

SENATE BILL NO. 149—SENATOR WASHINGTON

FEBRUARY 15, 2001

Referred to Committee on Human Resources and Facilities

SUMMARY—Authorizes parents of certain pupils to choose which public school pupils will attend. (BDR 34-10)

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; 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
3 of trustees of a school district that includes more than one school which
4 offers instruction in the same grade or grades may zone the school district
5 and 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) *Public school outside the zone of attendance that the pupil is*
10 *otherwise required to attend if the board of trustees of a school district*
11 *approves an application for the pupil to attend another public school*
12 *pursuant to section 2 of this act.*
13 **Sec. 2.** Chapter 392 of NRS is hereby amended by adding thereto a
14 new section to read as follows:
15 1. *Except as otherwise provided in subsection 2, the parents, legal*
16 *guardian or custodial parent of a pupil may submit an application for the*
17 *pupil to attend a public school that is located:*
18 (a) *Within the county in which the pupil resides but outside the zone*
19 *of attendance established pursuant to NRS 388.040 that the pupil is*
20 *required to attend; or*
21 (b) *Within a county that adjoins the county in which the pupil resides.*
22 2. *The provisions of this section do not apply:*



1 (a) For enrollment in a charter school.

2 (b) To a pupil who is ineligible to attend a public school pursuant to
3 NRS 392.264 or 392.4675.

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

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

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

- 28 (a) The person who submitted the application on behalf of the pupil;
29 (b) The public school that the pupil would otherwise be required to
30 attend;
31 (c) The public school that the pupil will attend; and
32 (d) The board of trustees of the school district in which the pupil
33 resides, if the pupil will be attending a public school in an adjoining
34 county.

35 6. If the board of trustees of a school district approves an
36 application, the board of trustees shall enter into a written agreement
37 with the pupil that may include, without limitation, conditions of
38 behavior with which the pupil must comply while enrolled in the public
39 school and a minimum grade-point average that the pupil must maintain
40 while enrolled in the public school. If a pupil satisfies the conditions of
41 the agreement, he may remain in the public school for succeeding school
42 years without submitting an application pursuant to this section if space
43 for the pupil is available. If space for the pupil is not available in that
44 public school, he may return to the public school that he is otherwise
45 required to attend or submit an application pursuant to this section to
46 attend another public school. If a pupil does not satisfy the conditions of
47 the agreement, the board of trustees may, upon completion of the school
48 year, revoke its approval for the pupil to attend the public school. If the
49 board of trustees of a school district revokes its approval, the pupil may



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1 *return to the public school that he is otherwise required to attend or*
2 *submit an application pursuant to this section to attend another public*
3 *school.*

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

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

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

17 *(c) Neither the board of trustees of the school district in which the*
18 *pupil attends school nor the board of trustees of the school district in*
19 *which the pupil resides is required to provide transportation for the pupil*
20 *to attend the public school.*

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

22 392.010 Except as to the attendance of a pupil pursuant to NRS
23 392.015 *or section 2 of this act*, or a pupil who is ineligible for attendance
24 pursuant to NRS 392.4675 , and except as otherwise provided in NRS
25 392.264 and 392.268:

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

28 (a) Admit to the school or schools of the school district any pupil or
29 pupils living in an adjoining school district within this state or in an
30 adjoining state when the school district of residence in the adjoining state
31 adjoins the receiving Nevada school district; or

32 (b) Pay tuition for pupils residing in the school district but who attend
33 school in an adjoining school district within this state or in an adjoining
34 state when the receiving district in the adjoining state adjoins the school
35 district of Nevada residence.

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

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

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

47 3. In addition to the provisions for the payment of tuition and
48 transportation costs for pupils admitted to an adjoining school district as
49 provided in subsection 2, the agreement may contain provisions for the



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- 1 payment of reasonable amounts of money to defray the cost of operation,
- 2 maintenance and depreciation of capital improvements which can be
- 3 allocated to such pupils.
- 4 **Sec. 4.** This act becomes effective on July 1, 2001.

