 years or more. In the event of such an enrollment decline, it is the intent of the Legislature to determine an appropriate method to mitigate the effects of a continued decline in enrollment, which may include, without limitation, appropriating money to the school district as if the number of pupils enrolled in the district equaled the average number of pupils enrolled in the district over a rolling 3-year period.

Sec. 21. NRS 387.122 is hereby amended to read as follows:

387.122 1. ~~[For making the apportionments of the State Distributive School Account in the State General Fund required by the provisions of this title, the basic support guarantee per pupil for each school district is established by law for each school year. The formula for calculating the basic support guarantee may be expressed as an estimated weighted average per pupil, based on the total expenditures for public education in the immediately preceding even-numbered fiscal~~



~~year, plus any legislative appropriations for the immediately succeeding biennium, minus those local funds not guaranteed by the State pursuant to NRS 387.163.~~

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

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

~~—(b) Salary costs;~~

~~—(c) Transportation; and~~

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

~~—3.— The basic~~ *In addition to the support provided from the State Education Fund pursuant to NRS 387.1214, the support [guarantee per pupil] provided for the public schools of this State* must include a statewide multiplier for pupils with disabilities ~~[.]~~ *or an amount determined necessary to satisfy any applicable requirement for maintenance of effort under federal law.*

Except as otherwise provided in this section, the funding provided to each school district and charter school through the *statewide* multiplier for pupils with disabilities *or amount determined necessary to satisfy any applicable requirement for maintenance of effort under federal law* is limited to the actual number of pupils with disabilities enrolled in the school district or charter school, not to exceed 13 percent of total pupil enrollment for the school district or charter school.

~~[4.]~~ **2.** Except as otherwise provided in this subsection, if a school district or charter school has reported an enrollment of pupils with disabilities equal to more than 13 percent of total pupil enrollment, the school district or charter school must receive, for each such additional pupil, an



amount of money equal to one-half of the statewide multiplier then in effect for pupils with disabilities ~~[.]~~ *or a reasonably similar level of funding*. An apportionment made to a school district or charter school pursuant to this subsection is subject to change from year to year in accordance with the number of pupils with disabilities enrolled in the school district or charter school. If the money available for apportionment pursuant to this subsection is insufficient to make the apportionment otherwise required by this subsection, the Superintendent of Public Instruction shall proportionately reduce the amount so apportioned to each school district and charter school. The Department shall account separately for any money apportioned pursuant to this subsection.

~~[5.— Not later than May 1 of each even-numbered year, the Superintendent of Public Instruction shall review and, if necessary, revise the factors used for the equity allocation model adopted for the previous biennium and present the review and any revisions at a meeting of the Legislative Committee on Education for consideration and recommendations by the Committee. After the meeting, the Superintendent of Public Instruction shall consider any recommendations of the Legislative Committee on Education and determine whether to include those recommendations in the equity allocation model. Not earlier than July 1 of each even-numbered year, the Superintendent of Public Instruction shall adopt the equity allocation model. The Superintendent of Public Instruction shall submit the equity allocation model to the:~~

~~—(a) Governor for inclusion in the proposed executive budget.~~

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



~~—6. The Department shall make available updated information regarding the equity allocation model on the Internet website maintained by the Department.]~~

Sec. 22. NRS 387.1246 is hereby amended to read as follows:

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

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

(a) One member appointed by the Governor, who serves as Chair;

(b) Two members appointed by the Majority Leader of the Senate;

(c) Two members appointed by the Speaker of the Assembly;

(d) One member appointed by the Minority Leader of the Senate;

(e) One member appointed by the Minority Leader of the Assembly;

(f) Two members appointed by the Governor, each of whom is the chief financial officer of a school district in this State which has more than 40,000 pupils enrolled in its public schools, nominated by the Nevada Association of School Superintendents or its successor organization; and

(g) Two members appointed by the Governor, each of whom is the chief financial officer of a school district in this State which has 40,000 or fewer pupils enrolled in its public schools, nominated by the Nevada Association of School Superintendents or its successor organization.

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

3. Each member of the Commission must:



- (a) Be a resident of this State;
 - (b) Not have been registered as a lobbyist pursuant to NRS 218H.200 for a period of at least 2 years immediately preceding appointment to the Commission;
 - (c) Have relevant experience in public education;
 - (d) Have relevant experience in fiscal policy, school finance or similar or related financial activities;
 - (e) Have the education, experience and skills necessary to effectively execute the duties and responsibilities of a member of the Commission; and
 - (f) Have demonstrated ability in the field of economics, taxation or other discipline necessary to school finance and be able to bring knowledge and professional judgment to the deliberations of the Commission.
4. Each member of the Commission serves a term of 3 years and may be reappointed to additional terms.
5. Each member may be removed by the appointing authority for good cause. A vacancy on the Commission must be filled in the same manner as the original appointment.
6. The Commission shall:
- (a) Elect a Vice Chair from among its members at its first meeting for a term of 3 years. A vacancy in the office of Vice Chair must be filled by the Commission by election for the remainder of the existing term.
 - (b) Adopt such rules governing the conduct of the Commission as it deems necessary.



(c) Hold its first meeting on or before October 1, 2019, and hold such additional number of meetings as may be necessary to accomplish the tasks assigned to it in the time allotted.

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

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

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

10. The Commission may meet only between July 1 of an odd-numbered year and September 30 of the subsequent even-numbered year.

Sec. 23. NRS 392.015 is hereby amended to read as follows:

392.015 1. The board of trustees of a school district shall, upon application, allow any pupil who resides on an Indian reservation located in two or more counties to attend the school nearest to the pupil's residence, without regard to the school district in which the pupil's residence is located. For the purposes of apportionment of money, if such a pupil attends a school outside the county in which the pupil resides, the pupil must be counted as being enrolled in the district in which he or she attends school.

2. A pupil who is allowed to attend a school outside the school district in which the pupil's residence is located pursuant to this section must remain in that school for the full school year.



3. The school district which pays the additional costs of transporting a pupil pursuant to this section to a school outside the school district in which the pupil's residence is located is entitled to be reimbursed for those costs ~~[-]~~ *by the school district in which the pupil is enrolled*. Such additional costs must be paid *from money received by the school district in which the pupil is enrolled* from the State Education Fund ~~[-]~~ *pursuant to paragraph (a) of subsection 2 of NRS 387.1214, as amended by section 25 of this act*.

4. The provisions of this section do not apply to a pupil who:

(a) Is ineligible to attend public school pursuant to NRS 392.4675; or

(b) Resides on an Indian reservation pursuant to an order issued by a court of competent jurisdiction in another state adjudging the pupil to be delinquent and committing him or her to the custody of a public or private institution or agency in this state.

Sec. 24. Section 80 of chapter 624, Statutes of Nevada 2019, at page 4253, is hereby amended to read as follows:

Sec. 80. NRS ~~[387.122,]~~ 387.1245, 387.1247, 387.1251, 387.1253, 387.1255, 387.1257, 387.129, 387.131, 387.133, 387.137, 387.139, 387.163, 387.193, 387.197, 387.2065, 387.2067 and 387.207 are hereby repealed.

Sec. 25. Section 4 of Senate Bill No. 439 of this session is hereby amended to read as follows:

Sec. 4. NRS 387.1214 is hereby amended to read as follows:

387.1214 1. After a direct legislative appropriation is made to the State Education Fund from the State General Fund pursuant to NRS 387.1212, the Legislature shall determine the statewide base per pupil funding amount for each fiscal year of the biennium,



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

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

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



food services and transportation for pupils and any other similar service that the Legislature deems appropriate.

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

(c) To each school district, an amount of money determined to be sufficient by the Legislature, when combined with any other resources available for this purpose, to provide adjusted base per pupil funding for each pupil estimated to be enrolled in the school district.

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

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

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

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



for each pupil estimated to be enrolled in the school district, charter school or university school for profoundly gifted pupils who is:

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

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

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

5. The weighted funding appropriated pursuant to paragraph ~~[(d)]~~ (e) of subsection 2 must be established separately for each category of pupils identified in that paragraph and expressed as a multiplier to be applied to the statewide base per pupil funding amount determined pursuant to subsection 1. A pupil who belongs to more than one category of



pupils or for whom a school district, charter school or university school for profoundly gifted pupils is eligible to receive the statewide multiplier pursuant to NRS 387.122 must receive only the weighted funding for the single category to which the pupil belongs which has the largest multiplier or the statewide multiplier, whichever is larger. It is the intent of the Legislature that, to the extent practicable:

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

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

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

(b) The recommendations of the Commission for the multiplier for each category of pupils be considered and the multiplier for one category of pupils may be changed by an



amount that is not proportional to the change in the multiplier for one or more other categories of pupils if the Legislature determines that a disproportionate need to serve the pupils in the affected category exists; and

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

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

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

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

7. The weighted funding appropriated pursuant to paragraph ~~(d)~~ (e) of subsection 2:



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

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

Sec. 26. Section 5 of Senate Bill No. 439 of this session is hereby amended to read as follows:

Sec. 5. NRS 387.1218 is hereby amended to read as follows:

387.1218 1. To account for the increased cost per pupil to ~~[a school district to]~~ operate public schools in ~~[which relatively fewer pupils are enrolled,]~~ *areas with lower population density*, the Department shall establish by regulation ~~[a district equity]~~ *an attendance area adjustment [] for each relevant portion of a school district in which the Department determines additional money is necessary for a pupil enrolled in a public school in the area to receive a reasonably equal educational opportunity as a pupil enrolled in a public school in an area with a higher population density.*

2. *A charter school or university school for profoundly gifted pupils which provides in-person instruction at a location must receive the same attendance area adjustment on a per pupil basis that a public school within a school district at the same location would receive.*

3. Not later than May 1 of each even-numbered year, the Department shall review and determine whether revisions are necessary to the method for calculating the ~~[district equity]~~ *attendance area* adjustment. The Department shall present the review and any revisions at



a meeting of the Legislative Committee on Education for consideration and recommendations by the Committee. After the meeting, the Department shall consider any recommendations of the Legislative Committee on Education, determine whether to include those recommendations and adopt by regulation any revision to the method. The Department shall submit any revision to the method to each school district, the Governor and the Director of the Legislative Counsel Bureau.

Sec. 27. Section 7 of Senate Bill No. 439 of this session is hereby amended to read as follows:

Sec. 7. NRS 387.1223 is hereby amended to read as follows:

387.1223 1. On or before October 1, January 1, April 1 and July 1, each school district shall report to the Department, in the form prescribed by the Department, the average daily enrollment of pupils pursuant to this section for the immediately preceding quarter of the school year. If October 1, January 1, April 1 or July 1 falls on a Saturday, Sunday or legal holiday, the report may be submitted before 5 p.m. on the next business day.

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

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

(1) The count of pupils enrolled in kindergarten and grades 1 to 12, inclusive, in a public school in the school district based on the average daily enrollment of those pupils during the quarter.



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

(3) The count of pupils who reside in the county and are enrolled:

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

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

(4) The count of pupils not included under subparagraph (1), (2) or (3), who are receiving special education pursuant to the provisions of NRS 388.417 to 388.469, inclusive, and 388.5251 to 388.5267, inclusive, based on the average daily enrollment of those pupils during the quarter and excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to NRS 388.435.

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

(6) The count of children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of



NRS 388.550, 388.560 and 388.570, based on the average daily enrollment of those pupils during the quarter.

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

(8) The count of pupils enrolled in a challenge school based on the average daily enrollment of those pupils calculated in the manner set forth in an agreement entered into pursuant to NRS 388D.330.

(b) Adding to the amount computed in paragraph (a) the amounts appropriated pursuant to paragraphs (a), (b) and ~~(d)~~ (e) of subsection 2 of NRS 387.1214.

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



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

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

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

7. Pupils who are incarcerated in a facility or institution operated by the Department of Corrections must not be counted for the purpose of computing the yearly apportionment pursuant to this section. The average daily attendance for such pupils must be reported to the Department of Education.

8. Pupils who are enrolled in courses which are approved by the Department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing the yearly apportionment pursuant to this section.

Sec. 28. Section 9 of Senate Bill No. 439 of this session is hereby amended to read as follows:

Sec. 9. NRS 387.124 is hereby amended to read as follows:



387.124 Except as otherwise provided in this section and NRS 387.1241, 387.1242 and 387.528:

1. On or before the first day of each month, the Superintendent of Public Instruction shall apportion the State Education Fund among the several county school districts, charter schools and university schools for profoundly gifted pupils in amounts approximating one-twelfth of their respective yearly apportionments less any amount set aside as a reserve or contained in the Education Stabilization Account. Except as otherwise provided in NRS 387.1244, the apportionment to a school district, computed on a yearly basis, equals the amounts established by law for each school year pursuant to paragraphs (a), (b) , (c) and ~~[(d)]~~ (e) of subsection 2 of NRS 387.1214 for all pupils who attend a public school operated by the school district located in the county.

2. Except as otherwise provided in NRS 387.1244, in addition to the apportionments made pursuant to this section, if a pupil is enrolled part-time in a program of distance education and part-time in a:

(a) Public school other than a charter school, an apportionment must be made to the school district in which the pupil resides. The school district in which the pupil resides shall allocate a percentage of the apportionment to the school district or charter school that provides the program of distance education in the amount set forth in the agreement entered into pursuant to NRS 388.854.

(b) Charter school, an apportionment must be made to the charter school in which the pupil is enrolled. The charter school in which the pupil is enrolled shall allocate a percentage



of the apportionment to the school district or charter school that provides the program of distance education in the amount set forth in the agreement entered into pursuant to NRS 388.858.

3. The Director of the State Department of Agriculture shall apportion, on or before August 1 of each year, the money designated as the “Nutrition State Match” pursuant to NRS 387.105 to those school districts that participate in the National School Lunch Program, 42 U.S.C. §§ 1751 et seq. The apportionment to a school district must be directly related to the district’s reimbursements for the Program as compared with the total amount of reimbursements for all school districts in this State that participate in the Program.

Sec. 29. Section 10 of Senate Bill No. 439 of this session is hereby amended to read as follows:

Sec. 10. NRS 387.1241 is hereby amended to read as follows:

387.1241 Except as otherwise provided in NRS 387.124, 387.1242, 387.1244 and 387.528:

1. The apportionment to a charter school, computed on a yearly basis, is equal to the amounts established by law for each school year pursuant to paragraphs ~~[(e) and]~~ (d) *and* (e) of subsection 2 of NRS 387.1214 for all pupils who attend the charter school, minus the sponsorship fee prescribed by NRS 388A.414 and minus all the funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school.



2. The governing body of a charter school may submit a written request to the Superintendent of Public Instruction to receive, in the first year of operation of the charter school, an apportionment 30 days before the apportionment is required to be made pursuant to subsections 1 and 2 of NRS 387.124. Upon receipt of such a request, the Superintendent of Public Instruction may make the apportionment 30 days before the apportionment is required to be made. A charter school may receive all 12 apportionments in advance in its first year of operation.

Sec. 30. Section 11 of Senate Bill No. 439 of this session is hereby amended to read as follows:

Sec. 11. NRS 387.1242 is hereby amended to read as follows:

387.1242 Except as otherwise provided in NRS 387.124, 387.1241, 387.1244 and 387.528:

1. The apportionment to a university school for profoundly gifted pupils, computed on a yearly basis, is equal to the amounts established by law for each school year pursuant to paragraphs ~~[(e) and]~~ (d) *and* (e) of subsection 2 of NRS 387.1214 for all pupils who attend the university school.

2. The governing body of a university school for profoundly gifted pupils may submit a written request to the Superintendent of Public Instruction to receive, in the first year of operation of the university school, an apportionment 30 days before the apportionment is required to be made pursuant to subsection 1 of NRS 387.124. Upon receipt of such a request, the Superintendent of Public Instruction may make the apportionment 30 days



before the apportionment is required to be made. A university school for profoundly gifted pupils may receive all 12 apportionments in advance in its first year of operation.

Sec. 31. Section 13 of Senate Bill No. 439 of this session is hereby amended to read as follows:

Sec. 13. NRS 387.12445 is hereby amended to read as follows:

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

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

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



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

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

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

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



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

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

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

(b) The cost of:

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

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

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

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

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

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

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



for each such at-risk pupil which are appropriate for each category to which the at-risk pupil belongs.

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

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

10. As used in this section:

(a) “Victory services” means any one or more of the following services:

(1) A prekindergarten program provided free of charge.

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

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



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

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

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

(7) A reading skills center.

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

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

(b) “Zoom services” means any one or more of the following services:

(1) A prekindergarten program provided free of charge.

(2) A reading skills center.

(3) Professional development for teachers and other licensed educational personnel regarding effective instructional practices and strategies for pupils who are English learners.

(4) Incentives for hiring and retaining teachers and other licensed educational personnel who provide Zoom services.



(5) Engagement and involvement with parents and families of pupils who are English learners, including, without limitation, increasing effective, culturally appropriate communication with and outreach to parents and families to support the academic achievement of those pupils.

(6) A summer academy or, for those schools that do not operate on a traditional school calendar, an intersession academy provided free of charge, including, without limitation, the provision of transportation to attend the summer academy or intersession academy.

(7) An extended school day.

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

Sec. 32. Section 15 of Senate Bill No. 439 of this session is hereby amended to read as follows:

Sec. 15. NRS 387.12463 is hereby amended to read as follows:

387.12463 1. The Commission shall:

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

(b) Monitor the implementation of the Pupil-Centered Funding Plan and make any recommendations to the Legislative Committee on Education that the Commission determines would, within the limits of appropriated funding, improve the implementation of



the Pupil-Centered Funding Plan or correct any deficiencies of the Department or any school district or public school in carrying out the Pupil-Centered Funding Plan.

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

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

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



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

Sec. 33. Section 22 of Senate Bill No. 439 of this session is hereby amended to read as follows:

Sec. 22. NRS 388.429 is hereby amended to read as follows:

388.429 1. The Legislature declares that funding provided for each school year establishes financial resources sufficient to ensure a reasonably equal educational opportunity to pupils with disabilities residing in Nevada through the use of *local funding for pupils with disabilities prescribed by paragraph (b) of subsection 2 of NRS 387.1214* *and* the statewide multiplier established pursuant to NRS 387.122.

2. Subject to the provisions of NRS 388.417 to 388.469, inclusive, the board of trustees of each school district shall make such special provisions as may be necessary for the education of pupils with disabilities.

3. The board of trustees of a school district in a county whose population is less than 700,000 may provide early intervening services. Such services must be provided in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the regulations adopted pursuant thereto.



4. The board of trustees of a school district shall establish uniform criteria governing eligibility for instruction under the special education programs provided for by NRS 388.417 to 388.469, inclusive. The criteria must prohibit the placement of a pupil in a program for pupils with disabilities solely because the pupil is a disciplinary problem in school. The criteria are subject to such standards as may be prescribed by the State Board.

Sec. 34. 1. This section and section 19 of this act become effective upon passage and approval.

2. Sections 24 to 33, inclusive, of this act become effective on June 30, 2021.

3. Sections 1 to 10, inclusive, 13 to 18, inclusive, and 20 to 23, inclusive of this act become effective on July 1, 2021.

4. Section 11 of this act becomes effective on July 1, 2021, if and only if Senate Bill No. 76 of this session is not enacted by the Legislature and approved by the Governor.

5. Section 12 of this act becomes effective on July 1, 2021, if and only if Senate Bill No. 76 of this session is enacted by the Legislature and approved by the Governor.

