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March 9, 2016

GUIDANCE MEMORANDUM #16-01

TO: Clark County Superintendent Pat Skorkowsky

COPY: All School Districts and Charter Schools

FROM: Steve Canavero 
Superintendent of Public Instruction

SUBJECT: Request for Guidance Concerning Zoom Funding

This guidance is issued pursuant to the authority provided in NRS 385.175(5), directing the Superintendent of Public Instruction to enforce the observance of Title 34 of Nevada's statutes and all other statutes and regulations governing public education. The Department has sought the input from our Deputy Attorney General in preparing the information below.

Guidance has been requested on whether money allocated for Zoom Schools for Fiscal Year 2016-17 may be spent in Fiscal Year 2015-16. After reviewing Senate Bill 405 and Senate Bill 515, the Department has determined that this is not allowable.

Senate Bill 405 is silent regarding money or flexibility to spend it in either fiscal year, however, Senate Bill 515 is clear that any balance in the Zoom funds may be carried from 2015-16 to 2016-17, and that any remaining money from 2016-17 gets reverted whether or not it comes from Fiscal Year 2015-16. There is nothing allowing money from 2016-17 to be spent in 2015-16. The language in Senate Bill 515 Section 27, subsection 5 states:

"Any remaining balance of the transfers made by subsection 3 for Fiscal Year 2015-2016 must be added to the money transferred for Fiscal Year 2016-2017 and may be expended as that money is expended. Any remaining balance of the transfers made by subsection 3 for Fiscal Year 2016-2017, including any money added from the previous fiscal year, must not be committed for expenditure after June 30, 2017, and must be reverted to the State General Fund on or before September 15, 2017."

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This language is different from the language elsewhere in Senate Bill 515. For example, if you look at DSA funding in Subsection 4 of Section 6 (page 6), it notes that the money appropriated is “*available for either fiscal year.....*” Another example is on page 12, Section 19, Subsection 5 (pages 12 and 13) in which the bill clearly notes that the funds may be transferred from one fiscal year to the other with certain approval. Also, at the top of page 14, the bill again notes that certain funds are “*available for either fiscal year.*”