

SENATE BILL NO. 223—SENATOR CEGAVSKE

MARCH 21, 2005

Referred to Committee on Human Resources and Education

SUMMARY—Revises provisions governing education.
(BDR 34-73)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 the Program of Voucher Schools to be administered by the Department of Education; authorizing certain private schools to apply to the Department for certification as voucher schools; authorizing certain pupils to apply to the Department to participate in the Program; authorizing the Department to request reimbursement from a voucher school for certain costs associated with administering the voucher school; 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; authorizing the parents and guardians of pupils to choose which public schools the pupils will attend; revising provisions governing charter schools; providing for stipends to parents and guardians of homeschooled children under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law establishes the system of public education in this State. (Chapters
- 2 385-393 of NRS)
- 3 This bill establishes a Program of Voucher Schools, to be administered by the
- 4 Department of Education. This bill authorizes the Department to certify a private
- 5 school to operate as a voucher school. To become certified, the private school must
- 6 be licensed under state law. The Department may revoke the certification if the
- 7 voucher school fails to comply with the applicable provisions of the law or if its
- 8 license to operate as a private school is revoked.



This bill provides that a child may participate in the Program if the child attends, or is scheduled to attend, a school that has been designated as needing improvement for 3 or more consecutive years under the school accountability laws or the child is from a low-income family that is at or below the federally designated level of poverty. Not more than 10 percent of the children who reside within each school district may be approved by the Department to participate in the Program.

Pupils who participate in the Program and are enrolled in a voucher school must be included in the count of pupils in the school district for purposes of apportionments and allowances from the State Distributive School Account.

This bill requires the Department to provide the parent of a pupil who is approved for the Program with a voucher, which is then endorsed and submitted to the voucher school. The voucher school submits the vouchers from all participating pupils to the Department for payment. The Department must pay a voucher school an amount equal to the per pupil amount of money apportioned to the school district in which the voucher school is located or the amount of the annual tuition charged by the voucher school, whichever is less.

Existing law authorizes school districts to establish zones of attendance that prescribe which pupils attend each school within the district. (NRS 388.040)

This bill authorizes a parent or guardian of a pupil to apply for the child to attend a public school outside the pupil's zone of attendance or to attend a public school in another school district. The application must be submitted to the board of trustees of the school district in which the pupil wishes to attend school.

Existing law also allows a child to be exempt from compulsory attendance to receive instruction at home. (NRS 392.070)

This bill provides that to the extent money is made available by the Legislature, a parent or legal guardian of a homeschooled child may request from the Department a stipend of \$500 or \$1,000 per school year. The amount of the stipend would depend upon the age and grade level of the child.

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

Section 1. Title 34 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 16, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Family of low income” means a family with a monthly household income that is at or below the federally designated level signifying poverty.*

Sec. 4. *“Private school” has the meaning ascribed to it in NRS 394.103.*

Sec. 5. *“Program” means the Program of Voucher Schools established pursuant to section 8 of this act.*

Sec. 6. *“Voucher” means a document that may be exchanged by a voucher school with the Department for money for the educational expenses of a pupil who participates in the Program and attends the voucher school.*



1 **Sec. 7.** *“Voucher school” means a private school that is*
2 *certified pursuant to section 10 of this act.*

3 **Sec. 8.** *1. There is hereby established the Program of*
4 *Voucher Schools, to be administered by the Department. The State*
5 *Board shall adopt regulations:*

6 *(a) Prescribing the process for the submission of an*
7 *application by a private school to become certified as a voucher*
8 *school and the contents of the application;*

9 *(b) Prescribing the process for the submission of an*
10 *application by a parent or legal guardian of a child to participate*
11 *in the Program; and*

12 *(c) As are necessary to carry out the provisions of sections 2 to*
13 *16, inclusive, of this act.*

14 **2.** *The Department shall:*

15 *(a) Provide information to the general public concerning the*
16 *Program.*

17 *(b) Maintain a list available for public inspection that*
18 *identifies which private schools are certified as voucher schools*
19 *pursuant to section 10 of this act.*

20 **Sec. 9.** *1. A private school may submit to the Department*
21 *an application to become certified as a voucher school if the*
22 *private school:*

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

24 *(b) Has an admissions policy that does not discriminate on the*
25 *basis of race or ethnicity.*

26 **2.** *Such an application must include:*

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

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

31 *(c) A written statement that the private school will not charge*
32 *tuition or fees to children from families of low income who*
33 *participate in the Program; and*

34 *(d) The number of children from the Program that the private*
35 *school is able to accommodate.*

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

41 **2.** *If an application is approved by the Department, the*
42 *Department and the private school shall enter into a written*
43 *agreement which certifies that the private school is a voucher*
44 *school.*



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

3 (a) *The Department revokes the certification pursuant to*
4 *section 11 of this act; or*

5 (b) *The voucher school requests that the Department revoke*
6 *the certification.*

7 4. *If a voucher school requests that the Department revoke*
8 *the certification of the voucher school during a school year, the*
9 *voucher school shall continue to provide an education to pupils*
10 *who participate in the Program and are enrolled in the voucher*
11 *school for the remainder of that school year. Upon completion of*
12 *the school year, the Department shall revoke the certification of*
13 *the voucher school.*

14 **Sec. 11.** 1. *The Department shall revoke the certification of*
15 *a voucher school if the:*

16 (a) *Voucher school fails to comply with the provisions of*
17 *sections 2 to 16, inclusive, of this act.*

18 (b) *License of the voucher school is revoked pursuant to*
19 *chapter 394 of NRS.*

20 2. *The Department shall not interfere with the operation or*
21 *management of a voucher school except as authorized by sections*
22 *2 to 16, inclusive, of this act.*

23 **Sec. 12.** 1. *A voucher school shall:*

24 (a) *Comply with all laws and regulations relating to*
25 *discrimination and civil rights;*

26 (b) *Accept a voucher on behalf of a child who is from a family*
27 *of low income as full payment for the costs of providing an*
28 *education to the child; and*

29 (c) *Comply with the provisions of sections 2 to 16, inclusive, of*
30 *this act.*

31 2. *A voucher school shall not charge tuition or fees to*
32 *children from families of low income who participate in the*
33 *Program and attend the voucher school.*

34 3. *For all legal intents and purposes, a voucher school is not*
35 *a public employer.*

36 **Sec. 13.** 1. *The parent or legal guardian of a child may*
37 *submit an application to the Department to participate in the*
38 *Program if:*

39 (a) *At least one voucher school is located within the county in*
40 *which the child resides; and*

41 (b) *The child is:*

42 (1) *Enrolled in or otherwise scheduled to attend a public*
43 *school that has carried a designation as demonstrating need for*
44 *improvement pursuant to NRS 385.3623 for 3 consecutive years or*
45 *more; or*



(2) *From a family of low income and in the immediately preceding school year, the child:*

(I) *Was enrolled in a public school in this State;*

(II) *Was enrolled in a voucher school as a participant in the Program; or*

(III) *Was not enrolled in a school.*

2. *The Department shall categorize the applications that it receives by school district. For each school district, the Department shall approve the applications of not more than 10 percent of the children who reside within the school district. If more eligible children apply for participation in the Program than the number of applications that may be approved for a particular school district, the Department shall select applications at random by lottery for approval.*

3. *Upon approval of an application, the Department shall provide a written statement of approval to the parent or legal guardian of the child indicating the date of approval.*

4. *A written statement of approval is valid for 1 school year. If a parent or legal guardian desires that his child continue to participate in the Program, the parent or legal guardian must reapply for participation in the Program each year. If a child initially participates in the Program because he is enrolled in or otherwise scheduled to attend a public school that has carried a designation as demonstrating need for improvement pursuant to NRS 385.3623 for 3 consecutive years or more, the child is eligible to continue his participation in the Program if he satisfies the requirements of this section, regardless of whether the public school subsequently receives a designation other than a designation as demonstrating need for improvement.*

5. *A parent or legal guardian may withdraw his child from participation in the Program at any time upon written notice to the Department.*

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

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

(a) *Determine which applicants to enroll at random by lottery; and*



1 (b) Provide the Department with written evidence that the
2 school complied with the provisions of this subsection.

3 ➡ If the Department determines that the voucher school did not
4 comply with the lottery system required by this subsection, the
5 Department may withdraw the certification of the voucher school.

6 3. If a parent or legal guardian of a child who participates in
7 the Program desires to continue his child's education in a voucher
8 school, the parent or legal guardian shall submit an application
9 for enrollment in a voucher school for each school year.

10 Sec. 15. Upon the written request of a parent or legal
11 guardian of a pupil who is enrolled in a voucher school, the
12 school shall not require the pupil to participate in any religious
13 activity.

14 Sec. 16. 1. Pupils who participate in the Program and are
15 enrolled in a voucher school, including, without limitation, pupils
16 who are enrolled in programs of special education in a voucher
17 school, must be included in the count of pupils in the school
18 district for the purposes of apportionments and allowances from
19 the State Distributive School Account pursuant to NRS 387.121 to
20 387.126, inclusive.

21 2. A voucher school shall submit to the Department a list of
22 names of the pupils who participate in the Program and are
23 accepted for enrollment in the voucher school. Upon receipt of
24 such a list, the Department shall verify that each pupil identified
25 on the list has been approved for participation in the Program and
26 resides within the school district in which the voucher school is
27 located. After the Department verifies the list of names, the
28 Department shall issue a voucher to each parent or legal guardian
29 of a pupil who is approved for participation in the Program and
30 accepted for enrollment in a voucher school. The parent or legal
31 guardian shall restrictively endorse the voucher for use by the
32 voucher school that his child will attend and submit the voucher to
33 the voucher school.

34 3. A voucher school may submit to the Department all
35 vouchers that it receives which are endorsed for payment. A
36 parent or legal guardian of a pupil may not submit a voucher
37 directly to the Department for payment. Upon receipt of all
38 vouchers from a voucher school, the Department shall pay to the
39 voucher school for each child who participates in the Program
40 and is enrolled in the voucher school, an amount equal to:

41 (a) The per pupil amount of money apportioned to the school
42 district in which the voucher school is located from the State
43 Distributive School Account pursuant to NRS 387.124; or



1 (b) *The per pupil annual tuition charged by the voucher*
2 *school,*

3 ↪ *whichever is less. The Department may pay the total amount*
4 *due a voucher school pursuant to this subsection in quarterly*
5 *payments.*

6 4. *Upon completion of a school year, the Department may*
7 *request reimbursement from a voucher school for the*
8 *administrative costs associated with the voucher school's*
9 *participation in the Program if the Department provided*
10 *administrative services during that school year. Upon receipt of*
11 *such a request, the voucher school shall pay the reimbursement to*
12 *the Department. If a voucher school fails to pay the*
13 *reimbursement, the Department may take action to revoke the*
14 *certification of the voucher school. The amount of reimbursement*
15 *that a voucher school may be required to pay pursuant to this*
16 *subsection must not exceed:*

17 (a) *For the first year the school operates as a voucher school,*
18 *1 percent of the total amount of money apportioned to the voucher*
19 *school during the year pursuant to this section.*

20 (b) *For any year after the first year of operation as a voucher*
21 *school, 0.5 percent of the total amount of the money apportioned*
22 *to the voucher school during the year pursuant to this section.*

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

24 386.415 1. The board of trustees of any school district may
25 enter into an agreement with any ~~individual,~~ *person*, firm,
26 partnership, corporation, association or public agency which has
27 been approved for such purpose by the Aging Services Division of
28 the Department of Human Resources ~~[-]~~ whereby the school district
29 agrees to prepare hot lunches for persons 60 years of age or older
30 and their spouses or any group of such persons by utilizing the
31 systems and procedures already developed for use in the school
32 lunch program of ~~such~~ *the* district.

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

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

41 (b) Provide for payment to the school district of any amount in
42 excess of the estimated actual cost of food, personnel, equipment,
43 facilities and other necessary expenditures involved in the
44 performance of the agreement. The estimated actual cost ~~shall~~



1 *must* be negotiated by the board of trustees and the Aging Services
2 Division of the Department of Human Resources.

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

6 **Sec. 18.** NRS 386.545 is hereby amended to read as follows:

7 386.545 1. The Department and the board of trustees of a
8 school district shall:

9 ~~[1-]~~ (a) Upon request, provide information to the general public
10 concerning the formation and operation of charter schools;

11 ~~[2-]~~ (b) Maintain a list available for public inspection that
12 describes the location of each charter school;

13 ~~[3-]~~ (c) Provide reasonable assistance to an applicant for a
14 charter school and to a charter school in carrying out the provisions
15 of NRS 386.500 to 386.610, inclusive;

16 ~~[4-]~~ (d) Provide technical and other reasonable assistance to a
17 charter school for the operation of the charter school; and

18 ~~[5-]~~ (e) Provide information to the governing body of a charter
19 school concerning the availability of money for the charter school,
20 including, without limitation, money available from the Federal
21 Government.

22 2. *The Department:*

23 (a) *Shall provide sufficient information to each charter school*
24 *concerning the statutes and regulations governing the operation of*
25 *a charter school and the financial administration of a charter*
26 *school.*

27 (b) *May hire sufficient personnel to assist the Department in*
28 *carrying out the requirements of this section.*

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

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

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

34 387.040 1. Except as otherwise provided in subsection 2 and
35 NRS 387.528, the State Treasurer shall pay over all *money for the*
36 *system of* public ~~[school-money]~~ *education* received by him for the
37 support of school districts only on warrants of the State Controller
38 issued upon the orders of the Superintendent of Public Instruction in
39 favor of county treasurers. When endorsed, the orders are valid
40 vouchers in the hands of the State Controller for the disbursement of
41 *money for the system of* public ~~[school-money]~~ *education.*

42 2. Except as otherwise provided in NRS 387.528, if the board
43 of trustees of a school district establishes and administers a separate
44 account pursuant to the provisions of NRS 354.603, the State



1 Treasurer shall pay over to the school district all *money for the*
2 *system of* public ~~[school-money]~~ *education* due the school district.

3 3. The State Treasurer shall pay over all *money for the system*
4 *of* public ~~[school-money]~~ *education* received by him for the support
5 of charter schools only on warrants of the State Controller issued
6 upon the orders of the Superintendent of Public Instruction in favor
7 of the charter schools. When endorsed, the orders are valid vouchers
8 in the hands of the State Controller for the disbursement of *money*
9 *for the system of* public ~~[school-money-]~~ *education*.

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

11 387.045 1. ~~[No]~~ *Except as otherwise provided in section 16*
12 *of this act, no* portion of the *money for the system of* public ~~[school~~
13 ~~funds]~~ *education* or of the money specially appropriated for the
14 purpose of *the system of* public ~~[schools-shall]~~ *education may* be
15 devoted to any other object or purpose.

16 2. No portion of the *money for the system of* public ~~[school~~
17 ~~funds-shall]~~ *education may* in any way be segregated, divided or set
18 apart for the *direct* use or benefit of any sectarian or secular society
19 or association.

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

21 387.121 The Legislature declares that the proper objective of
22 state financial aid to public education is to ensure each Nevada child
23 a reasonably equal educational opportunity. Recognizing wide local
24 variations in wealth and costs per pupil, this State should
25 supplement local financial ability to whatever extent necessary in
26 each school district to provide programs of instruction in both
27 compulsory and elective subjects, *whether in a public school or a*
28 *voucher school*, that offer full opportunity for every Nevada child to
29 receive the benefit of the purposes for which *the system of* public
30 ~~[schools-are]~~ *education is* maintained. Therefore, the quintessence
31 of the State's financial obligation for such programs can be
32 expressed in a formula partially on a per pupil basis and partially on
33 a per program basis as: State financial aid to school districts equals
34 the difference between school district basic support guarantee and
35 local available funds produced by mandatory taxes minus all the
36 local funds attributable to pupils who reside in the county but
37 *participate in the Program of Voucher Schools pursuant to*
38 *sections 2 to 16, inclusive, of this act and attend a voucher school*
39 *and pupils who reside in the county and* attend a charter school.
40 This formula is designated the Nevada Plan.

41 **Sec. 23.** NRS 387.1211 is hereby amended to read as follows:

42 387.1211 As used in NRS 387.121 to 387.126, inclusive:

43 1. "Average daily attendance" means the total number of pupils
44 attending a particular school each day during a period of reporting



1 divided by the number of days school is in session during that
2 period.

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

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

6 (b) *Participate in the Program of Voucher Schools pursuant to*
7 *sections 2 to 16, inclusive, of this act and are enrolled in and*
8 *scheduled to attend programs of instruction of a voucher school;*
9 or

10 (c) *Are enrolled in and scheduled to attend programs of*
11 *instruction of a charter school ,*

12 ➡ at a specified time during the school year.

13 3. "Special education program unit" means an organized unit
14 of special education and related services which includes full-time
15 services of persons licensed by the Superintendent of Public
16 Instruction or other appropriate licensing body, providing a program
17 of instruction in accordance with minimum standards prescribed by
18 the State Board.

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

20 387.1233 1. Except as otherwise provided in subsection 2,
21 basic support of each school district must be computed by:

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

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

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

42 (3) The count of pupils not included under subparagraph (1)
43 or (2) who are enrolled full time in a program of distance education
44 provided by that school district or a charter school located within



1 that school district on the last day of the first school month of the
2 school district for the school year.

3 (4) The count of pupils who reside in the county and are
4 enrolled:

5 (I) In a public school of the school district and are
6 concurrently enrolled part time in a program of distance education
7 provided by another school district or a charter school on the last
8 day of the first school month of the school district for the school
9 year, expressed as a percentage of the total time services are
10 provided to those pupils per school day in proportion to the total
11 time services are provided during a school day to pupils who are
12 counted pursuant to subparagraph (2).

13 (II) In a charter school and are concurrently enrolled part
14 time in a program of distance education provided by a school district
15 or another charter school on the last day of the first school month of
16 the school district for the school year, expressed as a percentage of
17 the total time services are provided to those pupils per school day in
18 proportion to the total time services are provided during a school
19 day to pupils who are counted pursuant to subparagraph (2).

20 (5) The count of pupils not included under subparagraph (1),
21 (2), (3) or (4), who are receiving special education pursuant to the
22 provisions of NRS 388.440 to 388.520, inclusive, on the last day of
23 the first school month of the school district for the school year,
24 excluding the count of pupils who have not attained the age of
25 5 years and who are receiving special education pursuant to
26 subsection 1 of NRS 388.490 on that day.

27 (6) Six-tenths the count of pupils who have not attained the
28 age of 5 years and who are receiving special education pursuant to
29 subsection 1 of NRS 388.490 on the last day of the first school
30 month of the school district for the school year.

31 (7) The count of children detained in facilities for the
32 detention of children, alternative programs and juvenile forestry
33 camps receiving instruction pursuant to the provisions of NRS
34 388.550, 388.560 and 388.570 on the last day of the first school
35 month of the school district for the school year.

36 (8) The count of pupils who are enrolled in classes for at
37 least one semester pursuant to subsection 4 of NRS 386.560,
38 subsection 4 of NRS 386.580 or subsection 3 of NRS 392.070,
39 expressed as a percentage of the total time services are provided to
40 those pupils per school day in proportion to the total time services
41 are provided during a school day to pupils who are counted pursuant
42 to subparagraph (2).

43 (b) Multiplying the number of special education program units
44 maintained and operated by the amount per program established for
45 that school year.



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

2. If the enrollment of pupils in a school district or a charter school that is located within the school district on the last day of the first school month of the school district for the school year is less than the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for either or both of the immediately preceding 2 school years, the largest number must be used from among the 3 years for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

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

4. Pupils who are incarcerated in a facility or institution operated by the Department of Corrections must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the Department of Education.

5. Pupils who are enrolled in courses which are approved by the Department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing basic support pursuant to this section.

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

387.124 Except as otherwise provided in this section and NRS 387.528:

1. On or before August 1, November 1, February 1 and May 1 of each year, the Superintendent of Public Instruction shall apportion the State Distributive School Account in the State General Fund among the several county school districts and charter schools in amounts approximating one-fourth of their respective yearly apportionments less any amount set aside as a reserve. The apportionment to a school district, computed on a yearly basis, equals the difference between the basic support and the local funds available pursuant to NRS 387.1235, minus all the funds attributable to pupils who reside in the county but attend a charter school, ~~and~~ all the funds attributable to pupils who reside in the county and are enrolled full time or part time in a program of distance education provided by another school district or a charter school ~~and~~ *and the amount of money paid to a voucher school located in the county pursuant to section 16 of this act.* No apportionment may be made to a school district if the amount of the local funds exceeds the amount of basic support. If an agreement is not filed for a pupil who is enrolled in a program of distance education as required by NRS 388.854, the Superintendent of Public Instruction shall not apportion money for that pupil to the board of trustees of the school district in



1 which the pupil resides, or the board of trustees or governing body
2 that provides the program of distance education.

3 2. Except as otherwise provided in subsection 3, the
4 apportionment to a charter school, computed on a yearly basis, is
5 equal to the sum of the basic support per pupil in the county in
6 which the pupil resides plus the amount of local funds available per
7 pupil pursuant to NRS 387.1235 and all other funds available for
8 public schools in the county in which the pupil resides minus all the
9 funds attributable to pupils who are enrolled in the charter school
10 but are concurrently enrolled part time in a program of distance
11 education provided by a school district or another charter school. If
12 the apportionment per pupil to a charter school is more than the
13 amount to be apportioned to the school district in which a pupil who
14 is enrolled in the charter school resides, the school district in which
15 the pupil resides shall pay the difference directly to the charter
16 school.

17 3. Except as otherwise provided in this subsection, the
18 apportionment to a charter school that is sponsored by the State
19 Board, computed on a yearly basis, is equal to:

20 (a) The sum of the basic support per pupil in the county in
21 which the pupil resides plus the amount of local funds available per
22 pupil pursuant to NRS 387.1235 and all other funds available for
23 public schools in the county in which the pupil resides; or

24 (b) The statewide average per pupil amount for pupils who are
25 enrolled full time,

26 ➤ whichever is greater. If the calculation set forth in paragraph (a)
27 is less than the calculation pursuant to paragraph (b), the school
28 district in which the charter school is located shall pay the difference
29 directly to the charter school. If a charter school provides a program
30 of distance education pursuant to NRS 388.820 to 388.874,
31 inclusive, the apportionment to the charter school for pupils who are
32 enrolled in the program of distance education must be calculated as
33 set forth in subsection 2 or 4, as applicable.

34 4. In addition to the apportionments made pursuant to this
35 section, an apportionment must be made to a school district or
36 charter school that provides a program of distance education for
37 each pupil who is enrolled part time in the program if an agreement
38 is filed for that pupil pursuant to NRS 388.854 or 388.858, as
39 applicable. The amount of the apportionment must be equal to the
40 percentage of the total time services are provided to the pupil
41 through the program of distance education per school day in
42 proportion to the total time services are provided during a school
43 day to pupils who are counted pursuant to subparagraph (2) of
44 paragraph (a) of subsection 1 of NRS 387.1233 for the school
45 district in which the pupil resides.



1 5. The governing body of a charter school may submit a
2 written request to the Superintendent of Public Instruction to
3 receive, in the first year of operation of the charter school, an
4 apportionment 30 days before the apportionment is required to be
5 made pursuant to subsection 1. Upon receipt of such a request, the
6 Superintendent of Public Instruction may make the apportionment
7 30 days before the apportionment is required to be made. A charter
8 school may receive all four apportionments in advance in its first
9 year of operation.

10 6. If the State Controller finds that such an action is needed to
11 maintain the balance in the State General Fund at a level sufficient
12 to pay the other appropriations from it, he may pay out the
13 apportionments monthly, each approximately one-twelfth of the
14 yearly apportionment less any amount set aside as a reserve. If such
15 action is needed, the State Controller shall submit a report to the
16 Department of Administration and the Fiscal Analysis Division of
17 the Legislative Counsel Bureau documenting reasons for the action.

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

19 387.185 1. Except as otherwise provided in subsection 2 and
20 NRS 387.528, all school money due each county school district
21 must be paid over by the State Treasurer to the county treasurer on
22 August 1, November 1, February 1 and May 1 of each year or as
23 soon thereafter as the county treasurer may apply for it, upon the
24 warrant of the State Controller drawn in conformity with the
25 apportionment of the Superintendent of Public Instruction as
26 provided in NRS 387.124.

27 2. Except as otherwise provided in NRS 387.528, if the board
28 of trustees of a school district establishes and administers a separate
29 account pursuant to the provisions of NRS 354.603, all school
30 money due that school district must be paid over by the
31 State Treasurer to the school district on August 1, November 1,
32 February 1 and May 1 of each year or as soon thereafter as the
33 school district may apply for it, upon the warrant of the State
34 Controller drawn in conformity with the apportionment of the
35 Superintendent of Public Instruction as provided in NRS 387.124.

36 3. No county school district may receive any portion of the
37 *money for the system of public ~~school money~~ education* unless
38 that school district has complied with the provisions of this title and
39 regulations adopted pursuant thereto.

40 4. Except as otherwise provided in this subsection, all school
41 money due each charter school must be paid over by the State
42 Treasurer to the governing body of the charter school on August 1,
43 November 1, February 1 and May 1 of each year or as soon
44 thereafter as the governing body may apply for it, upon the warrant
45 of the State Controller drawn in conformity with the apportionment



1 of the Superintendent of Public Instruction as provided in NRS
2 387.124. If the Superintendent of Public Instruction has approved,
3 pursuant to subsection 5 of NRS 387.124, a request for payment of
4 an apportionment 30 days before the apportionment is otherwise
5 required to be made, the money due ~~to~~ the charter school must be
6 paid by the State Treasurer to the governing body of the charter
7 school on July 1, 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
10 tax of 75 cents on each \$100 of assessed valuation of taxable
11 property within the county for the support of the *system of* public
12 ~~[schools]~~ *education* within the county school district.

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

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

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

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

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

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

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

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



1 **Sec. 29.** NRS 387.225 is hereby amended to read as follows:
2 387.225 ~~[No]~~ *A tax collector or county treasurer shall not*
3 receive any fees or compensation whatever for collecting, receiving,
4 keeping, transporting or disbursing any *money for the system of*
5 public ~~[school moneys.]~~ *education.*

6 **Sec. 30.** NRS 388.040 is hereby amended to read as follows:
7 388.040 1. Except as otherwise provided in subsection 2, the
8 board of trustees of a school district that includes more than one
9 school which offers instruction in the same grade or grades may
10 zone the school district and determine which pupils ~~[shall]~~ *must*
11 attend each school.

12 2. The establishment of zones pursuant to subsection 1 does
13 not preclude a pupil from attending a ~~[charter school.]~~ :

14 *(a) Charter school; or*

15 *(b) Public school outside the zone of attendance that the pupil*
16 *is otherwise required to attend if the board of trustees of a school*
17 *district approves an application for the pupil to attend another*
18 *public school pursuant to section 33 of this act.*

19 **Sec. 31.** NRS 388.150 is hereby amended to read as follows:
20 388.150 1. No books, tracts or papers of a sectarian or
21 denominational character may be used or introduced in any public
22 school established pursuant to the provisions of this title of NRS,
23 nor may any sectarian or denominational doctrines be taught in any
24 public school.

25 2. Any school district or charter school whose officers
26 knowingly allow any public schools to be taught in violation of this
27 section forfeits all right to any *money for the system of* public
28 ~~[school funds-~~

29 ~~3. Nothing in this section prohibits]~~ *education.*

30 **3.** *This section does not prohibit* a school district or charter
31 school from complying with applicable federal laws, such as the
32 Equal Access Act, 20 U.S.C. §§ 4071 et seq.

33 **Sec. 32.** Chapter 392 of NRS is hereby amended by adding
34 thereto the provisions set forth as sections 33 and 34 of this act.

35 **Sec. 33.** *1. Except as otherwise provided in subsection 7,*
36 *the parents, legal guardian or custodial parent of a pupil may*
37 *submit an application for the pupil to attend a public school that is*
38 *located:*

39 *(a) Within the county in which the pupil resides but outside the*
40 *zone of attendance established pursuant to NRS 388.040 that the*
41 *pupil is required to attend; or*

42 *(b) In another school district in this State.*

43 2. *An application for enrollment in a public school pursuant*
44 *to this section must be submitted to the board of trustees of the*
45 *school district that the pupil wishes to attend on a form provided*



1 *by the board of trustees. The board of trustees of each school*
2 *district shall prescribe the deadline for the submission of*
3 *applications, which must not be sooner than 3 months before the*
4 *commencement of a school year.*

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

21 *4. If the board of trustees of a school district approves an*
22 *application, the board of trustees shall provide written notice of*
23 *the approval to:*

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

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

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

29 *(d) The board of trustees of the school district in which the*
30 *pupil resides, if the pupil will be attending a public school in*
31 *another county.*

32 *5. A pupil may remain in the public school for succeeding*
33 *school years without submitting an application pursuant to this*
34 *section if space for the pupil is available. If space for the pupil is*
35 *not available in that public school, he may return to the public*
36 *school that he is otherwise required to attend or submit an*
37 *application pursuant to this section to attend another public*
38 *school.*

39 *6. If a pupil attends a public school pursuant to this section:*

40 *(a) The pupil must be included in the count of pupils in the*
41 *school district in which the pupil attends school for the purposes*
42 *of apportionments and allowances from the State Distributive*
43 *School Account pursuant to NRS 387.121 to 387.126, inclusive.*

44 *(b) The pupil may return to the public school that he is*
45 *otherwise required to attend if the parents, legal guardian or*



1 *custodial parent of the pupil provides written notice of that desire*
2 *to the board of trustees of the school district in which the pupil*
3 *resides. If a pupil attends a public school outside the county in*
4 *which the pupil resides and he returns to the public school that he*
5 *is otherwise required to attend during the school year, appropriate*
6 *adjustments must be made for that school year in the computation*
7 *of apportionments and allowances from the State Distributive*
8 *School Account for the two school districts.*

9 (c) *Neither the board of trustees of the school district in which*
10 *the pupil attends school nor the board of trustees of the school*
11 *district in which the pupil resides is required to provide*
12 *transportation for the pupil to attend the public school.*

13 7. *The provisions of this section do not apply:*

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

15 (b) *To a pupil who is enrolled in a public school for which the*
16 *board of trustees of the school district is required to provide school*
17 *choice pursuant to the No Child Left Behind Act of 2001, 20*
18 *U.S.C. §§ 6301 et. seq.*

19 (c) *For enrollment in a program of distance education*
20 *pursuant to NRS 388.820 to 388.874, inclusive.*

21 (d) *For enrollment in a public school pursuant to NRS*
22 *392.010 or 392.015.*

23 (e) *To a pupil who is ineligible to attend a public school*
24 *pursuant to NRS 392.264 or 392.4675.*

25 **Sec. 34. 1.** *To the extent money is made available by the*
26 *Legislature for this purpose, the parent or legal guardian of a*
27 *child who receives instruction at home and is exempt from*
28 *compulsory attendance pursuant to paragraph (a) of subsection 1*
29 *of NRS 392.070 may receive from the Department a stipend:*

30 (a) *Of \$500 if the child is the age of a pupil enrolled in a*
31 *public elementary school and is receiving instruction at least at the*
32 *elementary school grade level.*

33 (b) *Of \$500 if the child is the age of a pupil enrolled in a*
34 *public middle school and is receiving instruction at least at the*
35 *middle school grade level.*

36 (c) *Of \$1,000 if the child is the age of a pupil enrolled in a*
37 *public high school and is receiving instruction at least at the high*
38 *school grade level.*

39 2. *To the extent money is made available by the Legislature*
40 *for this purpose, the parent or legal guardian may submit a*
41 *request for a stipend on or before July 1 for each year after the*
42 *child received instruction at home. The request must include*
43 *documentation satisfactory to the Department that the child:*



1 (a) *Was exempt from compulsory attendance pursuant to*
2 *paragraph (a) of subsection 1 of NRS 392.070 for the immediately*
3 *preceding school year; and*

4 (b) *Received instruction at home that is at least commensurate*
5 *with the grade level of the child.*

6 3. *To the extent money is made available by the Legislature*
7 *for this purpose, a parent or legal guardian is entitled to receive a*
8 *stipend for each:*

9 (a) *Year the parent or legal guardian submits a request for a*
10 *stipend in accordance with this section; and*

11 (b) *Child of the parent or legal guardian that receives*
12 *instruction at home.*

13 **Sec. 35.** NRS 392.010 is hereby amended to read as follows:

14 392.010 Except as to the attendance of a pupil pursuant to NRS
15 388.820 to 388.874, inclusive, or 392.015 ~~§~~ *or section 33 of this*
16 *act*, or a pupil who is ineligible for attendance pursuant to NRS
17 392.4675 and except as otherwise provided in NRS 392.264 and
18 392.268:

19 1. The board of trustees of any school district may, with the
20 approval of the Superintendent of Public Instruction:

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

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

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

36 (a) If any are incurred in transporting a pupil or pupils to an
37 adjoining school district within the State; and

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

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



1 **Sec. 36.** NRS 392.070 is hereby amended to read as follows:

2 392.070 1. Attendance required by the provisions of NRS
3 392.040 must be excused when satisfactory written evidence is
4 presented to the board of trustees of the school district in which the
5 child resides that the child is ~~receiving~~ :

6 **(a) Receiving** at home or in some other school equivalent
7 instruction of the kind and amount approved by the State Board.

8 **(b) Participating in the Program of Voucher Schools pursuant**
9 **to sections 2 to 16, inclusive, of this act and enrolled in a voucher**
10 **school.**

11 2. The board of trustees of each school district shall provide
12 programs of special education and related services for
13 homeschooled children. The programs of special education and
14 related services required by this section must be made available:

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

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

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

26 3. Except as otherwise provided in subsection 2 for programs
27 of special education and related services, upon the request of a
28 parent or legal guardian of a child who is enrolled in a private
29 school or a parent or legal guardian of a homeschooled child, the
30 board of trustees of the school district in which the child resides
31 shall authorize the child to participate in a class that is not available
32 to the child at the private school or home school or participate in an
33 extracurricular activity, excluding sports, at a public school within
34 the school district if:

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

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

40 ➔ If the board of trustees of a school district authorizes a child to
41 participate in a class or extracurricular activity, excluding sports,
42 pursuant to this subsection, the board of trustees is not required to
43 provide transportation for the child to attend the class or activity. A
44 homeschooled child must be allowed to participate in interscholastic
45 activities and events pursuant to NRS 386.420 to 386.470, inclusive.



4. The board of trustees of a school district may revoke its approval for a pupil to participate in a class or extracurricular activity at a public school pursuant to subsection 3 if the board of trustees or the public school determines that the pupil has failed to comply with applicable statutes, or applicable rules and regulations of the board of trustees. If the board of trustees revokes its approval, neither the board of trustees nor the public school ~~fare~~ *is* liable for any damages relating to the denial of services to the pupil.

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

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

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

Sec. 37. NRS 392.466 is hereby amended to read as follows:

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

(a) Be permanently expelled from that school; and

(b) Receive equivalent instruction authorized by the State Board pursuant to *paragraph (a) of* subsection 1 of NRS 392.070.

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

(a) Be permanently expelled from the school; and

(b) Receive equivalent instruction authorized by the State Board pursuant to *paragraph (a) of* subsection 1 of NRS 392.070.

➡ The superintendent of schools of a school district may, for good cause shown in a particular case in that school district, allow a modification to the expulsion requirement of this subsection if such modification is set forth in writing.



3. Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to NRS 392.4655, the pupil must be suspended or expelled from the school for a period equal to at least one semester for that school. For the period of his suspension or expulsion, the pupil must receive equivalent instruction authorized by the State Board pursuant to *paragraph (a) of* subsection 1 of NRS 392.070.

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

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

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

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

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

7. As used in this section:

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

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

(c) "Firearm" includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included



1 within the definition of a "firearm" in 18 U.S.C. § 921, as that
2 section existed on July 1, 1995.

3 **Sec. 38.** NRS 394.103 is hereby amended to read as follows:

4 394.103 "Private schools" means private elementary and
5 secondary educational institutions. The term does not include a
6 home in which instruction is provided to a child who is excused
7 from compulsory attendance pursuant to *paragraph (a) of*
8 subsection 1 of NRS 392.070.

9 **Sec. 39.** NRS 394.130 is hereby amended to read as follows:

10 394.130 1. In order to secure uniform and standard work for
11 pupils in private schools in this State, instruction in the subjects
12 required by law for pupils in the public schools ~~[shall]~~ *must* be
13 required of pupils receiving instruction in such private schools,
14 either under the regular state courses of study prescribed by the
15 State Board ~~[of Education]~~ or under courses of study prepared by
16 such private schools and approved by the State Board . ~~[of~~
17 ~~Education.]~~

18 2. Such private schools ~~[shall]~~ *must* be required to furnish from
19 time to time such reports as the Superintendent of Public Instruction
20 may find necessary as to enrollment, attendance and general
21 progress within such schools.

22 3. ~~[Nothing in this section shall be so construed as:]~~ *This*
23 *section is not intended:*

24 (a) To interfere with the right of the proper authorities having
25 charge of private schools to give religious instruction to the pupils
26 enrolled therein.

27 (b) ~~[To]~~ *Except as otherwise provided in section 16 of this act,*
28 *to* give such private schools any right to share in the *money for the*
29 *system of* public ~~[school funds]~~ *education* apportioned for the
30 support of the *system of* public ~~[schools]~~ *education* of this State.

31 **Sec. 40.** NRS 41.0305 is hereby amended to read as follows:

32 41.0305 As used in NRS 41.0305 to 41.039, inclusive, the term
33 "political subdivision" includes an organization that was officially
34 designated as a community action agency pursuant to 42 U.S.C. §
35 2790 before that section was repealed and is included in the
36 definition of an "eligible entity" pursuant to 42 U.S.C. § 9902, the
37 Nevada Rural Housing Authority, an airport authority created by
38 special act of the Legislature, a regional transportation commission
39 and a fire protection district, irrigation district, school district,
40 governing body of a charter school and other special district that
41 performs a governmental function, even though it does not exercise
42 general governmental powers. *The term does not include a voucher*
43 *school that is operating pursuant to sections 2 to 16, inclusive, of*
44 *this act.*



Sec. 41. NRS 62A.240 is hereby amended to read as follows:

62A.240 "Private school" includes private elementary and secondary educational institutions. The term does not include a home in which instruction is provided to a child who is excused from compulsory attendance pursuant to *paragraph (a) of* subsection 1 of NRS 392.070 or a school or educational program that is conducted exclusively for children who have been adjudicated delinquent.

Sec. 42. NRS 241.015 is hereby amended to read as follows:

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

1. "Action" means:

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

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

(c) If a public body may have a member who is not an elected official, an affirmative vote taken by a majority of the members present during a meeting of the public body; or

(d) If all the members of a public body must be elected officials, an affirmative vote taken by a majority of all the members of the public body.

2. "Meeting":

(a) Except as otherwise provided in paragraph (b), means:

(1) The gathering of members of a public body at which a quorum is present to deliberate toward a decision or to take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

(2) Any series of gatherings of members of a public body at which:

(I) Less than a quorum is present at any individual gathering;

(II) The members of the public body attending one or more of the gatherings collectively constitute a quorum; and

(III) The series of gatherings was held with the specific intent to avoid the provisions of this chapter.

(b) Does not include a gathering or series of gatherings of members of a public body, as described in paragraph (a), at which a quorum is actually or collectively present:

(1) Which occurs at a social function if the members do not deliberate toward a decision or take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

(2) To receive information from the attorney employed or retained by the public body regarding potential or existing litigation



1 involving a matter over which the public body has supervision,
2 control, jurisdiction or advisory power and to deliberate toward a
3 decision on the matter, or both.

4 3. Except as otherwise provided in this subsection, "public
5 body" means any administrative, advisory, executive or legislative
6 body of the State or a local government which expends or disburses
7 or is supported in whole or in part by tax revenue or which
8 advises or makes recommendations to any entity which expends or
9 disburses or is supported in whole or in part by tax revenue,
10 including, but not limited to, any board, commission, committee,
11 subcommittee or other subsidiary thereof and includes an
12 educational foundation as defined in subsection 3 of NRS 388.750
13 and a university foundation as defined in subsection 3 of NRS
14 396.405. "Public body" does not include ~~the~~ :

15 (a) *The* Legislature of the State of Nevada.

16 (b) *A voucher school that is operating pursuant to sections 2 to*
17 *16, inclusive, of this act.*

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

21 **Sec. 43.** NRS 286.070 is hereby amended to read as follows:

22 286.070 1. "Public employer" means the State, one of its
23 agencies or one of its political subdivisions, the System, irrigation
24 districts created under the laws of the State of Nevada, a public or
25 quasi-public organization or agency that is funded, at least in part,
26 by public money, including a regional transportation commission, a
27 governing body of a charter school and a council of governments
28 created pursuant to the laws of the State of Nevada. *The term does*
29 *not include a voucher school that is operating pursuant to sections*
30 *2 to 16, inclusive, of this act.*

31 2. State agencies are those agencies subject to state control and
32 supervision, including those whose employees are governed by
33 chapter 284 of NRS, unless specifically exempted therefrom, and
34 those which deposit money with the State Treasurer.

35 **Sec. 44.** 1. On or before January 1, 2006, the State Board of
36 Education shall adopt regulations required by section 8 of this act.

37 2. The State Board of Education shall ensure that the
38 regulations adopted pursuant to section 8 of this act carry out the
39 Program of Voucher Schools in accordance with sections 2 to 16,
40 inclusive, of this act beginning with the 2006-2007 school year.

41 **Sec. 45.** A private school certified by the Department of
42 Education pursuant to section 10 of this act may commence
43 operation as a voucher school beginning with the 2006-2007 school
44 year.



1 **Sec. 46.** To the extent money is made available by the
2 Legislature for this purpose, a parent or legal guardian of a
3 child who is homeschooled may submit a request for a stipend
4 pursuant to section 34 of this act commencing on July 1, 2006, for
5 the 2005-2006 school year.

6 **Sec. 47.** 1. This section and sections 1, 18, 30, 32 to 35,
7 inclusive, 44, 45 and 46 of this act become effective on July 1, 2005.

8 2. Section 8 of this act becomes effective on July 1, 2005, for
9 the purpose of adopting regulations and on July 1, 2006, for all other
10 purposes.

11 3. Sections 2 to 7, inclusive, 9 to 17, inclusive, 19 to 29,
12 inclusive, 31 and 36 to 43, inclusive, of this act become effective on
13 July 1, 2006.



