

SENATE BILL NO. 41—SENATOR WASHINGTON

PREFILED JANUARY 27, 1999

Referred to Committee on Human Resources and Facilities

SUMMARY—Authorizes parents of certain pupils to choose which public school pupils will attend. (BDR 34-260)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: No.

~

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

AN ACT relating to education; authorizing the parents of certain pupils to choose which public schools the pupils will attend; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 388.040 is hereby amended to read as follows:
2 388.040 1. Except as otherwise provided in subsection 2, the board of
3 trustees of a school district that includes more than one school which offers
4 instruction in the same grade or grades may zone the school district and
5 determine which pupils shall attend each school.
6 2. The establishment of zones pursuant to subsection 1 does not
7 preclude a pupil from attending a ~~{charter school.}~~ :
8 ***(a) Charter school; or***
9 ***(b) School outside the zone of attendance that the pupil is required to***
10 ***attend if the board of trustees of a school district approves an application***
11 ***for a pupil to attend another school pursuant to section 2 of this act.***
12 **Sec. 2.** Chapter 392 of NRS is hereby amended by adding thereto a
13 new section to read as follows:
14 **1. Except as otherwise provided in subsection 2, the parents, legal**
15 ***guardian or custodial parent of a pupil may submit an application for the***
16 ***pupil to attend a public school that is located:***
17 ***(a) Within the county in which the pupil resides but outside the zone of***
18 ***attendance established pursuant to NRS 388.040 that the pupil is required***
19 ***to attend; or***

1 **(b) Within a county that adjoins the county in which the pupil resides.**

2 **2. The provisions of this section do not apply:**

3 **(a) For enrollment in a charter school.**

4 **(b) To a pupil who is ineligible to attend a public school pursuant to**
5 **NRS 392.264 or 392.4675.**

6 **3. An application for enrollment in a public school pursuant to this**
7 **section must be submitted to the board of trustees of the school district**
8 **that the pupil wishes to attend on a form provided by the board of**
9 **trustees. The board of trustees of each school district shall prescribe the**
10 **deadline for the submission of applications, which must not be sooner**
11 **than 3 months before the commencement of a school year.**

12 **4. The board of trustees of a school district shall not act on an**
13 **application that has been submitted until after the deadline for the**
14 **submission of applications. Except as otherwise provided in this**
15 **subsection, the board of trustees of a school district shall approve all**
16 **applications that are submitted. If the board of trustees of a school district**
17 **determines that a public school within the school district does not have**
18 **sufficient resources to accommodate the total number of pupils who**
19 **submitted applications for that school, including, without limitation, a**
20 **sufficient number of classrooms or personnel, the board of trustees of the**
21 **school district shall hold a meeting in accordance with chapter 241 of**
22 **NRS, to select randomly which applications will be approved. The board**
23 **of trustees of the school district shall ensure that the random selection of**
24 **applications occurs in such a manner that every application which has**
25 **been submitted for a particular school is given an equal opportunity to be**
26 **included in the selection.**

27 **5. If the board of trustees of a school district approves an application,**
28 **the board of trustees shall provide written notice of the approval to:**

29 **(a) The person who submitted the application on behalf of the pupil;**

30 **(b) The public school that the pupil would otherwise be required to**
31 **attend;**

32 **(c) The public school that the pupil will attend; and**

33 **(d) The board of trustees of the school district in which the pupil**
34 **resides, if the pupil will be attending a public school in an adjoining**
35 **school district.**

36 **6. If the parents, legal guardian or custodial parent of a pupil who**
37 **attends a public school pursuant to this section desires that the pupil**
38 **continue to attend the public school for the next school year, the parents,**
39 **legal guardian or custodial parent shall submit an application pursuant to**
40 **subsection 1.**

41 **7. If a pupil attends a public school pursuant to this section:**

42 **(a) The pupil must be included in the count of pupils in the school**
43 **district in which the pupil attends school for the purposes of**

1 *apportionments and allowances from the state distributive school account*
2 *pursuant to NRS 387.121 to 387.126, inclusive.*

3 *(b) The pupil may not transfer to another public school in the county*
4 *of his residence until after the completion of the school year. If, for the*
5 *next school year, the pupil desires to return to the public school that he is*
6 *otherwise required to attend, the parents, legal guardian or custodial*
7 *parent of the pupil must provide written notice of that desire to the board*
8 *of trustees of the school district in which the pupil resides at least 3*
9 *months before the commencement of the next school year.*

10 *8. If, pursuant to this section, a pupil attends a public school in a*
11 *county that adjoins the county in which the pupil resides, the board of*
12 *trustees of the school district in which the pupil resides shall pay for the*
13 *costs of transportation of the pupil in an amount which is equal to 75*
14 *percent of the average amount that the school district expends per pupil*
15 *for the transportation of pupils within the school district.*

16 **Sec. 3.** NRS 392.010 is hereby amended to read as follows:

17 392.010 Except as to the attendance of a pupil pursuant to NRS
18 392.015 **or section 2 of this act**, or a pupil who is ineligible for attendance
19 pursuant to NRS 392.4675 and except as otherwise provided in NRS
20 392.264 and 392.268:

21 1. The board of trustees of any school district may, with the approval of
22 the superintendent of public instruction:

23 (a) Admit to the school or schools of the school district any pupil or
24 pupils living in an adjoining school district within this state or in an
25 adjoining state when the school district of residence in the adjoining state
26 adjoins the receiving Nevada school district; or

27 (b) Pay tuition for pupils residing in the school district but who attend
28 school in an adjoining school district within this state or in an adjoining
29 state when the receiving district in the adjoining state adjoins the school
30 district of Nevada residence.

31 2. With the approval of the superintendent of public instruction, the
32 board of trustees of the school district in which the pupil or pupils reside
33 and the board of trustees of the school district in which the pupil or pupils
34 attend school shall enter into an agreement providing for the payment of
35 such tuition as may be agreed upon, but transportation costs must be paid by
36 the board of trustees of the school district in which the pupil or pupils
37 reside:

38 (a) If any are incurred in transporting a pupil or pupils to an adjoining
39 school district within the state; and

40 (b) If any are incurred in transporting a pupil or pupils to an adjoining
41 state, as provided by the agreement.

1 3. In addition to the provisions for the payment of tuition and
2 transportation costs for pupils admitted to an adjoining school district as
3 provided in subsection 2, the agreement may contain provisions for the
4 payment of reasonable amounts of money to defray the cost of operation,
5 maintenance and depreciation of capital improvements which can be
6 allocated to such pupils.

7 **Sec. 4.** This act becomes effective on July 1, 1999.

~