

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; requiring that the appointment of the Superintendent of Public Instruction by the State Board of Education be confirmed by a majority vote of the Senate; 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



* S B 2 2 3 R 1 *

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.

9 This bill provides that a child may participate in the Program if the child
10 attends, or is scheduled to attend, a school that has been designated as needing
11 improvement for 1 year or more under the school accountability laws.

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

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

22 Under existing law, the Superintendent of Public Instruction is appointed by the
23 State Board of Education. (NRS 385.150)

24 This bill requires the State Senate to confirm or reject the appointment of the
25 Superintendent. The Senate must seek a recommendation regarding approval from
26 the Senate and Assembly committees with jurisdiction over education. A
27 confirmation of appointment requires a majority vote of the Senate.

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

30 This bill authorizes a parent or guardian of a pupil to apply for the child to
31 attend a public school outside the pupil's zone of attendance or to attend a public
32 school in another school district.

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

35 This bill provides that to the extent money is made available by the Legislature,
36 a parent or legal guardian of a homeschooled child may request from the
37 Department a stipend of \$500 or \$1,000 per school year. The amount of the stipend
38 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:

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

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

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

10 **Sec. 4.** *"Private school" has the meaning ascribed to it in*
11 *NRS 394.103.*

12 **Sec. 5.** *"Program" means the Program of Voucher Schools*
13 *established pursuant to section 8 of this act.*



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

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

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

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

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

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

18 **2.** *The Department shall:*

19 (a) *Provide information to the general public concerning the*
20 *Program.*

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

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

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

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

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

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

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

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

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

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



1 2. If an application is approved by the Department, the
2 Department and the private school shall enter into a written
3 agreement which certifies that the private school is a voucher
4 school.

5 3. The certification of a voucher school pursuant to this
6 section remains valid indefinitely unless:

7 (a) The Department revokes the certification pursuant to
8 section 11 of this act; or

9 (b) The voucher school requests that the Department revoke
10 the certification.

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

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

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

22 (b) License of the voucher school is revoked pursuant to
23 chapter 394 of NRS.

24 2. The Department shall not interfere with the operation or
25 management of a voucher school except as authorized by sections
26 2 to 16, inclusive, of this act.

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

28 (a) Comply with all laws and regulations relating to
29 discrimination and civil rights;

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

33 (c) Comply with the provisions of sections 2 to 16, inclusive, of
34 this act.

35 2. A voucher school shall not charge tuition or fees to
36 children from families of low income who participate in the
37 Program and attend the voucher school.

38 3. For all legal intents and purposes, a voucher school is not
39 a public employer.

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

43 (a) At least one voucher school is located within the county in
44 which the child resides; and



1 (b) *The child is enrolled in or otherwise scheduled to attend a*
2 *public school that has carried a designation as demonstrating*
3 *need for improvement pursuant to NRS 385.3623 for 1 year or*
4 *more.*

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

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

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

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

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

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

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

42 (b) *Provide the Department with written evidence that the*
43 *school complied with the provisions of this subsection.*



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

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

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

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

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

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

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

42 (b) The per pupil annual tuition charged by the voucher
43 school,



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

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

15 (a) For the first year the school operates as a voucher school,
16 1 percent of the total amount of money apportioned to the voucher
17 school during the year pursuant to this section.

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

21 **Sec. 16.5.** NRS 385.150 is hereby amended to read as follows:

22 385.150 1. The State Board shall , *with the advice and*
23 *consent of the Senate*, appoint the Superintendent of Public
24 Instruction for a term of 3 years.

25 2. *If the State Board appoints a person to the Office of*
26 *Superintendent of Public Instruction during a recess of the*
27 *Legislature, the appointment must be confirmed or rejected by*
28 *the Senate at the next regular session of the Legislature, unless*
29 *the appointment expires before that time. A confirmation of*
30 *appointment requires a majority vote of the Senate.*

31 3. *If applicable, at the earliest day practicable, the State*
32 *Board shall submit to the Legislature a written statement naming*
33 *the person who has been appointed to the Office of Superintendent*
34 *of Public Instruction during a recess of the Legislature.*

35 4. *A person whom the State Board appoints to the Office of*
36 *Superintendent of Public Instruction may perform and shall begin*
37 *to discharge the duties of his office immediately upon appointment*
38 *by the State Board, subject to confirmation or rejection by the*
39 *Senate.*

40 5. *The Senate shall not confirm or reject an appointment*
41 *made pursuant to this section until a recommendation concerning*
42 *the appointment is received from a joint meeting of the standing*
43 *committees of the Senate and Assembly having jurisdiction over*
44 *education. The recommendation must be approved by a majority*



1 *vote of each standing committee before it is forwarded to the*
2 *Senate.*

3 *6. If a person appointed by the State Board pursuant to*
4 *subsection 1 is rejected by a vote of the Senate, the office becomes*
5 *vacant immediately.*

6 *7. If a person appointed by the State Board pursuant to*
7 *subsection 1 is rejected by a vote of the Senate, the State Board*
8 *may not appoint that person to any other office or position before*
9 *the beginning of the next regular session of the Legislature.*

10 *8. The State Board may remove the Superintendent of Public*
11 *Instruction from office for inefficiency, neglect of duty, malfeasance*
12 *in office or for other just cause.*

13 ~~[2.]~~ *9. A vacancy must be filled by the State Board for the*
14 *remainder of the unexpired term* ~~f~~
15 ~~—3.]~~ *in accordance with this section.*

16 *10. The Superintendent of Public Instruction is in the*
17 *unclassified service of the State.*

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

19 386.415 1. The board of trustees of any school district may
20 enter into an agreement with any ~~[individual.]~~ *person*, firm,
21 partnership, corporation, association or public agency which has
22 been approved for such purpose by the Aging Services Division of
23 the Department of Human Resources ~~[.]~~ whereby the school district
24 agrees to prepare hot lunches for persons 60 years of age or older
25 and their spouses or any group of such persons by utilizing the
26 systems and procedures already developed for use in the school
27 lunch program of ~~[such]~~ *the* district.

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

30 (a) Involve the expenditure by the school district of any school
31 lunch money or other *money for the system of* public ~~[school~~
32 ~~money]~~ *education* or the use of any school lunch commodities or
33 public school personnel, equipment or facilities unless the
34 agreement includes a provision requiring full reimbursement
35 therefor.

36 (b) Provide for payment to the school district of any amount in
37 excess of the estimated actual cost of food, personnel, equipment,
38 facilities and other necessary expenditures involved in the
39 performance of the agreement. The estimated actual cost ~~[shall]~~
40 *must* be negotiated by the board of trustees and the Aging Services
41 Division of the Department of Human Resources.

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



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

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

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

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

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

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

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

2. The Department:

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

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

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

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

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

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

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

3. The State Treasurer shall pay over all *money for the system of public* ~~school money~~ *education* received by him for the support of charter schools only on warrants of the State Controller issued upon the orders of the Superintendent of Public Instruction in favor



1 of the charter schools. When endorsed, the orders are valid vouchers
2 in the hands of the State Controller for the disbursement of *money*
3 *for the system of* public ~~[school money-]~~ *education.*

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

5 387.045 1. ~~[No]~~ *Except as otherwise provided in section 16*
6 *of this act, no* portion of the *money for the system of* public ~~[school~~
7 ~~funds]~~ *education* or of the money specially appropriated for the
8 purpose of *the system of* public ~~[schools shall]~~ *education may* be
9 devoted to any other object or purpose.

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

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

15 387.121 The Legislature declares that the proper objective of
16 state financial aid to public education is to ensure each Nevada child
17 a reasonably equal educational opportunity. Recognizing wide local
18 variations in wealth and costs per pupil, this State should
19 supplement local financial ability to whatever extent necessary in
20 each school district to provide programs of instruction in both
21 compulsory and elective subjects , *whether in a public school or a*
22 *voucher school*, that offer full opportunity for every Nevada child to
23 receive the benefit of the purposes for which *the system of* public
24 ~~[schools are]~~ *education is* maintained. Therefore , the quintessence
25 of the State's financial obligation for such programs can be
26 expressed in a formula partially on a per pupil basis and partially on
27 a per program basis as: State financial aid to school districts equals
28 the difference between school district basic support guarantee and
29 local available funds produced by mandatory taxes minus all the
30 local funds attributable to pupils who reside in the county but
31 *participate in the Program of Voucher Schools pursuant to*
32 *sections 2 to 16, inclusive, of this act and attend a voucher school*
33 *and pupils who reside in the county and* attend a charter school.
34 This formula is designated the Nevada Plan.

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

36 387.1211 As used in NRS 387.121 to 387.126, inclusive:

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

41 2. "Enrollment" means the count of pupils ~~[enrolled]~~ *who:*

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

44 (b) *Participate in the Program of Voucher Schools pursuant to*
45 *sections 2 to 16, inclusive, of this act and are enrolled in and*



1 *scheduled to attend programs of instruction of a voucher school;*
2 or

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

5 ➔ at a specified time during the school year.

6 3. "Special education program unit" means an organized unit
7 of special education and related services which includes full-time
8 services of persons licensed by the Superintendent of Public
9 Instruction or other appropriate licensing body, providing a program
10 of instruction in accordance with minimum standards prescribed by
11 the State Board.

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

13 387.1233 1. Except as otherwise provided in subsection 2,
14 basic support of each school district must be computed by:

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

17 (1) Six-tenths the count of pupils enrolled in the kindergarten
18 department on the last day of the first school month of the school
19 district for the school year, including, without limitation, the count
20 of pupils who reside in the county and are enrolled in any charter
21 school *and any pupils who reside in the county, participate in the*
22 *Program of Voucher Schools pursuant to sections 2 to 16,*
23 *inclusive, of this act and are enrolled in kindergarten in a voucher*
24 *school* on the last day of the first school month of the school district
25 for the school year.

26 (2) The count of pupils enrolled in grades 1 to 12, inclusive,
27 on the last day of the first school month of the school district for the
28 school year, including, without limitation, the count of pupils who
29 reside in the county and are enrolled in any charter school *and any*
30 *pupils who reside in the county, participate in the Program of*
31 *Voucher Schools pursuant to sections 2 to 16, inclusive, of this act*
32 *and are enrolled in grades 1 to 12, inclusive, in a voucher school*
33 on the last day of the first school month of the school district for the
34 school year.

35 (3) The count of pupils not included under subparagraph (1)
36 or (2) who are enrolled full time in a program of distance education
37 provided by that school district or a charter school located within
38 that school district on the last day of the first school month of the
39 school district for the school year.

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

42 (I) In a public school of the school district and are
43 concurrently enrolled part time in a program of distance education
44 provided by another school district or a charter school on the last
45 day of the first school month of the school district for the school



1 year, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

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

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

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

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

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

(b) Multiplying the number of special education program units maintained and operated by the amount per program established for 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



1 apportioning money from the State Distributive School Account to
2 that school district or charter school pursuant to NRS 387.124.

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

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

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

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

16 387.124 Except as otherwise provided in this section and
17 NRS 387.528:

18 1. On or before August 1, November 1, February 1 and May 1
19 of each year, the Superintendent of Public Instruction shall
20 apportion the State Distributive School Account in the State General
21 Fund among the several county school districts and charter schools
22 in amounts approximating one-fourth of their respective yearly
23 apportionments less any amount set aside as a reserve. The
24 apportionment to a school district, computed on a yearly basis,
25 equals the difference between the basic support and the local funds
26 available pursuant to NRS 387.1235, minus all the funds attributable
27 to pupils who reside in the county but attend a charter school, ~~and~~
28 all the funds attributable to pupils who reside in the county and are
29 enrolled full time or part time in a program of distance education
30 provided by another school district or a charter school ~~and~~ *and the*
31 *amount of money paid to a voucher school located in the county*
32 *pursuant to section 16 of this act.* No apportionment may be made
33 to a school district if the amount of the local funds exceeds the
34 amount of basic support. If an agreement is not filed for a pupil who
35 is enrolled in a program of distance education as required by NRS
36 388.854, the Superintendent of Public Instruction shall not apportion
37 money for that pupil to the board of trustees of the school district in
38 which the pupil resides, or the board of trustees or governing body
39 that provides the program of distance education.

40 2. Except as otherwise provided in subsection 3, the
41 apportionment to a charter school, computed on a yearly basis, is
42 equal to the sum of the basic support per pupil in the county in
43 which the pupil resides plus the amount of local funds available per
44 pupil pursuant to NRS 387.1235 and all other funds available for
45 public schools in the county in which the pupil resides minus all the



1 funds attributable to pupils who are enrolled in the charter school
2 but are concurrently enrolled part time in a program of distance
3 education provided by a school district or another charter school. If
4 the apportionment per pupil to a charter school is more than the
5 amount to be apportioned to the school district in which a pupil who
6 is enrolled in the charter school resides, the school district in which
7 the pupil resides shall pay the difference directly to the charter
8 school.

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

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

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

18 ➤ whichever is greater. If the calculation set forth in paragraph (a)
19 is less than the calculation pursuant to paragraph (b), the school
20 district in which the charter school is located shall pay the difference
21 directly to the charter school. If a charter school provides a program
22 of distance education pursuant to NRS 388.820 to 388.874,
23 inclusive, the apportionment to the charter school for pupils who are
24 enrolled in the program of distance education must be calculated as
25 set forth in subsection 2 or 4, as applicable.

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

38 5. The governing body of a charter school may submit a
39 written request to the Superintendent of Public Instruction to
40 receive, in the first year of operation of the charter school, an
41 apportionment 30 days before the apportionment is required to be
42 made pursuant to subsection 1. Upon receipt of such a request, the
43 Superintendent of Public Instruction may make the apportionment
44 30 days before the apportionment is required to be made. A charter



1 school may receive all four apportionments in advance in its first
2 year of operation.

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

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

12 387.185 1. Except as otherwise provided in subsection 2 and
13 NRS 387.528, all school money due each county school district
14 must be paid over by the State Treasurer to the county treasurer on
15 August 1, November 1, February 1 and May 1 of each year or as
16 soon thereafter as the county treasurer may apply for it, upon the
17 warrant of the State Controller drawn in conformity with the
18 apportionment of the Superintendent of Public Instruction as
19 provided in NRS 387.124.

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

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

33 4. Except as otherwise provided in this subsection, all school
34 money due each charter school must be paid over by the State
35 Treasurer to the governing body of the charter school on August 1,
36 November 1, February 1 and May 1 of each year or as soon
37 thereafter as the governing body may apply for it, upon the warrant
38 of the State Controller drawn in conformity with the apportionment
39 of the Superintendent of Public Instruction as provided in NRS
40 387.124. If the Superintendent of Public Instruction has approved,
41 pursuant to subsection 5 of NRS 387.124, a request for payment of
42 an apportionment 30 days before the apportionment is otherwise
43 required to be made, the money due ~~to~~ the charter school must be
44 paid by the State Treasurer to the governing body of the charter
45 school on July 1, October 1, January 1 or April 1, as applicable.



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

2 387.195 1. Each board of county commissioners shall levy a
3 tax of 75 cents on each \$100 of assessed valuation of taxable
4 property within the county for the support of the *system of* public
5 ~~[schools]~~ *education* within the county school district.

6 2. The tax collected pursuant to subsection 1 on any assessed
7 valuation attributable to the net proceeds of minerals must not be
8 considered as available to pay liabilities of the fiscal year in which
9 the tax is collected but must be deferred for use in the subsequent
10 fiscal year. The annual budget for the school district must only
11 consider as an available source the tax on the net proceeds of
12 minerals which was collected in the prior year.

13 3. In addition to any tax levied in accordance with subsection
14 1, each board of county commissioners shall levy a tax for the
15 payment of interest and redemption of outstanding bonds of the
16 county school district.

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

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

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

24 387.210 Except when the board of trustees of a county school
25 district elects to establish a separate account under the provisions of
26 NRS 354.603, each county treasurer shall:

27 1. Receive and hold as a special deposit all *money for the*
28 *system of* public ~~[school moneys,]~~ *education*, whether received by
29 him from the State Treasurer or raised by the county for the benefit
30 of the *system of* public ~~[schools,]~~ *education*, or from any other
31 source, and keep separate accounts thereof and of their
32 disbursements.

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

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

40 387.225 ~~[No]~~ A tax collector or county treasurer shall *not*
41 receive any fees or compensation whatever for collecting, receiving,
42 keeping, transporting or disbursing any *money for the system of*
43 public ~~[school moneys,]~~ *education*.



1 **Sec. 30.** NRS 388.040 is hereby amended to read as follows:

2 388.040 1. Except as otherwise provided in subsection 2, the
3 board of trustees of a school district that includes more than one
4 school which offers instruction in the same grade or grades may
5 zone the school district and determine which pupils ~~[shall]~~ *must*
6 attend each school.

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

9 (a) *Charter school; or*

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

14 **Sec. 31.** NRS 388.150 is hereby amended to read as follows:

15 388.150 1. No books, tracts or papers of a sectarian or
16 denominational character may be used or introduced in any public
17 school established pursuant to the provisions of this title of NRS,
18 nor may any sectarian or denominational doctrines be taught in any
19 public school.

20 2. Any school district or charter school whose officers
21 knowingly allow any public schools to be taught in violation of this
22 section forfeits all right to any *money for the system of* public
23 ~~[school funds]~~.

24 ~~—3.— Nothing in this section prohibits] education.~~

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

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

30 **Sec. 33. 1.** *Except as otherwise provided in subsection 7,*
31 *the parents, legal guardian or custodial parent of a pupil who is*
32 *enrolled in or otherwise scheduled to attend a public school that*
33 *has carried the designation as demonstrating need for*
34 *improvement pursuant to NRS 385.3623 for 1 year or more or who*
35 *is from a family of low income may submit an application for the*
36 *pupil to attend a public school that is located:*

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

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

41 2. *An application for enrollment in a public school pursuant*
42 *to this section must be submitted to the board of trustees of the*
43 *school district that the pupil wishes to attend on a form provided*
44 *by the board of trustees. The board of trustees of each school*
45 *district shall prescribe the deadline for the submission of*



1 *applications, which must not be sooner than 3 months before the*
2 *commencement of a school year.*

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

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

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

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

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

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

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

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

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

42 *(b) The pupil may return to the public school that he is*
43 *otherwise required to attend if the parents, legal guardian or*
44 *custodial parent of the pupil provides written notice of that desire*
45 *to the board of trustees of the school district in which the pupil*



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

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

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

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

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

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

19 *(d) For enrollment in a public school pursuant to NRS*
20 *392.010 or 392.015.*

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

23 *8. As used in this section, "family of low income" means a*
24 *family with a monthly household income that is at or below the*
25 *federally designated level signifying poverty.*

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

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

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

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

40 **2. To the extent money is made available by the Legislature**
41 **for this purpose, the parent or legal guardian may submit a**
42 **request for a stipend on or before July 1 for each year after the**
43 **child received instruction at home. The request must include**
44 **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.



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

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

(a) *Receiving* at home or in some other school equivalent instruction of the kind and amount approved by the State Board ~~H~~;
or

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

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

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

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

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

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

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

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

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



1 homeschooled child must be allowed to participate in interscholastic
2 activities and events pursuant to NRS 386.420 to 386.470, inclusive.

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

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

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

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

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

20 392.466 1. Except as otherwise provided in this section, any
21 pupil who commits a battery which results in the bodily injury of an
22 employee of the school or who sells or distributes any controlled
23 substance while on the premises of any public school, at an activity
24 sponsored by a public school or on any school bus must, for the first
25 occurrence, be suspended or expelled from that school, although he
26 may be placed in another kind of school, for at least a period equal
27 to one semester for that school. For a second occurrence, the pupil
28 must:

29 (a) Be permanently expelled from that school; and

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

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

40 (a) Be permanently expelled from the school; and

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

43 ➤ The superintendent of schools of a school district may, for good
44 cause shown in a particular case in that school district, allow a



1 modification to the expulsion requirement of this subsection if such
2 modification is set forth in writing.

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

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

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

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

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

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

36 7. As used in this section:

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

39 (b) "Dangerous weapon" includes, without limitation, a
40 blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk
41 or dagger, a nunchaku, switchblade knife or trefoil, as defined in
42 NRS 202.350, a butterfly knife or any other knife described in NRS
43 202.350, or any other object which is used, or threatened to be used,
44 in such a manner and under such circumstances as to pose a threat
45 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 within the definition of a "firearm" in 18 U.S.C. § 921, as that section existed on July 1, 1995.

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

394.103 "Private schools" means 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.

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

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

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

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

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

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

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

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



school that is operating pursuant to sections 2 to 16, inclusive, of 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 involving a matter over which the public body has supervision, control, jurisdiction or advisory power and to deliberate toward a decision on the matter, or both.

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

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

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

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

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

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

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

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

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

Sec. 45. A private school certified by the Department of Education pursuant to section 10 of this act may commence



1 operation as a voucher school beginning with the 2006-2007 school
2 year.

3 **Sec. 46.** To the extent money is made available by the
4 Legislature for this purpose, a parent or legal guardian of a child
5 who is homeschooled may submit a request for a stipend pursuant to
6 section 34 of this act commencing on July 1, 2006, for the
7 2005-2006 school year.

8 **Sec. 46.5.** 1. The term of the Superintendent of Public
9 Instruction who was appointed pursuant to NRS 385.150 to a term
10 expiring in 2007 continues to serve for the remainder of the
11 unexpired term. If a vacancy occurs before the expiration of that
12 term, the State Board of Education shall appoint a Superintendent of
13 Public Instruction in accordance with section 16.5 of this act for the
14 remainder of the unexpired term.

15 2. The State Board of Education shall appoint a Superintendent
16 of Public Instruction pursuant to section 16.5 of this act
17 commencing with the term that begins in 2007.

18 **Sec. 47.** 1. This section and sections 1, 16.5, 18, 30, 32 to
19 35, inclusive, 44, 45, 46 and 46.5 of this act become effective on
20 July 1, 2005.

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

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



