

ASSEMBLY BILL NO. 88—COMMITTEE ON WAYS AND MEANS

(ON BEHALF OF THE DEPARTMENT OF EDUCATION)

PREFILED NOVEMBER 21, 2018

Referred to Committee on Ways and Means

SUMMARY—Revises provisions relating to public schools. (BDR 34-333)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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

AN ACT relating to education; extending the deadline for certain reports relating to the average daily enrollment of pupils made by a school district to the Department of Education; revising the content of certain quarterly reports made by a school district; revising the information required to be posted online by a school district; revising the manner in which a large school district is required to determine the allocation that will be made to each local school precinct for the next school year; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

- 1 Under existing law, each school district in the State must submit a report on the
- 2 average daily enrollment of pupils for the immediately preceding quarter of the
- 3 school year to the Department of Education on or before October 1, January 1,
- 4 April 1 and July 1. (NRS 387.1223) **Section 1** of this bill extends this deadline to 5
- 5 p.m. of the next business day if the due date falls on a Saturday, Sunday or legal
- 6 holiday.
- 7 Existing law requires the board of trustees of each school district to submit a
- 8 quarterly report to the Department on the average daily attendance of pupils and to
- 9 post such information on the Internet website maintained by the school district.
- 10 (NRS 388.725) **Section 3** of this bill requires the board of trustees of each school
- 11 district to instead report the average daily enrollment of pupils to the Department
- 12 and to post such information on the Internet website maintained by the school
- 13 district. **Section 2** of this bill makes a conforming change.
- 14 Existing law sets forth the manner in which a large school district is required to
- 15 determine the allocation that will be made to each local school precinct, which must
- 16 be on a per pupil basis. (NRS 388G.670) Existing law requires the superintendent



17 of schools of a large school district to inform each local school precinct on or  
18 before January 15 of each year of the estimated amount of money that will be  
19 allocated to the local school precinct for the next school year, based upon: (1) for  
20 an existing local school precinct, the actual number of pupils who attended the local  
21 school precinct as reported during the previous calendar quarter; or (2) for a new  
22 local school precinct, the estimated number of pupils who will attend the new  
23 school and the effect on any existing local school precinct. (NRS 388G.680) For  
24 purposes of this allocation, **section 4** of this bill changes the measure for  
25 determining the number of pupils for existing local school precincts from actual  
26 numbers to estimates by the large school district, which is the same measure as is  
27 used for determining the number of pupils for a new local school precinct.

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

1 **Section 1.** NRS 387.1223 is hereby amended to read as  
2 follows:

3 387.1223 1. On or before October 1, January 1, April 1 and  
4 July 1, each school district shall report to the Department, in the  
5 form prescribed by the Department, the average daily enrollment of  
6 pupils pursuant to this section for the immediately preceding quarter  
7 of the school year. *If October 1, January 1, April 1 or July 1 falls*  
8 *on a Saturday, Sunday or legal holiday, the report may be*  
9 *submitted before 5 p.m. on the next business day.*

10 2. Except as otherwise provided in subsection 3, basic support  
11 of each school district must be computed by:

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

14 (1) The count of pupils enrolled in kindergarten and grades 1  
15 to 12, inclusive, based on the average daily enrollment of those  
16 pupils during the quarter, including, without limitation, the count of  
17 pupils who reside in the county and are enrolled in any charter  
18 school and the count of pupils who are enrolled in a university  
19 school for profoundly gifted pupils located in the county.

20 (2) The count of pupils not included under subparagraph (1)  
21 who are enrolled full-time in a program of distance education  
22 provided by that school district, a charter school located within that  
23 school district or a university school for profoundly gifted pupils,  
24 based on the average daily enrollment of those pupils during the  
25 quarter.

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

28 (I) In a public school of the school district and are  
29 concurrently enrolled part-time in a program of distance education  
30 provided by another school district or a charter school or receiving a  
31 portion of his or her instruction from a participating entity, as



1 defined in NRS 353B.750, based on the average daily enrollment of  
2 those pupils during the quarter.

3 (II) In a charter school and are concurrently enrolled part-  
4 time in a program of distance education provided by a school district  
5 or another charter school or receiving a portion of his or her  
6 instruction from a participating entity, as defined in NRS 353B.750,  
7 based on the average daily enrollment of those pupils during the  
8 quarter.

9 (4) The count of pupils not included under subparagraph (1),  
10 (2) or (3), who are receiving special education pursuant to the  
11 provisions of NRS 388.417 to 388.469, inclusive, and 388.5251 to  
12 388.5267, inclusive, based on the average daily enrollment of those  
13 pupils during the quarter and excluding the count of pupils who  
14 have not attained the age of 5 years and who are receiving special  
15 education pursuant to NRS 388.435.

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

20 (6) The count of children detained in facilities for the  
21 detention of children, alternative programs and juvenile forestry  
22 camps receiving instruction pursuant to the provisions of NRS  
23 388.550, 388.560 and 388.570, based on the average daily  
24 enrollment of those pupils during the quarter.

25 (7) The count of pupils who are enrolled in classes for at  
26 least one semester pursuant to subsection 1 of NRS 388A.471,  
27 subsection 1 of NRS 388A.474, subsection 1 of NRS 392.074, or  
28 subsection 1 of NRS 388B.280 or any regulations adopted pursuant  
29 to NRS 388B.060 that authorize a child who is enrolled at a public  
30 school of a school district or a private school or a homeschooled  
31 child to participate in a class at an achievement charter school,  
32 based on the average daily enrollment of pupils during the quarter  
33 and expressed as a percentage of the total time services are provided  
34 to those pupils per school day in proportion to the total time services  
35 are provided during a school day to pupils who are counted pursuant  
36 to subparagraph (1).

37 (b) Adding the amounts computed in paragraph (a).

38 3. Except as otherwise provided in subsection 4, if the  
39 enrollment of pupils in a school district or a charter school that is  
40 located within the school district based on the average daily  
41 enrollment of pupils during the quarter of the school year is less  
42 than or equal to 95 percent of the enrollment of pupils in the same  
43 school district or charter school based on the average daily  
44 enrollment of pupils during the same quarter of the immediately  
45 preceding school year, the enrollment of pupils during the same



1 quarter of the immediately preceding school year must be used for  
2 purposes of making the quarterly apportionments from the State  
3 Distributive School Account to that school district or charter school  
4 pursuant to NRS 387.124.

5 4. If the Department determines that a school district or charter  
6 school deliberately causes a decline in the enrollment of pupils in  
7 the school district or charter school to receive a higher  
8 apportionment pursuant to subsection 3, including, without  
9 limitation, by eliminating grades or moving into smaller facilities,  
10 the enrollment number from the current school year must be used  
11 for purposes of apportioning money from the State Distributive  
12 School Account to that school district or charter school pursuant to  
13 NRS 387.124.

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

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

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

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

30 **Sec. 2.** NRS 388.723 is hereby amended to read as follows:

31 388.723 The Department shall:

32 1. Develop policies and procedures for:

33 (a) Monitoring the plan of each school district to reduce the  
34 pupil-teacher ratio per class developed pursuant to NRS 388.720,  
35 which must include, without limitation, provisions for:

36 (1) The review of each plan submitted to the State Board to  
37 ensure the adequacy of such plans; and

38 (2) The review of any data submitted to the State Board  
39 pursuant to NRS 388.710.

40 (b) Monitoring the quarterly reports concerning the average  
41 daily ~~attendance~~ *enrollment* of pupils and the pupil-teacher ratios  
42 in each school district submitted by the board of trustees of the  
43 school district pursuant to NRS 388.725 to ensure the completeness  
44 and accuracy of such reports.



1 (c) The review of any requests for a variance submitted to the  
2 State Board pursuant to NRS 388.700, which must include, without  
3 limitation, provisions to verify the information in such requests to  
4 ensure the accuracy of the reports on variances submitted by the  
5 State Board to the Legislature pursuant to that section.

6 (d) The distribution of money to each school district for the  
7 reduction of pupil-teacher ratios, which must include, without  
8 limitation, provisions for:

9 (1) The retention of all documents and records related to the  
10 distribution; and

11 (2) The review of the work performed to determine the  
12 distribution of such money to ensure the accuracy of supporting  
13 information and the calculations used in making such  
14 determinations.

15 2. Provide guidance to the school districts on:

16 (a) The development of a plan to reduce the pupil-teacher ratio  
17 per class pursuant to NRS 388.720. In developing such guidance,  
18 the Department shall:

19 (1) Outline the criteria that each plan must include to meet  
20 the requirements of NRS 388.720.

21 (2) Provide examples of policies, plans or strategies adopted  
22 by other states to reduce class sizes.

23 (b) The requirements for reporting information related to the  
24 reduction of pupil-teacher ratios.

25 (c) The data that must be monitored pursuant to NRS 388.710  
26 by each school district and used to measure the effectiveness of the  
27 implementation of any plan to reduce pupil-teacher ratios.

28 3. Communicate with the board of trustees of each school  
29 district regarding the expectations of the Department for the use of  
30 any money distributed to reduce pupil-teacher ratios in the school  
31 district, including, without limitation, the minimum number of  
32 teachers the school district is expected to employ.

33 **Sec. 3.** NRS 388.725 is hereby amended to read as follows:

34 388.725 1. On or before August 1, November 1, February 1  
35 and May 1 of each year, the board of trustees of each school district  
36 shall report to the Department for the preceding quarter:

37 (a) Except as otherwise provided in paragraph (b), the average  
38 daily ~~attendance~~ *enrollment* of pupils and the ratio of pupils per  
39 licensed teacher for grades 1, 2 and 3 for each elementary school in  
40 the school district.

41 (b) If the State Board has approved an alternative class-size  
42 reduction plan for the school district pursuant to NRS 388.720, the  
43 average daily ~~attendance~~ *enrollment* of pupils and the ratio of  
44 pupils per licensed teacher for those grades which are required to



1 comply with the alternative class-size reduction plan for each  
2 elementary school in the school district.

3 2. The board of trustees of each school district shall post on the  
4 Internet website maintained by the school district:

5 (a) The information concerning average daily ~~[attendance]~~  
6 *enrollment* and class size for each elementary school in the school  
7 district, as reported to the Department pursuant to subsection 1; and

8 (b) An identification of each elementary school in the school  
9 district, if any, for which a variance from the prescribed pupil-  
10 teacher ratios was granted by the State Board pursuant to subsection  
11 4 of NRS 388.700.

12 **Sec. 4.** NRS 388G.680 is hereby amended to read as follows:

13 388G.680 1. On or before January 15 of each year, the  
14 superintendent shall inform each local school precinct of the  
15 estimated amount of money that will be allocated to the local school  
16 precinct for the next school year. The allocation must be based upon  
17 *estimates by the large school district of* the number of pupils in  
18 each category who *will* attend the local school precinct after  
19 applying the appropriate weight to each category of pupil as  
20 determined pursuant to NRS 388G.670.

21 2. ~~[Except as otherwise provided in subsections 3 and 4, the  
22 number and category of pupils must be determined based upon  
23 the report of the pupils attending each local school precinct for the  
24 previous calendar quarter pursuant to NRS 387.1223.~~

25 ~~—3.]~~ If an additional local school precinct is added in the large  
26 school district, for the purpose of determining the first allocation for  
27 the new local school precinct, the large school district must estimate  
28 the number of pupils in each category who will attend the new local  
29 school precinct and the effect on any existing local school precinct.  
30 If the opening of a new local school precinct is anticipated to reduce  
31 the number of pupils who will attend another local school precinct,  
32 for purposes of determining the allocation, the number of pupils  
33 must be adjusted accordingly.

34 ~~[4.]~~ 3. The estimated amount of money allocated to each local  
35 school precinct for the next school year must be adjusted on or  
36 before November 1 of each year to reflect the actual number of  
37 pupils in each category who attend the local school precinct.

38 **Sec. 5.** This act becomes effective on July 1, 2019.





