

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.

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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; 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 board of trustees of a school district approves an application,  
37    the board of trustees shall enter into a written agreement with the pupil  
38    which may include, without limitation, conditions of behavior with which  
39    the pupil must comply while enrolled in the public school and a minimum  
40    grade-point average that the pupil must maintain while enrolled in the  
41    public school. If a pupil satisfies the conditions of the agreement, he may  
42    remain in the public school for succeeding school years without

1 *submitting an application pursuant to this section if space for the pupil is*  
2 *available. If space for the pupil is not available in that public school, he*  
3 *may return to the public school that he is otherwise required to attend or*  
4 *submit an application pursuant to this section to attend another public*  
5 *school. If a pupil does not satisfy the conditions of the agreement, the*  
6 *board of trustees may, upon completion of the school year, revoke its*  
7 *approval for the pupil to attend the public school. If the board of trustees*  
8 *of a school district revokes its approval, the pupil may return to the public*  
9 *school that he is otherwise required to attend or submit an application*  
10 *pursuant to this section to attend another public school.*

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

12 *(a) The pupil must be included in the count of pupils in the school*  
13 *district in which the pupil attends school for the purposes of*  
14 *apportionments and allowances from the state distributive school account*  
15 *pursuant to NRS 387.121 to 387.126, inclusive.*

16 *(b) The pupil may return to the public school that he is otherwise*  
17 *required to attend if the parents, legal guardian or custodial parent of the*  
18 *pupil provide written notice of that desire to the board of trustees of the*  
19 *school district in which the pupil resides. If a pupil attends a public*  
20 *school outside the county in which the pupil resides and he returns to the*  
21 *public school that he is otherwise required to attend during the school*  
22 *year, appropriate adjustments must be made for that school year in the*  
23 *computation of apportionments for the two school districts.*

24 *(c) Neither the board of trustees of the school district in which the*  
25 *pupil attends school nor the board of trustees of the school district in*  
26 *which the pupil resides is required to provide transportation for the pupil*  
27 *to attend the school.*

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

29 392.010 Except as to the attendance of a pupil pursuant to NRS  
30 392.015 *or section 2 of this act*, or a pupil who is ineligible for attendance  
31 pursuant to NRS 392.4675 and except as otherwise provided in NRS  
32 392.264 and 392.268:

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

35 (a) Admit to the school or schools of the school district any pupil or  
36 pupils living in an adjoining school district within this state or in an  
37 adjoining state when the school district of residence in the adjoining state  
38 adjoins the receiving Nevada school district; or

39 (b) Pay tuition for pupils residing in the school district but who attend  
40 school in an adjoining school district within this state or in an adjoining  
41 state when the receiving district in the adjoining state adjoins the school  
42 district of Nevada residence.

1     2. With the approval of the superintendent of public instruction, the  
2 board of trustees of the school district in which the pupil or pupils reside  
3 and the board of trustees of the school district in which the pupil or pupils  
4 attend school shall enter into an agreement providing for the payment of  
5 such tuition as may be agreed upon, but transportation costs must be paid by  
6 the board of trustees of the school district in which the pupil or pupils  
7 reside:

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

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

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

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