

**ADOPTED REGULATION OF
THE STATE BOARD OF EDUCATION**

LCB File No. R075-14

Effective December 22, 2014

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

AUTHORITY: §§1 and 2, NRS 392A.060.

A REGULATION relating to university schools for profoundly gifted pupils; making various changes to budget and finance regulations relating to such schools; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the State Board of Education to adopt regulations for university schools for profoundly gifted pupils. (NRS 392A.060)

Existing regulations prohibit a university school for profoundly gifted pupils from expending money, incurring any liability or entering into a contract which involves the expenditure of money in excess of the amounts appropriated for that function. Existing regulations also provide a limited exception for certain contracts for public works. (NAC 387.740) **Section 1** of this regulation eliminates the exception for public works for such a school but adds a new exception for capital projects.

Existing regulations set forth requirements for the budgeting and finance of university schools for profoundly gifted pupils. (NAC 387.600-387.780) One such requirement is that the governing body of each university school for profoundly gifted pupils must establish and maintain property and equipment records and inventory controls. (NAC 387.770) **Section 2** of this regulation requires that the records identify the source of the money used to purchase the property, equipment or inventory or the name of the person who donated the property, equipment or inventory.

Section 1. NAC 387.740 is hereby amended to read as follows:

387.740 1. No *governing body or member of a governing body of a* charter school or university school for profoundly gifted pupils ~~governing body or member thereof~~ may, during any fiscal year, expend or contract to expend any money or incur any liability, or enter into any

contract which by its terms involves the expenditure of money, in excess of the amounts appropriated for that function, other than medium-term obligation repayments and any other long-term contract expressly authorized by law.

2. Without limiting the generality of the exceptions contained in subsection 1, the provisions of this section specifically do not apply to:

(a) Contracts between a charter school ~~{or university school for profoundly gifted pupils}~~ and any person for the construction or completion of public works, money for which has been or will be provided by the proceeds of medium-term obligations or an installment-purchase agreement and that are entered into by the charter school ~~{or university school for profoundly gifted pupils}~~ after:

(1) Any approvals by any other governmental entity required to be obtained before the medium-term obligations or installment-purchase agreement can be issued have been obtained; and

(2) The ordinance or resolution that specifies each of the terms of the medium-term obligations or installment-purchase agreement has been adopted.

(b) *Contracts between a university school for profoundly gifted pupils and any person for the construction or completion of capital projects, money for which has been or will be provided by the proceeds of medium-term obligations or an installment-purchase agreement and that are entered into by the university school for profoundly gifted pupils after:*

(1) Any approvals by any other governmental entity required to be obtained before the medium-term obligations or installment-purchase agreement can be issued have been obtained; and

(2) The ordinance or resolution that specifies each of the terms of the medium-term obligations or installment-purchase agreement has been adopted.

(c) Contracts which are entered into by a charter school or university school for profoundly gifted pupils and delivered to any person solely for the purpose of acquiring supplies, services and equipment necessarily ordered in the current fiscal year for use in an ensuing fiscal year and which, under the method of accounting adopted by the charter school or university school for profoundly gifted pupils, will be charged against an appropriation of a subsequent fiscal year. Purchase orders evidencing such contracts are public records available for inspection by any person on demand.

~~(e)~~ (d) The receipt and proper expenditure of money received pursuant to a grant awarded by an agency of the Federal Government.

~~(d)~~ (e) The incurrence of obligations beyond the current fiscal year under a lease or contract for installment purchase which contains a provision that the obligation incurred thereby is extinguished by the failure of the governing body to appropriate money for the ensuing fiscal year for the payment of the amounts then due.

~~(e)~~ (f) The receipt by a charter school or university school for profoundly gifted pupils of increased revenue that:

(1) Was not anticipated in the preparation of the final budget of the charter school or university school for profoundly gifted pupils; and

(2) Is required by statute to be remitted to another governmental entity.

3. The fund balance of a governmental fund may not be used unless appropriated in a manner provided by law.

Sec. 2. NAC 387.770 is hereby amended to read as follows:

387.770 *1.* The governing body of each charter school and the governing body of each university school for profoundly gifted pupils shall:

~~111~~ *(a)* Cause to be established and maintained adequate property and equipment records and, where appropriate, adequate inventory controls. Each charter school and each university school for profoundly gifted pupils shall establish such records and controls within 1 year after its creation unless the Department grants an extension of time.

~~121~~ *(b)* Require that all such property, equipment and inventory records clearly indicate specific ownership.

~~131~~ *(c)* Designate, by entry in the minutes of the governing body, the officer, employee or officers or employees responsible for the maintenance of property and equipment records and, where appropriate, inventory records, and notify the Department of such designation.

2. Records established and maintained by the governing body of a university school for profoundly gifted pupils pursuant to subsection 1 must identify the:

(a) Source of the money used to purchase the property, equipment or inventory; or

(b) Person who donated the property, equipment or inventory.

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS—NRS 233B.066
Informational Statement
LCB File No. R075-14

1. A clear and concise explanation of the need for the adopted regulation:

Related to university schools for profoundly gifted pupils; making various changes to budget and finance regulations relating to such schools

2. Description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of Proposed Amendments was filed at the following locations on September 30, 2014: The offices of the Nevada Department of Education in Carson City and Las Vegas, at the 17 Nevada School District Superintendent's Offices, the 17 county main public libraries, the Nevada State Library and Archives, the Department of Education website and the Legislative Council Bureau website.

A summary may be obtained by contacting Karen Johansen, Administrative Assistant, Nevada Department of Education, 775-687-9225 or by writing to the Nevada Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096.

3. The number of persons who:

- (a) Attended each hearing: 33**
- (b) Testified at each hearing; 0**
- (c) Submitted written comments: 0**

4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the Hearing: None

- (a) Name:**
- (b) Telephone number;**
- (c) Business Address;**
- (d) Business telephone number;**
- (e) Electronic mail address;**
- (f) Name of entity or organization represented**

5. A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of Proposed Amendments was filed at the following locations on November 30, 2014: The offices of the Nevada Department of Education in Carson City and Las Vegas, at the 17 Nevada School District Superintendent's Offices, the 17 county main public libraries, the Nevada State Library and Archives, the Department of Education website and the Legislative Council Bureau website.

A summary may be obtained by contacting Karen Johansen, Administrative Assistant, Nevada Department of Education, 775-687-9225 or by writing to the Nevada Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096.

- 6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**
The proposed regulations were adopted as submitted; there was no public comment.
- 7. The estimated economic effect of the regulation on the business which it is to regulate and on the public:**
 - (a) Estimated economic effect on the businesses which they are to regulate**
None.
 - (b) Estimated economic effect on the public which they are to regulate**
None
- 8. The estimated cost to the agency for enforcement of the proposed regulation:** None
- 9. A description of any regulations of other State of governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.** None.
- 10. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.** None.
- 11. Of the regulation provides a new fee or increases an existing fee, the total annual amount of the agency expects to collect and the manner in which the money will be used.** None.