SENATE BILL NO. 178—SENATORS DENIS; AND WOODHOUSE

PREFILED FEBRUARY 13, 2017

JOINT SPONSORS: ASSEMBLYMEN DIAZ AND THOMPSON

Referred to Committee on Education

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

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

AN ACT relating to education; revising the Nevada Plan to include a funding multiplier of 2.0 for pupils with disabilities and a funding multiplier that increases incrementally over a 4-year period for pupils who are English learners and pupils who are at risk; requiring the State Board of Education to adopt regulations requiring school districts and charter schools to report the number of pupils enrolled who are identified as English learners and the number of pupils who are at risk; requiring the Department of Education to prescribe annual measurable objectives and performance targets to track the performance of the school districts and charter schools in providing education and services to such pupils; requiring the submission of an annual report by each school district and charter school which includes their results with respect to the annual objectives and performance targets prescribed for the preceding school year and a plan for meeting those objectives and targets for the ensuing school year; and providing other matters properly relating thereto.
Under the Federal Every Student Succeeds Act, which reauthorized the Elementary and Secondary Education Act of 1965, the term “limited English proficient” was replaced with “English learner.” (20 U.S.C. § 7801(20)) Section 1 of this bill makes conforming changes to existing law to replace the term “limited English proficient” with “English learner.” (NRS 385.007)

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

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

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

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

Section 5 of this bill requires each school district and charter school to submit to the Department a plan to improve the academic performance and proficiency of pupils who are English learners and pupils who are at risk for the 2018-2019 school year. Section 5 also requires the Department to submit to the Legislature before January 1, 2018, the annual measurable objectives and performance targets required by section 2 to track the performance of the school districts and charter schools in providing education and services to pupils who are English learners and to pupils who are at risk.
THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385.007 is hereby amended to read as
follows:
NRS 385.007 As used in this title, unless the context otherwise
requires:
1. “Achievement charter school” means a public school
operated by a charter management organization, as defined in NRS
388B.020, an educational management organization, as defined in
NRS 388B.030, or other person pursuant to a contract with the
Achievement School District pursuant to NRS 388B.210 and subject
to the provisions of chapter 388B of NRS.
2. “Department” means the Department of Education.
3. “English learner” has the meaning ascribed to it in 20
4. “Homeschooled child” means a child who receives
instruction at home and who is exempt from compulsory
attendance pursuant to NRS 392.070, but does not include an opt-in
child.
5. “Limited English proficient” has the meaning ascribed to it
6. “Opt-in child” means a child for whom an education savings
account has been established pursuant to NRS 353B.850, who is not
enrolled full-time in a public or private school and who receives all
or a portion of his or her instruction from a participating entity, as
defined in NRS 353B.750.
7. “Public schools” means all kindergartens and elementary
schools, junior high schools and middle schools, high schools,
charter schools and any other schools, classes and educational
programs which receive their support through public taxation and,
except for charter schools, whose textbooks and courses of study are
under the control of the State Board.
8. “State Board” means the State Board of Education.
9. “University school for profoundly gifted pupils” has the
meaning ascribed to it in NRS 388C.040.

Sec. 2. Chapter 387 of NRS is hereby amended by adding
thereto a new section to read as follows:
1. The State Board shall adopt regulations requiring each
school district and charter school to separately report, in the time
and manner prescribed by the State Board, the number of pupils
enrolled in each school district and charter school who are
identified as English learners and the number of pupils who are at
risk for purposes of calculating the basic support guarantee for
those pupils pursuant to subsection 4 of NRS 387.122. The
regulations must require the school districts and charter schools to report the number of pupils in each such category using the prior school year’s enrollment based upon:

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

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

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

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

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

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

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

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

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

1. “Average daily attendance” means the total number of pupils attending a particular school each day during a period of reporting
divided by the number of days school is in session during that
day.  

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

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

Sec. 4. 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 must 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 support guarantee per pupil must include a
multiplier of 2.0 for pupils with disabilities. Except as otherwise
provided in this subsection, the funding provided to each school
district and charter school through the multiplier of 2.0 for pupils
with disabilities 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. 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 an amount of money necessary to satisfy the requirements
for maintenance of effort under federal law.

4. Except as otherwise provided in this subsection, for each
pupil who is identified as an English learner or at risk, as reported
pursuant to subsection 1 of section 2 of this act, the basic support
guarantee per pupil established by law for each school district must be multiplied by:

(a) For the 2017-2018 school year, at least 1.05.
(b) For the 2018-2019 school year, at least 1.15.
(c) For the 2019-2020 school year, at least 1.3.
(d) For the 2020-2021 school year and each school year thereafter, at least 1.5.

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

5. Not later than July 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, determine whether to include those recommendations in the equity allocation model and adopt the 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. 5. 1. On or before September 1, 2017, each school district and charter school shall submit to the Department of Education a plan for the 2018-2019 school year for the school district or charter school, as applicable, to improve the academic performance and proficiency of pupils who are English learners and pupils who are at risk.

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

Sec. 6. The Legislative Counsel shall, in preparing the Nevada Revised Statutes and the supplements to the Nevada Administrative Code, substitute appropriately the term “limited English proficient” for the term “English learner.”
Sec. 7. This act becomes effective:
1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and
2. On July 1, 2017, for all other purposes.