

ASSEMBLY BILL NO. 472—ASSEMBLYMAN MABEY

MARCH 19, 2007

Referred to Committee on Education

SUMMARY—Establishes the Parent Choice in Education Program.
(BDR 34-1273)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Contains Appropriation not included
in Executive Budget.

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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 Parent Choice in Education Program to be administered by the Department of Education; authorizing the parents and legal guardians of certain children to apply to the Department to participate in the Program; making an appropriation for the payment of scholarships; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law establishes the system of public education in this State. (Title 34
2 of NRS) **Sections 2-21** of this bill establish the Parent Choice in Education
3 Program to be administered by the Department of Education. A licensed private
4 school may submit an application to the Department to become certified as an
5 eligible school under the Program. The parent or legal guardian of a child may
6 apply to participate in the Program and enroll the child in an eligible school. The
7 parent or legal guardian of a child who participates in the Program and is enrolled
8 in an eligible school will, to the extent money is available, receive a scholarship in
9 an amount between \$500 and \$3,000, which is determined by the income of the
10 parent or legal guardian of the child. Under certain circumstances, the school
11 district in which a child who participates in the Program resides may continue
12 receiving apportionments and allowances from the State Distributive School
13 Account for the child. **Section 31** of this bill makes an appropriation for support of
14 the Program.



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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 21, inclusive, of this act.

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

Sec. 3. *“Eligible school” means a private school that is certified by the Department pursuant to section 8 of this act.*

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

Sec. 5. *“Program” means the Parent Choice in Education Program established pursuant to section 6 of this act.*

Sec. 6. 1. *There is hereby established the Parent Choice in Education Program to be administered by the Department.*

2. *The State Board shall adopt regulations:*

(a) Prescribing the process for the submission of an application by a private school to become certified as an eligible school and the contents of the application, including, without limitation, the type of proof of financial viability required of a private school;

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

(c) Prescribing the requirements relating to the income and proof of income of a parent or legal guardian of a child who participates in the Program to determine the amount of a scholarship pursuant to section 19 of this act, including, without limitation, the circumstances under which the income of a legal guardian of a child will not be considered; and

(d) As are necessary to carry out the provisions of this chapter.

3. *The Department shall:*

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

(b) Maintain a list available for public inspection that identifies eligible schools.

Sec. 7. *A private school may submit to the Department an application to become certified as an eligible school. The application must include:*

1. *Proof that the private school is licensed pursuant to chapter 394 of NRS;*



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1 2. Proof that the private school is financially viable, as
2 determined by the Department in accordance with the regulations
3 adopted by the State Board pursuant to section 6 of this act;

4 3. A written statement that the private school does not
5 discriminate on the basis of race, ethnicity or religion; and

6 4. The number of children from the Program that the private
7 school is able to accommodate.

8 **Sec. 8.** 1. Upon receipt of an application pursuant to
9 section 7 of this act, the Department shall approve the application
10 if it is complete and if it complies with this chapter and the
11 regulations applicable to eligible schools. The Department shall
12 provide written notice to the applicant of its approval or denial of
13 the application. If an application is denied, the written notice must
14 indicate the reason for the denial.

15 2. If an application is approved, the Department and the
16 private school shall enter into a written agreement which certifies
17 that the private school is an eligible school.

18 3. The Department shall not interfere with the operation or
19 management of a private school that is certified as an eligible
20 school except as authorized by this chapter and chapter 394 of
21 NRS.

22 4. The certification of an eligible school pursuant to this
23 section remains valid indefinitely unless:

24 (a) The Department revokes the certification pursuant to
25 section 9 of this act; or

26 (b) The eligible school requests that the Department revoke the
27 certification.

28 **Sec. 9.** 1. The Department shall revoke the certification of
29 a private school as an eligible school if the:

30 (a) Private school fails to comply with the provisions of this
31 chapter or the regulations adopted by the State Board pursuant to
32 section 6 of this act;

33 (b) License of the private school is revoked pursuant to chapter
34 394 of NRS; or

35 (c) Private school fails to demonstrate financial viability on an
36 ongoing basis as may be required by the Department.

37 2. As soon as practicable after revoking the certification of a
38 private school as an eligible school pursuant to this section, the
39 Department shall provide notice of the revocation to the parent or
40 legal guardian of each child who participates in the Program and
41 is enrolled in that private school. Upon revocation, each child
42 must be allowed to:

43 (a) In the manner required by the Department, request a
44 transfer to another eligible school; or



(b) Enroll in the public school that he is otherwise zoned to attend.

Sec. 10. 1. An eligible school shall:

(a) Comply with all laws and regulations relating to antidiscrimination and civil rights;

(b) Provide, upon the request of the Department, proof of financial viability in accordance with the regulations adopted by the State Board pursuant to section 6 of this act;

(c) Provide to the parent or legal guardian of each child who participates in the Program a regular report on the academic progress of the child; and

(d) Comply with the provisions of this chapter and the regulations adopted by the State Board pursuant to section 6 of this act.

2. For all legal intents and purposes, a private school that is certified as an eligible school pursuant to this chapter is not a public employer.

Sec. 11. 1. The parent or legal guardian of a child may submit to the Department an application to participate in the Program if the child is between the ages of 5 and 22 years and has not graduated from high school. In addition:

(a) One of the following criteria must be satisfied:

(1) The child must have been born on or after September 1, 2002;

(2) The child must be enrolled in a public school in this State or not enrolled in a public school because he has not attained the age required for enrollment or because he was not a resident of this State at the time of submitting an application; or

(3) The annual income of the parent or legal guardian of the child in the year immediately preceding the school year for which the scholarship is sought is less than or equal to 100 percent of the maximum annual income allowed to qualify for reduced price meals pursuant to the National School Lunch Program, 42 U.S.C. §§ 1751 et seq.;

(b) The parent or legal guardian submitting the application must be a resident of this State; and

(c) An eligible school must have accepted the child for admission.

2. A parent or legal guardian may include in the application a statement describing the reason for requesting that his child participate in the Program.

3. Upon receipt of an application pursuant to subsection 1, the Department shall notify the school district in which the child resides that an application to participate in the Program has been submitted.



1 4. The Department shall approve an application if the
2 application satisfies the requirements of subsection 1.

3 5. Upon approval of an application, the Department shall
4 provide a written statement of approval to the parent or legal
5 guardian of the child and the eligible school in which the child
6 will be enrolled. Upon denial of an application, the Department
7 shall provide a written statement of denial to the parent or legal
8 guardian of the child indicating the reason for the denial.

9 6. A child who participates in the Program and is enrolled in
10 an eligible school shall be deemed enrolled in the private school by
11 his parent or legal guardian pursuant to the Individuals with
12 Disabilities Education Act, 20 U.S.C. § 1412, rather than placed or
13 referred for placement in the private school by the State or a local
14 school district.

15 7. Neither the board of trustees of the school district in which
16 the child attends school nor the board of trustees of the school
17 district in which the child resides is required to provide
18 transportation for the child to attend the eligible school.

19 8. The participation of a child in the Program does not imply
20 that the public school or school district in which the child was
21 previously enrolled failed to provide a free appropriate public
22 education for the child in accordance with the Individuals with
23 Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

24 **Sec. 12.** Upon approval of an application for a child to
25 participate in the Program, the parent or legal guardian of the
26 child shall sign a form provided by the Department stating that the
27 parent or legal guardian understands that:

28 1. An eligible school may not provide the same level of
29 services that are provided by public schools in this State;

30 2. The eligible school selected by the parent or legal guardian
31 has provided adequate disclosure concerning the:

32 (a) Educational credentials of the teachers employed at the
33 school; and

34 (b) Accreditation status of the school, if any;

35 3. The parent or legal guardian assumes full responsibility
36 for the financial costs incurred for the child's enrollment in an
37 eligible school for the period during which the child participates in
38 the Program; and

39 4. Upon approval of the Department, the parent or legal
40 guardian may withdraw the child from one eligible school and
41 reenroll the child in another eligible school.

42 **Sec. 13.** 1. A child may continue to participate in the
43 Program if the child is enrolled in good standing in an eligible
44 school and until the child:

45 (a) Attains 22 years of age; or



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1 (b) Graduates from high school,
2 ↳ whichever occurs first.

3 2. Before renewing a scholarship to a child for any
4 subsequent school year, the Department shall require the eligible
5 school or the parent or legal guardian of the child to provide
6 documentation as deemed necessary by the Department to
7 demonstrate that the child continues to remain eligible to
8 participate in the Program. A scholarship may be forfeited if an
9 eligible school or a parent or legal guardian fails to comply with
10 this subsection.

11 3. The parent or legal guardian of a child who participates in
12 the Program may:

13 (a) In the manner required by the Department, request a
14 transfer of the child to another eligible school.

15 (b) Withdraw his child from participation in the Program at
16 any time upon written notice to the Department.

17 4. If a child withdraws from the Program, he must be allowed
18 to enroll in the public school that he is otherwise zoned to attend.

19 **Sec. 14.** If more children who participate in the Program
20 apply for enrollment in an eligible school than the number of
21 spaces which are available at that school, the eligible school shall:

22 1. Determine which applicants to enroll at random on the
23 basis of a lottery system; and

24 2. Provide to the Department written evidence that the school
25 complied with the provisions of this section.

26 ↳ If the Department determines that the eligible school did not
27 comply with the lottery system required by this section, the
28 Department may withdraw the certification of the eligible school.

29 **Sec. 15.** An eligible school shall not require a child who
30 participates in the Program to participate in any religious activity.

31 **Sec. 16.** If a child who was previously enrolled in a public
32 school in this State, other than a charter school, participates in the
33 Program and is enrolled in an eligible school, the child must be
34 included in the count of pupils in the school district in which the
35 child resides for the purposes of apportionments and allowances
36 from the State Distributive School Account pursuant to NRS
37 387.121 to 387.126, inclusive. The Department shall continue to
38 pay to the school district in which the pupil resides the
39 apportionment and allowances from the State Distributive School
40 Account:

41 1. For 5 years after the date on which the child transfers to
42 an eligible school;

43 2. Until the child reenrolls in a public school in this State; or

44 3. Until the child graduates from high school,

45 ↳ whichever occurs first.



1 **Sec. 17. 1.** *An eligible school shall submit to the*
2 *Department a list of names of the children who participate in the*
3 *Program and are accepted for enrollment in the eligible school.*
4 *Upon receipt of such a list, the Department shall verify that each*
5 *child identified on the list has been approved for participation in*
6 *the Program. After the Department verifies the list of names, the*
7 *Department shall review the information relating to income*
8 *submitted pursuant to section 18 of this act by each parent or legal*
9 *guardian of a child who is approved for participation in the*
10 *Program.*

11 **2.** *To the extent that money is available, the Department shall*
12 *issue a scholarship to each parent or legal guardian of a child in*
13 *an amount determined pursuant to section 19 of this act. The*
14 *parent or legal guardian shall restrictively endorse the scholarship*
15 *for use by the private school which the child attends and submit*
16 *the scholarship to that private school.*

17 **3.** *An eligible school may submit to the Department all*
18 *scholarships that it receives which are endorsed for payment. A*
19 *parent or legal guardian of a child may not submit a scholarship*
20 *directly to the Department for payment. Upon receipt of all*
21 *scholarships from an eligible school, the Department shall pay to*
22 *the eligible school an amount that is equal to the sum of each*
23 *scholarship submitted by the school.*

24 **Sec. 18. 1.** *To determine the income of a parent or legal*
25 *guardian of a child who participates in the Program, the parent or*
26 *legal guardian shall provide to the Department:*

27 **(a)** *The federal income tax form filed in the immediately*
28 *preceding tax year or if the parent or legal guardian was exempt*
29 *from filing a federal income tax form, the most recent proof of the*
30 *wages earned issued by the place of employment of the parent or*
31 *legal guardian; and*

32 **(b)** *Any other documentation of income required by the State*
33 *Board.*

34 **2.** *To determine the income of a parent or legal guardian, the*
35 *Department shall consider the adjusted gross income listed on the*
36 *federal income tax form, if filed, and:*

37 **(a)** *If the parents of the child are married, the income of both*
38 *parents;*

39 **(b)** *If the parent is widowed, the income of the widowed parent*
40 *and, if that parent is remarried, the income of the spouse of that*
41 *parent;*

42 **(c)** *If the parents are divorced, the income of the parent with*
43 *whom the child primarily resided during the immediately*
44 *preceding 12 months and, if that parent is remarried, the income*
45 *of the spouse of that parent;*



1 (d) If the parents are divorced and the child resides with each
2 parent for an equal amount of time, the income of the parent who
3 provided the greatest percentage of financial support to the child
4 during the immediately preceding 12 months and, if that parent is
5 remarried, the income of the spouse of that parent; or

6 (e) If the child resides with a legal guardian, the income of the
7 legal guardian.

8 **Sec. 19.** 1. To the extent that money is available from
9 legislative appropriation, the Department shall issue a
10 scholarship:

11 (a) In the amount of \$3,000 to the parent or legal guardian of
12 each child who participates in the Program who has an income
13 that is less than or equal to 100 percent of the maximum annual
14 income allowed to qualify for reduced price meals pursuant to the
15 National School Lunch Program, 42 U.S.C. §§ 1751 et seq.

16 (b) In an amount of \$3,000 to the legal guardian of each child
17 who participates in the Program if the income of the legal
18 guardian is not considered to determine the amount of a
19 scholarship in accordance with the regulations adopted by the
20 State Board pursuant to section 6 of this act.

21 (c) In the amount of \$2,750 to the parent or legal guardian of
22 each child who participates in the Program who has an income of
23 more than 100 percent but less than 125 percent of the maximum
24 annual income allowed to qualify for reduced price meals
25 pursuant to the National School Lunch Program, 42 U.S.C. §§
26 1751 et seq.

27 (d) In the amount of \$2,500 to the parent or legal guardian of
28 each child who participates in the Program who has an income of
29 more than 125 percent but less than 150 percent of the maximum
30 annual income allowed to qualify for reduced price meals
31 pursuant to the National School Lunch Program, 42 U.S.C. §§
32 1751 et seq.

33 (e) In the amount of \$2,250 to the parent or legal guardian of
34 each child who participates in the Program who has an income of
35 more than 150 percent but less than 175 percent of the maximum
36 annual income allowed to qualify for reduced price meals
37 pursuant to the National School Lunch Program, 42 U.S.C. §§
38 1751 et seq.

39 (f) In the amount of \$2,000 to the parent or legal guardian of
40 each child who participates in the Program who has an income of
41 more than 175 percent but less than 200 percent of the maximum
42 annual income allowed to qualify for reduced price meals
43 pursuant to the National School Lunch Program, 42 U.S.C. §§
44 1751 et seq.



(g) *In the amount of \$1,750 to the parent or legal guardian of each child who participates in the Program who has an income of more than 200 percent but less than 225 percent of the maximum annual income allowed to qualify for reduced price meals pursuant to the National School Lunch Program, 42 U.S.C. §§ 1751 et seq.*

(h) *In the amount of \$1,000 to the parent or legal guardian of each child who participates in the Program who has an income of more than 225 percent but less than 250 percent of the maximum annual income allowed to qualify for reduced price meals pursuant to the National School Lunch Program, 42 U.S.C. §§ 1751 et seq.*

(i) *In the amount of \$500 to the parent or legal guardian of each child who participates in the Program who has an income of more than 250 percent of the maximum annual income allowed to qualify for reduced price meals pursuant to the National School Lunch Program, 42 U.S.C. §§ 1751 et seq.*

↪ *A scholarship issued to the parent or legal guardian of a child who is enrolled in kindergarten must be equal to sixth-tenths of the amount indicated in this subsection.*

2. *If a sufficient amount of money is not available to pay for all scholarships pursuant to subsection 1, preference must be given to children who received scholarships in the immediately preceding year. After those awards, the available remaining money must be allocated on the basis of a lottery system.*

Sec. 20. *Upon request of a parent or legal guardian of a child who is participating in the Program and enrolled in an eligible school, the board of trustees of the school district in which the child resides shall provide to the parent or legal guardian of the child a list of times and locations at which the child may take an examination that is administered pursuant to NRS 389.550 and the high school proficiency examination that is administered pursuant to NRS 389.015.*

Sec. 21. 1. *The Department may contract with one or more qualified, independent consultants to conduct an evaluation of the Program established pursuant to this chapter.*

2. *If an evaluation is conducted pursuant to subsection 1, the evaluation must include:*

(a) *The level of satisfaction reported by the children who participate in the Program;*

(b) *The level of satisfaction reported by the parents and legal guardians of the children who participate in the Program;*

(c) *The effectiveness of the Program, including, without limitation, a determination whether the academic achievement of children who participate in the Program has improved;*



(d) *The number of children who participate in the Program and who exhibited behavioral problems while attending an eligible school as compared to the behavioral problems those children exhibited before enrollment in an eligible school;*

(e) *The average class size of classes in which children who participate in the Program are placed while attending an eligible school;*

(f) *The fiscal impact on the State and on each school district; and*

(g) *Any other items deemed necessary by the Department.*

3. *If an evaluation is conducted pursuant to this section, the Department:*

(a) *Shall submit a copy of the final written report of the evaluation to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.*

(b) *May receive and accept gifts and grants from any source to pay the costs associated with the evaluation.*

Sec. 22. NRS 385.310 is hereby amended to read as follows:

385.310 The Deputy Superintendent for Administrative and Fiscal Services, under the direction of the Superintendent of Public Instruction, shall:

1. Determine the apportionment of all ~~[state-school]~~ money *for the system of public education* to schools of the State as prescribed by law.

2. Develop for public schools of the State a uniform system of budgeting and accounting. The system must provide for the separate reporting of expenditures for each:

(a) School district; and

(b) School within a school district.

➔ Upon approval of the State Board, the system is mandatory for all public schools in this State and must be enforced as provided in subsection 2 of NRS 385.315.

3. Carry on a continuing study of school finance in the State, particularly the method by which schools are financed on the state level, and make such recommendations to the Superintendent of Public Instruction for submission to the State Board as he deems advisable.

4. Recommend to the Superintendent of Public Instruction for submission to the State Board such changes in budgetary and financial procedures as his studies may show to be advisable.

5. Perform such other statistical and financial duties pertaining to the administration and finances of the schools of the State as may be required by the Superintendent of Public Instruction.



6. Prepare for the Superintendent of Public Instruction the biennial budgets of the Department for consideration by the State Board and submission to the Governor.

Sec. 23. NRS 387.045 is hereby amended to read as follows:

387.045 1. ~~[No]~~ *Except as otherwise provided in sections 2 to 21, inclusive, of this act, no* portion of the *money for the system of* public ~~[school funds]~~ *education* or of the money specially appropriated for the purpose of *the system of* public ~~[schools shall]~~ *education may* be devoted to any other object or purpose.

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

Sec. 24. NRS 387.121 is hereby amended to read as follows:

387.121 The Legislature declares that the proper objective of state financial aid to *the system of* public education is to ensure each Nevada child a reasonably equal educational opportunity. Recognizing wide local variations in wealth and costs per pupil, this State should supplement local financial ability to whatever extent necessary in each school district to provide programs of instruction in both compulsory and elective subjects that offer full opportunity for every Nevada child to receive the benefit of the purposes for which *the system of* public ~~[schools are]~~ *education is* maintained. Therefore the quintessence of the State's financial obligation for such programs can be expressed in a formula partially on a per pupil basis and partially on a per program basis as: State financial aid to school districts equals the difference between school district basic support guarantee and local available funds produced by mandatory taxes minus all the local funds attributable to pupils who reside in the county but attend a charter school. This formula is designated the Nevada Plan.

Sec. 25. NRS 387.1233 is hereby amended to read as follows:

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

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

(1) Six-tenths the count of pupils enrolled in the kindergarten department on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school *and any pupils who participate in the Parent Choice in Education Program pursuant to sections 2 to 21, inclusive, of this act that the school district is authorized to include in the count of pupils pursuant to section 16 of this act* on the last day of the first school month of the school district for the school year.



(2) The count of pupils enrolled in grades 1 to 12, inclusive, on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school *and any pupils who participate in the Parent Choice in Education Program pursuant to sections 2 to 21, inclusive, of this act that the school district is authorized to include in the count pupils pursuant to section 16 of this act* on the last day of the first school month of the school district for the school year.

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

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

(I) In a public school of the school district and are concurrently enrolled part time in a program of distance education provided by another school district or a 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).

(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



1 388.550, 388.560 and 388.570 on the last day of the first school
2 month of the school district for the school year.

3 (8) The count of pupils who are enrolled in classes for at
4 least one semester pursuant to subsection 4 of NRS 386.560,
5 subsection 5 of NRS 386.580 or subsection 3 of NRS 392.070,
6 expressed as a percentage of the total time services are provided to
7 those pupils per school day in proportion to the total time services
8 are provided during a school day to pupils who are counted pursuant
9 to subparagraph (2).

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

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


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

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

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

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

35 **Sec. 26.** NRS 392.070 is hereby amended to read as follows:

36 392.070 1. Attendance required by the provisions of NRS
37 392.040 must be excused when satisfactory written evidence is
38 presented to the board of trustees of the school district in which the
39 child resides that the child is receiving at home or in some other
40 school equivalent instruction of the kind and amount approved by
41 the State Board , *including, without limitation, evidence that the*
42 *child participates in the Parent Choice in Education Program*
43 *pursuant to sections 2 to 21, inclusive, of this act and is enrolled in*
44 *an eligible 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 to 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 homeschooled child must be allowed to participate in interscholastic activities and events governed by an association pursuant to NRS 386.420 to 386.470, inclusive, and interscholastic activities and events, including sports, pursuant to subsection 5.

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 is liable for any damages relating to the denial of services to the pupil.



5. In addition to those interscholastic activities and events governed by ~~{an association}~~ *the Nevada Interscholastic Activities Association* pursuant to NRS 386.420 to 386.470, inclusive, homeschooled children must be allowed to participate in interscholastic activities and events, including sports. A homeschooled child who participates in interscholastic activities and events at a public school pursuant to this subsection must participate within the school district of the child's residence through the public school which the child is otherwise zoned to attend. Any rules or regulations that apply to pupils enrolled in public schools who participate in interscholastic activities and events, including sports, apply in the same manner to homeschooled children who participate in interscholastic activities and events, including, without limitation, provisions governing:

- (a) Eligibility and qualifications for participation;
- (b) Fees for participation;
- (c) Insurance;
- (d) Transportation;
- (e) Requirements of physical examination;
- (f) Responsibilities of participants;
- (g) Schedules of events;
- (h) Safety and welfare of participants;
- (i) Eligibility for awards, trophies and medals;
- (j) Conduct of behavior and performance of participants; and
- (k) Disciplinary procedures.

6. If a homeschooled child participates in interscholastic activities and events pursuant to subsection 5:

(a) No challenge may be brought by an association, a school district, a public school or a private school, a parent or guardian of a pupil enrolled in a public school or a private school, a pupil enrolled in a public school or a private school, or any other entity or person claiming that an interscholastic activity or event is invalid because the homeschooled child is allowed to participate.

(b) Neither the school district nor a public school may prescribe any regulations, rules, policies, procedures or requirements governing the eligibility or participation of the homeschooled child that are more restrictive than the provisions governing the eligibility and participation of pupils enrolled in public schools.

7. 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.

8. 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.



9. As used in this section, “related services” has the meaning ascribed to it in 20 U.S.C. § ~~1401(22)~~ **1401(26)**.

Sec. 27. 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 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 be~~ **are** 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 sections 2 to 21, inclusive, 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. 28. 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, any other special district that performs a governmental function, even though it does not exercise general governmental powers, and the governing body of a university school for profoundly gifted pupils. **The term does not include a private school that is certified as an eligible school pursuant to sections 2 to 21, inclusive, of this act.**

Sec. 29. 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~~:



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

2 (b) *A private school that is certified as an eligible school*
3 *pursuant to sections 2 to 21, inclusive, of this act.*

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

7 **Sec. 30.** NRS 286.070 is hereby amended to read as follows:

8 286.070 1. "Public employer" means the State, one of its
9 agencies or one of its political subdivisions, the System, irrigation
10 districts created under the laws of the State of Nevada, a public or
11 quasi-public organization or agency that is funded, at least in part,
12 by public money, including a regional transportation commission, a
13 governing body of a charter school and a council of governments
14 created pursuant to the laws of the State of Nevada.

15 2. State agencies are those agencies subject to state control and
16 supervision, including those whose employees are governed by
17 chapter 284 of NRS, unless specifically exempted therefrom, and
18 those which deposit money with the State Treasurer. *The term does*
19 *not include a private school that is certified as an eligible school*
20 *pursuant to sections 2 to 21, inclusive, of this act.*

21 **Sec. 31.** 1. There is hereby appropriated from the State
22 General Fund to the Department of Education for the Fiscal Year
23 2008-2009, the sum of \$100,000 for the payment of scholarships
24 pursuant to the provisions of sections 2 to 21, inclusive, of this act.

25 2. Any remaining balance of the appropriation made by
26 subsection 1 must not be committed for expenditure after June 30,
27 2009, by the entity to which the appropriation is made or any entity
28 to which money from the appropriation is granted or otherwise
29 transferred in any manner, and any portion of the appropriated
30 money remaining must not be spent for any purpose after
31 September 18, 2009, by either the entity to which the money was
32 appropriated or the entity to which the money was subsequently
33 granted or transferred, and must be reverted to the State General
34 Fund on or before September 18, 2009.

35 **Sec. 32.** On or before January 1, 2008, the State Board of
36 Education shall adopt regulations required by section 6 of this act.
37 The State Board shall ensure that the regulations carry out the Parent
38 Choice in Education Program in accordance with sections 2 to 21,
39 inclusive, of this act beginning with the 2008-2009 school year.

40 **Sec. 33.** A private school that is certified as an eligible school
41 by the Department of Education pursuant to section 8 of this act
42 may commence operation under the Parent Choice in Education
43 Program beginning with the 2008-2009 school year.

44 **Sec. 34.** 1. This section and sections 1, 6, 32 and 33 of this
45 act become effective on July 1, 2007.



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1 2. Sections 2 to 5, inclusive, and 7 to 31, inclusive, of this act
2 become effective on July 1, 2008.

