

SENATE BILL NO. 235—SENATORS WASHINGTON, O’CONNELL,  
O’DONNELL AND RAWSON

FEBRUARY 22, 2001

JOINT SPONSORS: ASSEMBLYMEN HETTRICK, CEGAVSKE, VON TOBEL,  
ANGLE, GUSTAVSON, MARVEL AND TIFFANY

Referred to Committee on Human Resources and Facilities

SUMMARY—Establishes program of voucher schools for certain pupils. (BDR 34-9)

FISCAL NOTE: Effect on Local Government: Yes.  
Effect on the State: Yes.

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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; establishing a program of voucher schools to be administered by the department of education; authorizing certain private schools to apply to the department of education for certification as voucher schools; authorizing certain pupils to apply to the department of education to participate in the program of voucher schools; revising provisions governing the apportionments of money from the state distributive school account to provide for the payments of money for pupils who are enrolled in voucher schools; 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.** Title 34 of NRS is hereby amended by adding thereto a  
2 new chapter to consist of the provisions set forth as sections 2 to 16,  
3 inclusive, of this act.  
4     **Sec. 2.** *As used in sections 2 to 16, inclusive, of this act, unless the*  
5 *context otherwise requires, the words and terms defined in sections 3 to*  
6 *7, inclusive, of this act have the meanings ascribed to them in those*  
7 *sections.*  
8     **Sec. 3.** *“Family of low income” means a family with a monthly*  
9 *household income that is at or below the federally designated level*  
10 *signifying poverty.*  
11     **Sec. 4.** *“Private school” has the meaning ascribed to it in NRS*  
12 *394.103.*



1     *Sec. 5. "Program" means the program of voucher schools*  
2     *established pursuant to section 8 of this act.*

3     *Sec. 6. "Voucher" means a document that may be exchanged by a*  
4     *voucher school with the department for money for the educational*  
5     *expenses of a pupil who participates in the program and attends the*  
6     *voucher school.*

7     *Sec. 7. "Voucher school" means a private school that is certified*  
8     *pursuant to section 10 of this act.*

9     *Sec. 8. There is hereby established the program of voucher schools,*  
10    *to be administered by the department. The department shall:*

11    1. *Adopt regulations:*

12    (a) *Prescribing the process for submission of an application by a*  
13    *private school to become certified as a voucher school and the contents of*  
14    *the application;*

15    (b) *Prescribing the process for submission of an application by a*  
16    *parent or legal guardian of a child to participate in the program; and*

17    (c) *As are necessary to carry out the provisions of sections 2 to 16,*  
18    *inclusive, of this act.*

19    2. *Provide information to the general public concerning the*  
20    *program.*

21    3. *Maintain a list available for public inspection that identifies which*  
22    *private schools are certified as voucher schools pursuant to section 10 of*  
23    *this act.*

24    *Sec. 9. 1. A private school may submit to the department an*  
25    *application to become certified as a voucher school if the private school:*

26    (a) *Is licensed pursuant to chapter 394 of NRS; and*

27    (b) *Has an admissions policy that does not discriminate on the basis of*  
28    *a single race or ethnicity.*

29    2. *Such an application must include:*

30    (a) *Proof that the private school is licensed pursuant to chapter 394 of*  
31    *NRS;*

32    (b) *A written statement that the private school does not discriminate*  
33    *on the basis of a single race or ethnicity;*

34    (c) *A written statement that the private school will not charge tuition*  
35    *or fees to children from families of low income who participate in the*  
36    *program; and*

37    (d) *The number of children from the program that the private school*  
38    *is able to accommodate.*

39    *Sec. 10. 1. Upon receipt of an application from a private school,*  
40    *the department shall review the application to determine whether it is*  
41    *complete. The department shall approve an application if it is complete.*  
42    *The department shall provide written notice to the applicant of its*  
43    *approval or denial of the application.*

44    2. *If an application is approved by the department, the department*  
45    *and the private school shall enter into a written agreement which*  
46    *certifies that the private school is a voucher school.*

47    3. *The certification of a voucher school pursuant to this section*  
48    *remains valid indefinitely unless:*



- 1     (a) The department revokes the certification pursuant to section 11 of  
2     this act; or  
3     (b) The voucher school requests the department to revoke the  
4     certification.
- 5     4. If a voucher school requests that the department revoke the  
6     certification of the voucher school during a school year, the voucher  
7     school shall continue to provide an education to pupils who participate in  
8     the program and are enrolled in the voucher school for the remainder of  
9     the school year. Upon completion of the school year, the department  
10    shall revoke the certification of the voucher school.
- 11    **Sec. 11.** 1. The department shall revoke the certification of a  
12    voucher school if the:
- 13    (a) Voucher school fails to comply with the provisions of sections 2 to  
14    16, inclusive, of this act.
- 15    (b) License of the voucher school is revoked pursuant to chapter 394  
16    of NRS.
- 17    2. The department shall not interfere with the operation or  
18    management of a voucher school except as authorized by sections 2 to  
19    16, inclusive, of this act.
- 20    **Sec. 12.** 1. A voucher school shall:
- 21    (a) Comply with all laws and regulations relating to discrimination  
22    and civil rights;
- 23    (b) Accept a voucher from a child from a family of low income as full  
24    payment for the costs of providing an education to the child; and
- 25    (c) Comply with the provisions of sections 2 to 16, inclusive, of this  
26    act.
- 27    2. A voucher school shall not charge tuition or fees to children from  
28    families of low income who participate in the program and attend the  
29    voucher school.
- 30    3. For all legal intents and purposes, a voucher school is not a public  
31    employer.
- 32    **Sec. 13.** 1. The parent or legal guardian of a child may submit an  
33    application to the department to participate in the program if:
- 34    (a) At least one voucher school is located within the county in which  
35    the child resides; and
- 36    (b) The child is:
- 37    (1) Enrolled in or otherwise scheduled to attend a public school that  
38    has carried a designation as demonstrating need for improvement  
39    pursuant to NRS 385.363 for 3 consecutive years; or
- 40    (2) From a family of low income and in the immediately succeeding  
41    school year the child:
- 42    (I) Was enrolled in a public school in this state;
- 43    (II) Was enrolled in a voucher school as a participant in the  
44    program; or
- 45    (III) Was not enrolled in a school.
- 46    2. The department shall categorize the applications that it receives by  
47    school district. For each school district, the department shall approve the  
48    applications of not more than 10 percent of the children who reside  
49    within each school district. If more eligible children apply for



1 participation in the program than the number of applications that may be  
2 approved for a particular school district, the department shall select  
3 applications at random by lottery for approval.

4 3. Upon approval of an application, the department shall provide a  
5 written statement of approval to the parent or legal guardian of the child  
6 indicating the date of approval.

7 4. A written statement of approval is valid for 1 school year. If a  
8 parent or legal guardian desires that his child continue to participate in  
9 the program, the parent or legal guardian must reapply for participation  
10 in the program each year. If a child initially participates in the program  
11 because he is enrolled in or otherwise scheduled to attend a public school  
12 that has carried a designation as demonstrating need for improvement  
13 pursuant to NRS 385.363 for 3 consecutive years, the child is eligible to  
14 continue his participation in the program if he satisfies the requirements  
15 of this section, regardless of whether that public school subsequently  
16 receives a designation other than a designation as demonstrating need  
17 for improvement.

18 5. A parent or legal guardian may withdraw his child from  
19 participation in the program at any time upon written notice to the  
20 department.

21 **Sec. 14.** 1. Upon receipt of a written statement of approval  
22 pursuant to section 13 of this act, the parent or legal guardian of a child  
23 may apply for enrollment in a voucher school which is located within the  
24 school district that the child would otherwise attend. Such an application  
25 must be accompanied by a copy of the written statement of approval.

26 2. If more children who participate in the program apply for  
27 enrollment in a voucher school than the number of spaces which are  
28 available, the voucher school shall:

29 (a) Determine which applicants to enroll at random by lottery; and  
30 (b) Provide the department with written evidence that the school  
31 complied with the provisions of this subsection.

32 If the department determines that the voucher school did not comply with  
33 the lottery system required by this subsection, the department may  
34 withdraw the certification of the voucher school.

35 3. If a parent or legal guardian of a child who participates in the  
36 program desires to continue his child's education in a voucher school,  
37 the parent or legal guardian shall submit an application for enrollment  
38 in a voucher school for each school year.

39 **Sec. 15.** Upon the written request of a parent or legal guardian of a  
40 pupil who is enrolled in a voucher school, the school shall not require  
41 the pupil to participate in any religious activity.

42 **Sec. 16.** 1. Pupils who participate in the program and are enrolled  
43 in a voucher school, including, without limitation, pupils who are  
44 enrolled in programs of special education in a voucher school, must be  
45 included in the count of pupils in the school district for the purposes of  
46 apportionments and allowances from the state distributive school  
47 account pursuant to NRS 387.121 to 387.126, inclusive.

48 2. A voucher school shall submit to the department a list of names of  
49 the pupils that participate in the program and are accepted for



1 enrollment in the voucher school. Upon receipt of such a list, the  
2 department shall verify that each pupil identified on the list has been  
3 approved for participation in the program and resides within the school  
4 district in which the voucher school is located. After the department  
5 verifies the list of names, the department shall issue a voucher to each  
6 parent or legal guardian of a pupil who is approved for participation in  
7 the program and accepted for enrollment in a voucher school. The  
8 parent or legal guardian shall restrictively endorse the voucher for use by  
9 the voucher school that his child will attend and submit the voucher to  
10 the voucher school.

11 3. A voucher school may submit all vouchers that it receives which  
12 are endorsed to the department for payment. A parent or legal guardian  
13 of a pupil may not submit a voucher directly to the department for  
14 payment. Upon receipt of all vouchers from a voucher school, the  
15 department shall pay to the voucher school for each child who  
16 participates in the program and is enrolled in the voucher school, an  
17 amount equal to:

18 (a) The per pupil amount of money apportioned to the school district  
19 in which the voucher school is located from the state distributive school  
20 account pursuant to NRS 387.124; or

21 (b) The per pupil annual tuition charged by the voucher school,  
22 whichever is less. The department may pay the total amount due to a  
23 voucher school pursuant to this subsection in quarterly payments.

24 **Sec. 17.** NRS 386.415 is hereby amended to read as follows:

25 386.415 1. The board of trustees of any school district may enter into  
26 an agreement with any individual, firm, partnership, corporation,  
27 association or public agency which has been approved for such purpose by  
28 the aging services division of the department of human resources, whereby  
29 the school district agrees to prepare hot lunches for persons 60 years of age  
30 or older and their spouses or any group of such persons by utilizing the  
31 systems and procedures already developed for use in the school lunch  
32 program of such district.

33 2. No agreement entered into by a board of trustees of a school district  
34 pursuant to the provisions of this section may:

35 (a) Involve the expenditure by the school district of any school lunch  
36 money or other *money for the system of* public ~~school money~~ education  
37 or the use of any school lunch commodities or public school personnel,  
38 equipment or facilities unless the agreement includes a provision requiring  
39 full reimbursement therefor.

40 (b) Provide for payment to the school district of any amount in excess  
41 of the estimated actual cost of food, personnel, equipment, facilities and  
42 other necessary expenditures involved in the performance of the  
43 agreement. The estimated actual cost shall be negotiated by the board of  
44 trustees and the aging services division of the department of human  
45 resources.

46 (c) Permit any program of hot lunches for persons 60 years of age or  
47 over and their spouses to interfere in any way with the use of school lunch  
48 facilities for public school purposes.



1     **Sec. 18.** NRS 386.527 is hereby amended to read as follows:

2     386.527 1. Except as otherwise provided in subsection 3, if the board  
3 of trustees of a school district approves an application to form a charter  
4 school, it shall grant a written charter to the applicant. The board of  
5 trustees shall, not later than 10 days after the approval of the application,  
6 provide written notice to the department of the approval and the date of the  
7 approval. The board of trustees that approves the application shall be  
8 deemed the sponsor of the charter school. A written charter must be for a  
9 term of 6 years unless the governing body of a charter school renews its  
10 initial charter after 3 years of operation pursuant to subsection 2 of NRS  
11 386.530. A written charter must include all conditions of operation set  
12 forth in paragraphs (a) to (n), inclusive, of subsection 2 of NRS 386.520.  
13 As a condition of the issuance of a written charter pursuant to this  
14 subsection, the charter school must agree to comply with all conditions of  
15 operation set forth in NRS 386.550.

16 2. The governing body of a charter school may submit to the sponsor  
17 of the charter school a written request for an amendment of the written  
18 charter of the charter school. If the proposed amendment complies with the  
19 provisions of this section, NRS 386.500 to 386.610, inclusive, and any  
20 other statute or regulation applicable to charter schools, the sponsor shall  
21 amend the written charter in accordance with the proposed amendment.

22 3. If the board of trustees of a school district is considering an  
23 application to form a charter school and determines that the applicant is not  
24 yet eligible for the issuance of a charter pursuant to subsection 1, it may, if  
25 applicable, hold the application in abeyance and grant a conditional charter  
26 to the applicant if the applicant:

27 (a) Has not obtained a building, equipment or personnel for the charter  
28 school; and

29 (b) Submits proof satisfactory to the entity which is considering the  
30 application that acceptance of the application is necessary to obtain the  
31 building, equipment or personnel for the charter school.

32 The board of trustees of a school district that grants a conditional charter  
33 pursuant to this subsection shall provide written notice to the state board of  
34 its action.

35 4. A conditional charter expires 1 year after its issuance and is  
36 nonrenewable. The holder of a conditional charter shall not operate a  
37 charter school and is not eligible to receive any *money for the system of*  
38 public ~~school money~~ *education* for the operation of a charter school.  
39 Before the expiration of a conditional charter, the holder of the conditional  
40 charter may submit a supplemental application and request the board of  
41 trustees that granted the conditional charter to determine whether the  
42 holder is eligible for the issuance of a charter pursuant to subsection 1. The  
43 board of trustees shall consider such a request as soon as is practicable.

44 **Sec. 19.** Chapter 387 of NRS is hereby amended by adding thereto a  
45 new section to read as follows:

46 *As used in this chapter, "voucher school" has the meaning ascribed to*  
47 *it in section 7 of this act.*



\* S B 2 3 5 \*

1     **Sec. 20.** NRS 387.040 is hereby amended to read as follows:

2     387.040 1. Except as otherwise provided in subsection 2 and NRS  
3     387.528, the state treasurer shall pay over all *money for the system of*  
4     public ~~school money~~ *education* received by him for the support of school  
5     districts only on warrants of the state controller issued upon the orders of  
6     the superintendent of public instruction in favor of county treasurers. When  
7     endorsed, the orders are valid vouchers in the hands of the state controller  
8     for the disbursement of *money for the system of* public ~~school money~~  
9     *education*.

10    2. Except as otherwise provided in NRS 387.528, if the board of  
11    trustees of a school district establishes and administers a separate account  
12    pursuant to the provisions of NRS 354.603, the state treasurer shall pay  
13    over to the school district all *money for the system of* public ~~school~~  
14    ~~money~~ *education* due the school district.

15    3. The state treasurer shall pay over all *money for the system of* public  
16    ~~school money~~ *education* received by him for the support of charter  
17    schools only on warrants of the state controller issued upon the orders of  
18    the superintendent of public instruction in favor of the charter schools.  
19    When endorsed, the orders are valid vouchers in the hands of the state  
20    controller for the disbursement of *money for the system of* public ~~school~~  
21    ~~money~~ *education*.

22    **Sec. 21.** NRS 387.045 is hereby amended to read as follows:

23    387.045 1. ~~No~~ *Except as otherwise provided in section 16 of this*  
24    *act, no* portion of the *money for the system of* public ~~school funds~~  
25    *education* or of the money specially appropriated for the purpose of *the*  
26    *system of* public ~~schools shall~~ *education may* be devoted to any other  
27    object or purpose.

28    2. No portion of the *money for the system of* public ~~school funds~~  
29    ~~shall~~ *education may* in any way be segregated, divided or set apart for the  
30    *direct* use or benefit of any sectarian or secular society or association.

31    **Sec. 22.** NRS 387.121 is hereby amended to read as follows:

32    387.121 The legislature declares that the proper objective of state  
33    financial aid to public education is to ensure each Nevada child a  
34    reasonably equal educational opportunity. Recognizing wide local  
35    variations in wealth and costs per pupil, this state should supplement local  
36    financial ability to whatever extent necessary in each school district to  
37    provide programs of instruction in both compulsory and elective subjects ,  
38    *whether in a public school or a voucher school*, that offer full opportunity  
39    for every Nevada child to receive the benefit of the purposes for which *the*  
40    *system of* public ~~schools are~~ *education is* maintained. Therefore the  
41    quintessence of the state's financial obligation for such programs can be  
42    expressed in a formula partially on a per pupil basis and partially on a per  
43    program basis as: State financial aid to school districts equals the  
44    difference between school district basic support guarantee and local  
45    available funds produced by mandatory taxes minus all the local funds  
46    attributable to pupils who reside in the county but *participate in the*  
47    *program of voucher schools pursuant to sections 2 to 16, inclusive, of*  
48    *this act and attend a voucher school and pupils who reside in the county*  
49    *and* attend a charter school. This formula is designated the Nevada plan.





1     **Sec. 23.** NRS 387.1211 is hereby amended to read as follows:  
2     387.1211 As used in NRS 387.121 to 387.126, inclusive:

3     1. "Average daily attendance" means the total number of pupils  
4     attending a particular school each day during a period of reporting divided  
5     by the number of days school is in session during that period.

6     2. "Enrollment" means the count of pupils ~~enrolled~~ *who:*

7     (a) *Are enrolled* in and scheduled to attend programs of instruction of a  
8     school district ;

9     (b) *Participate in the program of voucher schools pursuant to sections*  
10    *2 to 16, inclusive, of this act, and are enrolled in and scheduled to attend*  
11    *programs of instruction of a voucher school; or*

12    (c) *Are enrolled in and scheduled to attend programs of instruction of*  
13    a charter school ,  
14    at a specified time during the school year.

15    3. "Special education program unit" means an organized unit of  
16    special education and related services which includes full-time services of  
17    persons licensed by the superintendent of public instruction or other  
18    appropriate licensing body, providing a program of instruction in  
19    accordance with minimum standards prescribed by the state board.

20    **Sec. 24.** NRS 387.1233 is hereby amended to read as follows:

21    387.1233 1. Except as otherwise provided in subsection 2, basic  
22    support of each school district must be computed by:

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

25    (1) Six-tenths the count of pupils enrolled in the kindergarten  
26    department on the last day of the first school month of the school district  
27    for the school year, including, without limitation, the count of pupils who  
28    reside in the county and are enrolled in any charter school *and pupils who*  
29    *reside in the county, participate in the program of voucher schools*  
30    *pursuant to sections 2 to 16, inclusive, of this act and are enrolled in a*  
31    *voucher school*, on the last day of the first school month of the school  
32    district for the school year.

33    (2) The count of pupils enrolled in grades 1 to 12, inclusive, on the  
34    last day of the first school month of the school district for the school year,  
35    including, without limitation, the count of pupils who reside in the county  
36    and are enrolled in any charter school *and pupils who reside in the county,*  
37    *participate in the program of voucher schools pursuant to sections 2 to*  
38    *16, inclusive, of this act and are enrolled in a voucher school*, on the last  
39    day of the first school month of the school district for the school year.

40    (3) The count of pupils not included under subparagraph (1) or (2)  
41    who are receiving special education pursuant to the provisions of NRS  
42    388.440 to 388.520, inclusive, on the last day of the first school month of  
43    the school district for the school year, excluding the count of pupils who  
44    have not attained the age of 5 years and who are receiving special  
45    education pursuant to subsection 1 of NRS 388.490 on that day.

46    (4) Six-tenths the count of pupils who have not attained the age of 5  
47    years and who are receiving special education pursuant to subsection 1 of  
48    NRS 388.490 on the last day of the first school month of the school district  
49    for the school year.





1 (5) The count of children detained in detention homes, alternative  
2 programs and juvenile forestry camps receiving instruction pursuant to the  
3 provisions of NRS 388.550, 388.560 and 388.570 on the last day of the  
4 first school month of the school district for the school year.

5 (6) The count of pupils who are enrolled in classes for at least one  
6 semester pursuant to subsection 4 of NRS 386.560 or subsection 3 of NRS  
7 392.070, expressed as a percentage of the total time services are provided  
8 to those pupils per school day in proportion to the total time services are  
9 provided during a school day to pupils who are counted pursuant to  
10 subparagraph (2).

11 (b) Multiplying the number of special education program units  
12 maintained and operated by the amount per program established for that  
13 school year.

14 (c) Adding the amounts computed in paragraphs (a) and (b).

15 2. If the enrollment of pupils in a school district or a charter school  
16 that is located within the school district on the last day of the first school  
17 month of the school district for the school year is less than the enrollment  
18 of pupils in the same school district or charter school on the last day of the  
19 first school month of the school district for the immediately preceding  
20 school year, the larger number must be used for purposes of apportioning  
21 money from the state distributive school account to that school district or  
22 charter school pursuant to NRS 387.124.

23 3. Pupils who are excused from attendance at examinations or have  
24 completed their work in accordance with the rules of the board of trustees  
25 must be credited with attendance during that period.

26 4. Pupils who are incarcerated in a facility or institution operated by  
27 the department of prisons must not be counted for the purpose of  
28 computing basic support pursuant to this section. The average daily  
29 attendance for such pupils must be reported to the department of education.

30 5. Part-time pupils who are enrolled in courses which are approved by  
31 the department as meeting the requirements for an adult to earn a high  
32 school diploma must not be counted for the purpose of computing basic  
33 support pursuant to this section. The average daily attendance for such  
34 pupils must be reported to the department.

35 **Sec. 25.** NRS 387.124 is hereby amended to read as follows:

36 387.124 Except as otherwise provided in NRS 387.528:

37 1. On or before August 1, November 1, February 1 and May 1 of each  
38 year, the superintendent of public instruction shall, except as otherwise  
39 provided in subsections 2 and 3, apportion the state distributive school  
40 account in the state general fund among the several county school districts  
41 and charter schools in amounts approximating one-fourth of their  
42 respective yearly apportionments less any amount set aside as a reserve.  
43 The apportionment to a school district, computed on a yearly basis, equals  
44 the difference between the basic support and the local funds available  
45 pursuant to NRS 387.1235, minus all the funds attributable to pupils who  
46 reside in the county but attend a charter school ~~H~~ *and the amount of*  
47 *money paid to a voucher school located in the county pursuant to section*  
48 *16 of this act.* No apportionment may be made to a school district if the  
49 amount of the local funds exceeds the amount of basic support. The



1 apportionment to a charter school, computed on a yearly basis, is equal to  
2 the sum of the basic support per pupil in the county in which the pupil  
3 resides plus the amount of local funds available per pupil pursuant to NRS  
4 387.1235 and all other funds available for public schools in the county in  
5 which the pupil resides. If the apportionment per pupil to a charter school  
6 is more than the amount to be apportioned to the school district in which a  
7 pupil who is enrolled in the charter school resides, the school district in  
8 which the pupil resides shall pay the difference directly to the charter  
9 school.

10 2. The governing body of a charter school may submit a written  
11 request to the superintendent of public instruction to receive, in the first  
12 year of operation of the charter school, an apportionment 30 days before  
13 the apportionment is required to be made pursuant to subsection 1. Upon  
14 receipt of such a request, the superintendent of public instruction may  
15 make the apportionment 30 days before the apportionment is required to be  
16 made. A charter school may receive all four apportionments in advance in  
17 its first year of operation.

18 3. If the state controller finds that such an action is needed to maintain  
19 the balance in the state general fund at a level sufficient to pay the other  
20 appropriations from it, he may pay out the apportionments monthly, each  
21 approximately one-twelfth of the yearly apportionment less any amount set  
22 aside as a reserve. If such action is needed, the state controller shall submit  
23 a report to the department of administration and the fiscal analysis division  
24 of the legislative counsel bureau documenting reasons for the action.

25 **Sec. 26.** NRS 387.185 is hereby amended to read as follows:

26 387.185 1. Except as otherwise provided in subsection 2 and NRS  
27 387.528, all school money due each county school district must be  
28 paid over by the state treasurer to the county treasurer on August 1,  
29 November 1, February 1 and May 1 of each year or as soon thereafter as  
30 the county treasurer may apply for it, upon the warrant of the state  
31 controller drawn in conformity with the apportionment of the  
32 superintendent of public instruction as provided in NRS 387.124.

33 2. Except as otherwise provided in NRS 387.528, if the board of  
34 trustees of a school district establishes and administers a separate account  
35 pursuant to the provisions of NRS 354.603, all school money due that  
36 school district must be paid over by the state treasurer to the school district  
37 on August 1, November 1, February 1 and May 1 of each year or as soon  
38 thereafter as the school district may apply for it, upon the warrant of the  
39 state controller drawn in conformity with the apportionment of the  
40 superintendent of public instruction as provided in NRS 387.124.

41 3. No county school district may receive any portion of the *money for*  
42 *the system of* public ~~school money~~ *education* unless that school district  
43 has complied with the provisions of this Title and regulations adopted  
44 pursuant thereto.

45 4. Except as otherwise provided in this subsection, all school money  
46 due each charter school must be paid over by the state treasurer to the  
47 governing body of the charter school on August 1, November 1, February 1  
48 and May 1 of each year or as soon thereafter as the governing body may  
49 apply for it, upon the warrant of the state controller drawn in conformity



1 with the apportionment of the superintendent of public instruction as  
2 provided in NRS 387.124. If the superintendent of public instruction has  
3 approved, pursuant to subsection 2 of NRS 387.124, a request for payment  
4 of an apportionment 30 days before the apportionment is otherwise  
5 required to be made, the money due to the charter school must be paid by  
6 the state treasurer to the governing body of the charter school on July 1,  
7 October 1, January 1 or April 1, as applicable.

8 **Sec. 27.** NRS 387.195 is hereby amended to read as follows:

9 387.195 1. Each board of county commissioners shall levy a tax of  
10 75 cents on each \$100 of assessed valuation of taxable property within the  
11 county for the support of the *system of public* ~~schools~~ *education* within  
12 the county school district.

13 2. The tax collected pursuant to subsection 1 on any assessed valuation  
14 attributable to the net proceeds of minerals must not be considered as  
15 available to pay liabilities of the fiscal year in which the tax is collected but  
16 must be deferred for use in the subsequent fiscal year. The annual budget  
17 for the school district must only consider as an available source the tax on  
18 the net proceeds of minerals which was collected in the prior year.

19 3. In addition to any tax levied in accordance with subsection 1, each  
20 board of county commissioners shall levy a tax for the payment of interest  
21 and redemption of outstanding bonds of the county school district.

22 4. The tax collected pursuant to subsection 1 and any interest earned  
23 from the investment of the proceeds of that tax must be credited to the  
24 county's school district fund.

25 5. The tax collected pursuant to subsection 3 and any interest earned  
26 from the investment of the proceeds of that tax must be credited to the  
27 county school district's debt service fund.

28 **Sec. 28.** NRS 387.210 is hereby amended to read as follows:

29 387.210 Except when the board of trustees of a county school district  
30 elects to establish a separate account under the provisions of NRS 354.603,  
31 each county treasurer shall:

32 1. Receive and hold as a special deposit all *money for the system of*  
33 public ~~school moneys~~ *education*, whether received by him from the state  
34 treasurer or raised by the county for the benefit of the *system of public*  
35 ~~schools~~ *education*, or from any other source, and keep separate accounts  
36 thereof and of their disbursements.

37 2. Pay over all *money for the system of public* ~~school moneys~~  
38 *education* received by him only on warrants of the county auditor, issued  
39 upon orders of the board of trustees of the county school district. All orders  
40 issued in accordance with law by the board of trustees shall be valid  
41 vouchers in the hands of the county auditors for warrants drawn upon such  
42 orders.

43 **Sec. 29.** NRS 387.225 is hereby amended to read as follows:

44 387.225 No tax collector or county treasurer shall receive any fees or  
45 compensation whatever for collecting, receiving, keeping, transporting or  
46 disbursing any *money for the system of public* ~~school moneys~~  
47 *education*.



1     **Sec. 30.** NRS 388.150 is hereby amended to read as follows:  
2     388.150 1. No books, tracts or papers of a sectarian or  
3     denominational character may be used or introduced in any public school  
4     established pursuant to the provisions of this Title of NRS, nor may any  
5     sectarian or denominational doctrines be taught in any public school.

6     2. Any school district or charter school whose officers knowingly  
7     allow any public schools to be taught in violation of this section forfeits all  
8     right to any *money for the system of public* ~~school funds.~~ *education.*

9     3. Nothing in this section prohibits a school district or charter school  
10    from complying with applicable federal laws, such as the Equal Access  
11    Act, 20 U.S.C. §§ 4071 et seq.

12    **Sec. 31.** NRS 392.070 is hereby amended to read as follows:

13    392.070 1. Attendance required by the provisions of NRS 392.040  
14    must be excused when satisfactory written evidence is presented to the  
15    board of trustees of the school district in which the child resides that the  
16    child is ~~receiving~~ :

17    (a) *Receiving* at home or in some other school equivalent instruction of  
18    the kind and amount approved by the state board.

19    (b) *Participating in the program of voucher schools pursuant to*  
20    *sections 2 to 16, inclusive, of this act and enrolled in a voucher school.*

21    2. The board of trustees of each school district shall provide programs  
22    of special education and related services for children who are exempt from  
23    compulsory attendance pursuant to subsection 1 and receive instruction at  
24    home. The programs of special education and related services required by  
25    this section must be made available:

26    (a) Only if a child would otherwise be eligible for participation in  
27    programs of special education and related services pursuant to NRS  
28    388.440 to 388.520, inclusive;

29    (b) In the same manner that the board of trustees provides, as required  
30    by 20 U.S.C. § 1412, for the participation of pupils with disabilities who  
31    are enrolled in private schools within the school district voluntarily by their  
32    parents or legal guardians; and

33    (c) In accordance with the same requirements set forth in 20 U.S.C. §  
34    1412 which relate to the participation of pupils with disabilities who are  
35    enrolled in private schools within the school district voluntarily by their  
36    parents or legal guardians.

37    3. Except as otherwise provided in subsection 2 for programs of  
38    special education and related services, upon the request of a parent or legal  
39    guardian of a child who is enrolled in a private school or who receives  
40    instruction at home, the board of trustees of the school district in which the  
41    child resides shall authorize the child to participate in a class that is not  
42    available to the child at the private school or home school or participate in  
43    an extracurricular activity, excluding sports, at a public school within the  
44    school district if:

45    (a) Space for the child in the class or extracurricular activity is  
46    available; and

47    (b) The parent or legal guardian demonstrates to the satisfaction of the  
48    board of trustees that the child is qualified to participate in the class or  
49    extracurricular activity.



1 If the board of trustees of a school district authorizes a child to participate  
2 in a class or extracurricular activity, excluding sports, pursuant to this  
3 subsection, the board of trustees is not required to provide transportation  
4 for the child to attend the class or activity.

5 4. The board of trustees of a school district may revoke its approval for  
6 a pupil to participate in a class or extracurricular activity at a public school  
7 pursuant to subsection 3 if the board of trustees or the public school  
8 determines that the pupil has failed to comply with applicable statutes, or  
9 applicable rules and regulations of the board of trustees. If the board of  
10 trustees revokes its approval, neither the board of trustees nor the public  
11 school are liable for any damages relating to the denial of services to the  
12 pupil.

13 5. The programs of special education and related services required by  
14 subsection 2 may be offered at a public school or another location that is  
15 appropriate.

16 6. The department may adopt such regulations as are necessary for the  
17 boards of trustees of school districts to provide the programs of special  
18 education and related services required by subsection 2.

19 7. As used in this section, "related services" has the meaning ascribed  
20 to it in 20 U.S.C. § 1401(22).

21 **Sec. 32.** NRS 392.466 is hereby amended to read as follows:

22 392.466 1. Except as otherwise provided in this section, any pupil  
23 who commits a battery which results in the bodily injury of an employee of  
24 the school, sells or distributes any controlled substance or is found in  
25 possession of a dangerous weapon, while on the premises of any public  
26 school, at an activity sponsored by a public school or on any school bus  
27 must, for the first occurrence, be suspended or expelled from that school,  
28 although he may be placed in another kind of school, for at least a period  
29 equal to one semester for that school. For a second occurrence, the pupil  
30 must:

31 (a) Be permanently expelled from that school; and  
32 (b) Receive equivalent instruction authorized by the state board  
33 pursuant to *paragraph (a) of* subsection 1 of NRS 392.070.

34 2. Except as otherwise provided in this section, any pupil who is found  
35 in possession of a firearm while on the premises of any public school, at an  
36 activity sponsored by a public school or on any school bus must, for the  
37 first occurrence, be expelled from the school for a period of not less than 1  
38 year, although he may be placed in another kind of school for a period not  
39 to exceed the period of the expulsion. For a second occurrence, the pupil  
40 must:

41 (a) Be permanently expelled from the school; and  
42 (b) Receive equivalent instruction authorized by the state board  
43 pursuant to *paragraph (a) of* subsection 1 of NRS 392.070.

44 The superintendent of schools of a school district may, in a particular case  
45 in that school district, allow an exception to the expulsion requirement of  
46 this subsection.

47 3. Except as otherwise provided in this section, if a pupil is deemed a  
48 habitual disciplinary problem pursuant to NRS 392.4655, the pupil must be  
49 suspended or expelled from the school for a period equal to at least one



1 semester for that school. For the period of his suspension or expulsion, the  
2 pupil must receive equivalent instruction authorized by the state board  
3 pursuant to *paragraph (a) of* subsection 1 of NRS 392.070.

4 4. This section does not prohibit a pupil from having in his possession  
5 a knife or firearm with the approval of the principal of the school. A  
6 principal may grant such approval only in accordance with the policies or  
7 regulations adopted by the board of trustees of the school district.

8 5. Any pupil in grades 1 to 6, inclusive, except a pupil who has been  
9 found to have possessed a firearm in violation of subsection 2, may be  
10 suspended from school or permanently expelled from school pursuant to  
11 this section only after the board of trustees of the school district has  
12 reviewed the circumstances and approved this action in accordance with  
13 the procedural policy adopted by the board for such issues.

14 6. A pupil who is participating in a program of special education  
15 pursuant to NRS 388.520, other than a pupil who is gifted and talented,  
16 may, in accordance with the procedural policy adopted by the board of  
17 trustees of the school district for such matters, be:

18 (a) Suspended from school pursuant to this section for not more than 10  
19 days. Such a suspension may be imposed pursuant to this paragraph for  
20 each occurrence of conduct proscribed by subsection 1.

21 (b) Suspended from school for more than 10 days or permanently  
22 expelled from school pursuant to this section only after the board of  
23 trustees of the school district has reviewed the circumstances and  
24 determined that the action is in compliance with the Individuals with  
25 Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

26 7. As used in this section:

27 (a) "Battery" has the meaning ascribed to it in paragraph (a) of  
28 subsection 1 of NRS 200.481.

29 (b) "Dangerous weapon" includes, without limitation, a blackjack, slung  
30 shot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku,  
31 switchblade knife or trefoil, as defined in NRS 202.350, a butterfly knife or  
32 any other knife described in NRS 202.350, or any other object which is  
33 used, or threatened to be used, in such a manner and under such  
34 circumstances as to pose a threat of, or cause, bodily injury to a person.

35 (c) "Firearm" includes, without limitation, any pistol, revolver, shotgun,  
36 explosive substance or device, and any other item included within the  
37 definition of a "firearm" in 18 U.S.C. § 921, as that section existed on  
38 July 1, 1995.

39 **Sec. 33.** NRS 394.103 is hereby amended to read as follows:

40 394.103 "Private schools" means private elementary and secondary  
41 educational institutions. The term does not include a home in which  
42 instruction is provided to a child who is excused from compulsory  
43 attendance pursuant to *paragraph (a) of* subsection 1 of NRS 392.070.

44 **Sec. 34.** NRS 394.130 is hereby amended to read as follows:

45 394.130 1. In order to secure uniform and standard work for pupils  
46 in private schools in this state, instruction in the subjects required by law  
47 for pupils in the public schools shall be required of pupils receiving  
48 instruction in such private schools, either under the regular state courses of  
49 study prescribed by the state board ~~of education~~ or under courses of study



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1 prepared by such private schools and approved by the state board . ~~of~~  
2 ~~education.~~

3 2. Such private schools shall be required to furnish from time to time  
4 such reports as the superintendent of public instruction may find necessary  
5 as to enrollment, attendance and general progress within such schools.

6 3. ~~Nothing in this section shall be so construed as:~~

7 ~~(a) To interfere~~ *This section is not intended to:*

8 (a) *Interfere* with the right of the proper authorities having charge of  
9 private schools to give religious instruction to the pupils enrolled therein.

10 (b) ~~Not~~ *Except as otherwise provided in section 16 of this act*, give  
11 such private schools any right to share in the *money for the system of*  
12 public ~~school funds~~ *education* apportioned for the support of the *system*  
13 *of public schools* *education* of this state.

14 **Sec. 35.** NRS 41.0305 is hereby amended to read as follows:

15 41.0305 As used in NRS 41.0305 to 41.039, inclusive, the term  
16 "political subdivision" includes an organization that was officially  
17 designated as a community action agency pursuant to 42 U.S.C. § 2790  
18 before that section was repealed and is included in the definition of an  
19 "eligible entity" pursuant to 42 U.S.C. § 9902, the Nevada rural housing  
20 authority, an airport authority created by special act of the legislature, a  
21 regional transportation commission and a fire protection district, irrigation  
22 district, school district, governing body of a charter school and other  
23 special district that performs a governmental function, even though it does  
24 not exercise general governmental powers. *The term does not include a*  
25 *voucher school that is operating pursuant to sections 2 to 16, inclusive,*  
26 *of this act.*

27 **Sec. 36.** NRS 241.015 is hereby amended to read as follows:

28 241.015 As used in this chapter, unless the context otherwise requires:

29 1. "Action" means:

30 (a) A decision made by a majority of the members present during a  
31 meeting of a public body;

32 (b) A commitment or promise made by a majority of the members  
33 present during a meeting of a public body; or

34 (c) A vote taken by a majority of the members present during a meeting  
35 of a public body.

36 2. "Meeting" means the gathering of members of a public body at  
37 which a quorum is present to deliberate toward a decision or to take action  
38 on any matter over which the public body has supervision, control,  
39 jurisdiction or advisory power.

40 3. Except as otherwise provided in this subsection, "public body"  
41 means any administrative, advisory, executive or legislative body of the  
42 state or a local government which expends or disburses or is supported in  
43 whole or in part by tax revenue or which advises or makes  
44 recommendations to any entity which expends or disburses or is supported  
45 in whole or in part by tax revenue, including, but not limited to, any board,  
46 commission, committee, subcommittee or other subsidiary thereof and  
47 includes an educational foundation as defined in subsection 3 of NRS  
48 388.750 and a university foundation as defined in subsection 3 of NRS  
49 396.405. "Public body" does not include ~~the~~ :



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1     (a) *The* legislature of the State of Nevada.

2     (b) *A voucher school that is operating pursuant to sections 2 to 16,*  
3     *inclusive, of this act.*

4     4. "Quorum" means a simple majority of the constituent membership  
5     of a public body or another proportion established by law.

6     **Sec. 37.** NRS 286.070 is hereby amended to read as follows:

7     286.070 1. "Public employer" means the state, one of its agencies or  
8     one of its political subdivisions, the system, irrigation districts created  
9     under the laws of the State of Nevada, a nonprofit corporation to which a  
10    public hospital has been conveyed or leased pursuant to NRS 450.500, a  
11    public or quasi-public organization or agency that is funded, at least in part,  
12    by public money, including a regional transportation commission, a  
13    governing body of a charter school and a council of governments created  
14    pursuant to the laws of the State of Nevada. *The term does not include a*  
15    *voucher school that is operating pursuant to sections 2 to 16, inclusive,*  
16    *of this act.*

17    2. State agencies are those agencies subject to state control and  
18    supervision, including those whose employees are governed by chapter 284  
19    of NRS, unless specifically exempted therefrom, and those which deposit  
20    money with the state treasurer.

21    **Sec. 38.** On or before January 31, 2002, the department of education  
22    shall adopt the regulations required by section 8 of this act. The department  
23    of education shall ensure that the regulations carry out a program of  
24    voucher schools in accordance with sections 2 to 16, inclusive, of this act  
25    commencing with the 2002-2003 school year.

26    **Sec. 39.** A private school certified by the department of education  
27    pursuant to section 10 of this act may commence operation as a voucher  
28    school beginning with the 2002-2003 school year.

29    **Sec. 40.** 1. This section and section 38 of this act become effective  
30    on July 1, 2001.

31    2. Section 8 of this act becomes effective on July 1, 2001, for the  
32    purpose of adopting regulations and on July 1, 2002, for all other purposes.

33    3. Sections 1 to 7, inclusive, 9 to 37, inclusive, and 39 of this act  
34    become effective on July 1, 2002.

