

SENATE BILL NO. 158—SENATOR CEGAVSKE

FEBRUARY 26, 2007

Referred to Committee on Finance

SUMMARY—Establishes the Special Needs Scholarship Program.  
(BDR 34-10)

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 Special Needs Scholarship Program to be administered by the Department of Education; authorizing the parents and legal guardians of certain pupils with disabilities to apply to the Department to participate in the Scholarship Program; revising provisions governing the apportionment of money from the State Distributive School Account to provide for the payment of money for the education of pupils who participate in the Scholarship Program; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law establishes the system of public education in this State. (Title 34 of NRS) **Sections 2-18** of this bill establish the Special Needs Scholarship Program for certain pupils with disabilities, to be administered by the Department of Education. A public school or licensed private school may submit an application to the Department to become certified as an eligible school under the Scholarship Program. The parent or legal guardian of a pupil with a disability who has an individualized education program may apply to participate in the Scholarship Program and enroll in an eligible school. A pupil who participates in the Scholarship Program and is enrolled in an eligible school is included in the count of pupils in the school district in which the child attends school for purposes of apportionments and allowances from the State Distributive School Account. A scholarship is issued by the Department on behalf of each pupil who participates in the Scholarship Program and is enrolled in a private school that is certified as an eligible school.



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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 18, inclusive, of this act.

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

**Sec. 3.** *“Eligible school” means a public school or private school that is certified by the Department pursuant to section 9 of this act.*

**Sec. 4.** *“Individualized education program” has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).*

**Sec. 5.** *“Private school” has the meaning ascribed to it in NRS 394.103.*

**Sec. 6.** *“Scholarship Program” means the Special Needs Scholarship Program established pursuant to section 7 of this act.*

**Sec. 7. 1.** *There is hereby established the Special Needs Scholarship 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 public school or 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 Scholarship Program;*

*(c) Prescribing the method for determining the proportionate cost of providing a special education to a child, based on the individualized education program of the child, who participates in the Scholarship Program for purposes of determining the amount of the scholarship for that child; 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 Scholarship Program.*

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

**Sec. 8. 1.** *A private school may submit to the Department an application to become certified as an eligible school. The application must include:*

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



1     (b) 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 7 of this act;

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

6     (d) The number of children from the Scholarship Program  
7     that the private school is able to accommodate.

8     2. A public school may submit to the Department an  
9     application to become certified as an eligible school. The  
10    application must include:

11    (a) A written statement that the public school will not accept  
12    children from the Scholarship Program who reside in the school  
13    district in which the public school is located; and

14    (b) The number of children from the Scholarship Program  
15    that the public school is able to accommodate.

16    **Sec. 9. 1.** Upon receipt of an application pursuant to  
17    section 8 of this act, the Department shall approve the application  
18    if it is complete and if it complies with this chapter and the  
19    regulations applicable to eligible schools. The Department shall  
20    provide written notice to the applicant of its approval or denial of  
21    the application. If an application is denied, the written notice must  
22    indicate the reason for the denial.

23    2. If an application is approved, the Department and the  
24    public school or private school shall enter into a written  
25    agreement which certifies that the public school or private school  
26    is an eligible school.

27    3. The Department shall not interfere with the operation or  
28    management of a private school that is certified as an eligible  
29    school except as authorized by this chapter and chapter 394 of  
30    NRS.

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

33    (a) The Department revokes the certification pursuant to  
34    section 10 of this act; or

35    (b) The eligible school requests that the Department revoke the  
36    certification.

37    **Sec. 10. 1.** The Department shall revoke the certification of  
38    a private school as an eligible school if the:

39    (a) Private school fails to comply with the provisions of this  
40    chapter or the regulations adopted by the State Board pursuant to  
41    section 7 of this act;

42    (b) License of the private school is revoked pursuant to chapter  
43    394 of NRS; or

44    (c) Private school fails to demonstrate financial viability on an  
45    ongoing basis as required by the Department.



2. *The Department shall revoke the certification of a public school as an eligible school if the public school:*

(a) *Fails to comply with the provisions of this chapter or the regulations adopted by the State Board pursuant to section 7 of this act; or*

(b) *Accepts for enrollment a child from the Scholarship Program who resides in the school district in which the public school is located.*

3. *As soon as practicable after revoking the certification of a public school or private school pursuant to this section, the Department shall provide notice of the revocation to the parent or legal guardian of each child who participates in the Scholarship Program and is enrolled in that public school or private school. Upon revocation, each child must be allowed to:*

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

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

**Sec. 11. 1. An eligible school shall:**

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

(b) *If the eligible school is a private school, provide, upon the request of the Department, proof of financial viability in accordance with the regulations adopted by the State Board pursuant to section 7 of this act;*

(c) *Provide to the parent or legal guardian of each child who participates in the Scholarship 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 7 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. 12. 1. Except as otherwise provided in this subsection, the parent or legal guardian of a child may submit to the Department an application to participate in the Scholarship Program if:**

(a) *The child is a pupil with a disability and has an individualized education program;*

(b) *The child is enrolled in a public school or is not enrolled in a school because he has not attained the age required for enrollment;*

(c) *An eligible school has accepted the child for admission; and*



1       (d) *The parent or legal guardian of the child notifies the*  
2 *Department, in the manner required by the Department, of his*  
3 *request for a scholarship before the pupil enters the eligible*  
4 *school.*

5       ↪ *A child may enroll in an eligible school that is a public school*  
6 *only if the public school is located outside the school district in*  
7 *which the child resides.*

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

11       3. *Upon receipt of an application pursuant to subsection 1,*  
12 *the Department shall notify the school district in which the child*  
13 *resides that an application to participate in the Scholarship*  
14 *Program has been submitted. The school district in which the*  
15 *child resides shall, within 3 business days after receiving such*  
16 *notice, provide to the Department a copy of the current*  
17 *individualized education program of the child.*

18       4. *The Department shall approve an application if the*  
19 *application satisfies the requirements of subsection 1.*

20       5. *Upon approval of an application, the Department shall*  
21 *provide a written statement of approval to the parent or legal*  
22 *guardian of the child and the eligible school in which the child*  
23 *will be enrolled. Upon denial of an application, the Department*  
24 *shall provide a written statement of denial to the parent or legal*  
25 *guardian of the child indicating the reason for the denial.*

26       6. *A child who participates in the Scholarship Program and is*  
27 *enrolled in a private school that is an eligible school shall be*  
28 *deemed enrolled in the private school by his parent or legal*  
29 *guardian pursuant to the Individuals with Disabilities Education*  
30 *Act, 20 U.S.C. § 1412, rather than placed or referred for*  
31 *placement in the private school by the State or a local school*  
32 *district.*

33       7. *Neither the board of trustees of the school district in which*  
34 *the child attends school nor the board of trustees of the school*  
35 *district in which the child resides is required to provide*  
36 *transportation for the child to attend the eligible school.*

37       8. *The participation of a child in the Scholarship Program*  
38 *does not imply that the public school or school district in which*  
39 *the child was previously enrolled failed to provide a free*  
40 *appropriate public education for the child in accordance with the*  
41 *Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et*  
42 *seq.*

43       9. *As used in this section, "pupil with a disability" has the*  
44 *meaning ascribed to it in NRS 388.440.*



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

4     *(a) Attains 21 years of age; or*

5     *(b) Graduates from high school,*

6     *↳ whichever occurs first.*

7     **2.** *Before renewing a scholarship to a child for any*  
8 *subsequent school year, the Department shall require the eligible*  
9 *school or the parent or legal guardian of the child to provide*  
10 *documentation as deemed necessary by the Department to*  
11 *demonstrate that the child continues to remain eligible to*  
12 *participate in the Scholarship Program. A scholarship is forfeited*  
13 *if a child or his parent or legal guardian fails to comply with this*  
14 *subsection.*

15     **3.** *The parent or legal guardian of a child who participates in*  
16 *the Scholarship Program may:*

17     *(a) In the manner required by the Department, request a*  
18 *transfer of the child to another eligible school.*

19     *(b) Withdraw his child from participation in the Scholarship*  
20 *Program at any time upon written notice to the Department.*

21     **4.** *If a child withdraws from the Scholarship Program, he*  
22 *must be allowed to enroll in the public school that he is otherwise*  
23 *zoned to attend.*

24     **Sec. 14.** *If more children who participate in the Scholarship*  
25 *Program apply for enrollment in an eligible school than the*  
26 *number of spaces which are available at that school, the eligible*  
27 *school shall:*

28     **1.** *Determine which applicants to enroll at random by lottery;*  
29 *and*

30     **2.** *Provide to the Department written evidence that the school*  
31 *complied with the provisions of this section.*

32     *↳ If the Department determines that the eligible school did not*  
33 *comply with the lottery system required by this section, the*  
34 *Department may withdraw the certification of the eligible school.*

35     **Sec. 15.** *A private school that is certified as an eligible school*  
36 *shall not require a child who participates in the Scholarship*  
37 *Program to participate in any religious activity.*

38     **Sec. 16. 1.** *If a child participates in the Scholarship*  
39 *Program and is enrolled in an eligible school, the child must be*  
40 *included in the count of pupils in the school district in which the*  
41 *child attends school for the purposes of apportionments and*  
42 *allowances from the State Distributive School Account pursuant to*  
43 *NRS 387.121 to 387.126, inclusive. In addition to the basic support*  
44 *per pupil in which the child attends school, the eligible school*  
45 *must receive the proportionate cost of providing a special*



1 *education to the child as determined in accordance with the*  
2 *regulations adopted pursuant to section 7 of this act. The*  
3 *Department is not required to issue a scholarship to a child who is*  
4 *enrolled in a public school that is certified as an eligible school*  
5 *but shall ensure that child is included in the count of pupils in the*  
6 *school district in which he attends school and that the eligible*  
7 *school receives the proportionate cost of providing a special*  
8 *education to the child.*

9     2. *A private school that is certified as an eligible school shall*  
10 *submit to the Department a list of names of the children who*  
11 *participate in the Scholarship Program and are accepted for*  
12 *enrollment in the private school. Upon receipt of such a list, the*  
13 *Department shall verify that each child identified on the list has*  
14 *been approved for participation in the Scholarship Program. After*  
15 *the Department verifies the list of names, the Department shall*  
16 *issue a scholarship to each parent or legal guardian of a child who*  
17 *is approved for participation in the Scholarship Program and*  
18 *accepted for enrollment in a private school that is certified as an*  
19 *eligible school. The parent or legal guardian shall restrictively*  
20 *endorse the scholarship for use by the private school which his*  
21 *child attends and submit the scholarship to that private school.*

22     3. *A private school that is certified as an eligible school may*  
23 *submit to the Department all scholarships that it receives which*  
24 *are endorsed for payment. A parent or legal guardian of a child*  
25 *may not submit a scholarship directly to the Department for*  
26 *payment. Upon receipt of all scholarships from a private school*  
27 *that is certified as an eligible school, the Department shall pay to*  
28 *the private school for each child who participates in the*  
29 *Scholarship Program and is enrolled in the private school, an*  
30 *amount equal to the:*

31     (a) *Sum of the basic support per pupil in the county in which*  
32 *the child attends school plus the amount of local funds available*  
33 *per pupil pursuant to NRS 387.1235 and all other funds available*  
34 *for public schools in the county in which the child attends school;*  
35 *and*

36     (b) *Proportionate cost of providing a special education to the*  
37 *child as determined in accordance with the regulations adopted*  
38 *pursuant to section 7 of this act.*

39     **Sec. 17.** *Upon request of a parent or legal guardian of a*  
40 *child who is participating in the Scholarship Program and*  
41 *enrolled in a private school that is certified as an eligible school,*  
42 *the board of trustees of the school district in which the child*  
43 *resides shall provide to the parent or legal guardian of the child a*  
44 *list of times and locations at which the child may take an*  
45 *examination that is administered pursuant to NRS 389.550 and*





1 *the high school proficiency examination that is administered*  
2 *pursuant to NRS 389.015.*

3 **Sec. 18.** 1. *The Department may contract with one or more*  
4 *qualified, independent consultants to conduct an evaluation of the*  
5 *Scholarship Program established pursuant to this chapter.*

6 2. *An evaluation conducted pursuant to subsection 1 must*  
7 *include:*

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

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

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

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

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

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

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

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

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

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

34 **Sec. 19.** NRS 385.310 is hereby amended to read as follows:

35 385.310 The Deputy Superintendent for Administrative and  
36 Fiscal Services, under the direction of the Superintendent of Public  
37 Instruction, shall:

38 1. Determine the apportionment of all ~~state school~~ money *for*  
39 *the system of public education* to schools of the State as prescribed  
40 by law.

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

44 (a) School district; and

45 (b) School within a school district.





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

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

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

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

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

18   **Sec. 20.** 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 Health and Human Services, whereby the school  
24   district agrees to prepare hot lunches for persons 60 years of age or  
25   older 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 Health and Human Services.

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. 21.** NRS 386.570 is hereby amended to read as follows:

386.570 1. Each pupil who is enrolled in a charter school, including, without limitation, a pupil who is enrolled in a program of special education in a charter school, must be included in the count of pupils in the school district for the purposes of apportionments and allowances from the State Distributive School Account pursuant to NRS 387.121 to 387.126, inclusive, unless the pupil is exempt from compulsory attendance pursuant to NRS 392.070. A charter school is entitled to receive its proportionate share of any other money available from federal, state or local sources that the school or the pupils who are enrolled in the school are eligible to receive. If a charter school receives special education program units directly from this State, the amount of money for special education that the school district pays to the charter school may be reduced proportionately by the amount of money the charter school received from this State for that purpose.

2. All money received by the charter school from this State or from the board of trustees of a school district must be deposited in a bank, credit union or other financial institution in this State. The governing body of a charter school may negotiate with the board of trustees of the school district and the State Board for additional money to pay for services which the governing body wishes to offer.

3. Upon completion of a school year, the sponsor of a charter school may request reimbursement from the governing body of the charter school for the administrative costs associated with sponsorship for that school year if the sponsor provided administrative services during that school year. Upon receipt of such a request, the governing body shall pay the reimbursement to the board of trustees of the school district, if the board of trustees sponsors the charter school, or to the Department if the State Board sponsors the charter school. If a governing body fails to pay the reimbursement, the charter school shall be deemed to have violated its written charter and the sponsor may take such action to revoke the written charter pursuant to NRS 386.535 as it deems necessary. If the board of trustees of a school district is the sponsor of a charter school, the amount of money that may be paid to the sponsor pursuant to this subsection for administrative expenses in 1 school year must not exceed:

(a) For the first year of operation of the charter school, 2 percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124.

(b) For any year after the first year of operation of the charter school, 1 percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124.



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1       4. If the State Board is the sponsor of a charter school, the  
2 amount of money that may be paid to the Department pursuant to  
3 subsection 3 for administrative expenses in 1 school year must not  
4 exceed:

5       (a) For the first year of operation of the charter school, 2 percent  
6 of the total amount of money apportioned to the charter school  
7 during the year pursuant to NRS 387.124.

8       (b) For any year after the first year of operation of the charter  
9 school, 1.5 percent of the total amount of money apportioned to the  
10 charter school during the year pursuant to NRS 387.124.

11       5. To determine the amount of money for distribution to a  
12 charter school in its first year of operation, the count of pupils who  
13 are enrolled in the charter school must initially be determined 30  
14 days before the beginning of the school year of the school district,  
15 based on the number of pupils whose applications for enrollment  
16 have been approved by the charter school. The count of pupils who  
17 are enrolled in the charter school must be revised on the last day of  
18 the first school month of the school district in which the charter  
19 school is located for the school year, based on the actual number of  
20 pupils who are enrolled in the charter school. Pursuant to subsection  
21 ~~5~~ 7 of NRS 387.124, the governing body of a charter school may  
22 request that the apportionments made to the charter school in its first  
23 year of operation be paid to the charter school 30 days before the  
24 apportionments are otherwise required to be made.

25       6. If a charter school ceases to operate as a charter school  
26 during a school year, the remaining apportionments that would have  
27 been made to the charter school pursuant to NRS 387.124 for that  
28 year must be paid on a proportionate basis to the school districts  
29 where the pupils who were enrolled in the charter school reside.

30       7. The governing body of a charter school may solicit and  
31 accept donations, money, grants, property, loans, personal services  
32 or other assistance for purposes relating to education from members  
33 of the general public, corporations or agencies. The governing body  
34 may comply with applicable federal laws and regulations governing  
35 the provision of federal grants for charter schools. The State Board  
36 may assist a charter school that operates exclusively for the  
37 enrollment of pupils who receive special education in identifying  
38 sources of money that may be available from the Federal  
39 Government or this State for the provision of educational programs  
40 and services to such pupils.

41       8. If a charter school uses money received from this State to  
42 purchase real property, buildings, equipment or facilities, the  
43 governing body of the charter school shall assign a security interest  
44 in the property, buildings, equipment and facilities to the State of  
45 Nevada.



1       **Sec. 22.** NRS 387.040 is hereby amended to read as follows:

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

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

15      3. The State Treasurer shall pay over all *money for the system*  
16 *of* public ~~[school-money]~~ *education* received by him for the support  
17 of charter schools only on warrants of the State Controller issued  
18 upon the orders of the Superintendent of Public Instruction in favor  
19 of the charter schools. When endorsed, the orders are valid vouchers  
20 in the hands of the State Controller for the disbursement of *money*  
21 *for the system of* public ~~[school-money-]~~ *education.*

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

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

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

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

33       387.121 The Legislature declares that the proper objective of  
34 state financial aid to *the system of* public education is to ensure each  
35 Nevada child a reasonably equal educational opportunity.  
36 Recognizing wide local variations in wealth and costs per pupil, this  
37 State should supplement local financial ability to whatever extent  
38 necessary in each school district to provide programs of instruction  
39 in both compulsory and elective subjects that offer full opportunity  
40 for every Nevada child to receive the benefit of the purposes for  
41 which *the system of* public ~~[schools-are]~~ *education is* maintained.  
42 Therefore the quintessence of the State's financial obligation for  
43 such programs can be expressed in a formula partially on a per pupil  
44 basis and partially on a per program basis as: State financial aid to  
45 school districts equals the difference between school district basic



1 support guarantee and local available funds produced by mandatory  
2 taxes minus all the local funds attributable to pupils who reside in  
3 the county but attend a charter school ~~and~~ *or who receive a*  
4 *scholarship pursuant to sections 2 to 18, inclusive, of this act and*  
5 *enroll in a private school that is certified as an eligible school*  
6 *pursuant to section 9 of this act.* This formula is designated the  
7 Nevada Plan.

8 **Sec. 25.** NRS 387.1211 is hereby amended to read as follows:

9 387.1211 As used in NRS 387.121 to 387.126, inclusive:

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

14 2. "Enrollment" means the count of pupils *who:*

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

17 (b) *Receive a scholarship pursuant to sections 2 to 18,*  
18 *inclusive, of this act;* or

19 (c) *Are enrolled in* a charter school ,

20 *at a specified time during the school year.*

21 3. "Special education program unit" means an organized unit  
22 of special education and related services which includes full-time  
23 services of persons licensed by the Superintendent of Public  
24 Instruction or other appropriate licensing body, providing a program  
25 of instruction in accordance with minimum standards prescribed by  
26 the State Board.

27 **Sec. 26.** NRS 387.1233 is hereby amended to read as follows:

28 387.1233 1. Except as otherwise provided in subsection 2,  
29 basic support of each school district must be computed by:

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

32 (1) Six-tenths the count of pupils enrolled in the kindergarten  
33 department on the last day of the first school month of the school  
34 district for the school year, including, without limitation, the count  
35 of pupils who reside in the county and are enrolled in any charter  
36 school *and any pupils who attend kindergarten in an eligible*  
37 *school in the school district and receive a scholarship pursuant to*  
38 *sections 2 to 18, inclusive, of this act* on the last day of the first  
39 school month of the school district for the school year.

40 (2) The count of pupils enrolled in grades 1 to 12, inclusive,  
41 on the last day of the first school month of the school district for the  
42 school year, including, without limitation, the count of pupils who  
43 reside in the county and are enrolled in any charter school *and any*  
44 *pupils who attend an eligible school in the school district and*  
45 *receive a scholarship pursuant to sections 2 to 18, inclusive, of this*



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

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

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

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

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

25 (5) The count of pupils not included under subparagraph (1),  
26 (2), (3) or (4), who are receiving special education pursuant to the  
27 provisions of NRS 388.440 to 388.520, inclusive, *and the count of*  
28 *pupils who are receiving special education pursuant to sections 2*  
29 *to 18, inclusive, of this act* on the last day of the first school month  
30 of the school district for the school year, excluding the count of  
31 pupils who have not attained the age of 5 years and who are  
32 receiving special education pursuant to subsection 1 of NRS  
33 388.490 on that day.

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

38 (7) The count of children detained in facilities for the  
39 detention of children, alternative programs and juvenile forestry  
40 camps receiving instruction pursuant to the provisions of NRS  
41 388.550, 388.560 and 388.570 on the last day of the first school  
42 month of the school district for the school year.

43 (8) The count of pupils who are enrolled in classes for at  
44 least one semester pursuant to subsection 4 of NRS 386.560,  
45 subsection 5 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 apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

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

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

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

**Sec. 27.** NRS 387.124 is hereby amended to read as follows:

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

1. On or before August 1, November 1, February 1 and May 1 of each year, the Superintendent of Public Instruction shall apportion the State Distributive School Account in the State General Fund among the several county school districts and charter schools in amounts approximating one-fourth of their respective yearly apportionments less any amount set aside as a reserve. The apportionment to a school district, computed on a yearly basis, equals the difference between the basic support and the local funds available pursuant to NRS 387.1235, minus all the funds attributable to pupils who ~~reside~~ :

(a) ~~Reside~~ in the county but attend a charter school ~~[and all the funds attributable to pupils who reside]~~ ;





1       ***(b) Reside*** in the county and are enrolled full time or part time in  
2 a program of distance education provided by another school district  
3 or a charter school ~~[3]~~; ***and***

4       ***(c) Reside in the county and are enrolled in a private school***  
5 ***that is certified as an eligible school pursuant to sections 2 to 18,***  
6 ***inclusive, of this act.***

7       **2.** No apportionment may be made to a school district if the  
8 amount of the local funds exceeds the amount of basic support. If an  
9 agreement is not filed for a pupil who is enrolled in a program of  
10 distance education as required by NRS 388.854, the Superintendent  
11 of Public Instruction shall not apportion money for that pupil to the  
12 board of trustees of the school district in which the pupil resides, or  
13 the board of trustees or governing body that provides the program of  
14 distance education.

15       ~~[2]~~ **3.** Except as otherwise provided in subsection ~~[3]~~ **4,** the  
16 apportionment to a charter school, computed on a yearly basis, is  
17 equal to the sum of the basic support per pupil in the county in  
18 which the pupil resides plus the amount of local funds available per  
19 pupil pursuant to NRS 387.1235 and all other funds available for  
20 public schools in the county in which the pupil resides minus all the  
21 funds attributable to pupils who are enrolled in the charter school  
22 but are concurrently enrolled part time in a program of distance  
23 education provided by a school district or another charter school. If  
24 the apportionment per pupil to a charter school is more than the  
25 amount to be apportioned to the school district in which a pupil who  
26 is enrolled in the charter school resides, the school district in which  
27 the pupil resides shall pay the difference directly to the charter  
28 school.

29       ~~[3]~~ **4.** The apportionment to a charter school that is sponsored  
30 by the State Board, computed on a yearly basis, is equal to the sum  
31 of the basic support per pupil in the county in which the pupil  
32 resides plus the amount of local funds available per pupil pursuant  
33 to NRS 387.1235 and all other funds available for public schools in  
34 the county in which the pupil resides, minus all funds attributable to  
35 pupils who are enrolled in the charter school but are concurrently  
36 enrolled part time in a program of distance education provided by a  
37 school district or another charter school.

38       ~~[4]~~ **5.** ***The apportionment to a private school that is certified***  
39 ***as an eligible school pursuant to sections 2 to 18, inclusive, of this***  
40 ***act, computed on a yearly basis, is equal to the:***

41       ***(a) Sum of the basic support per pupil in the county in which***  
42 ***the pupil attends school plus the amount of local funds available***  
43 ***per pupil pursuant to NRS 387.1235 and all other funds available***  
44 ***for public schools in the county in which the pupil resides; and***



*(b) Proportionate cost of providing a special education to a child as determined in accordance with the regulations adopted pursuant to section 7 of this act.*

**6.** In addition to the apportionments made pursuant to this section, an apportionment must be made to a school district or charter school that provides a program of distance education for each pupil who is enrolled part time in the program if an agreement is filed for that pupil pursuant to NRS 388.854 or 388.858, as applicable. The amount of the apportionment must be equal to the percentage of the total time services are provided to the pupil through the program of distance education 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) of paragraph (a) of subsection 1 of NRS 387.1233 for the school district in which the pupil resides.

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

~~[6-]~~ **8.** The Superintendent of Public Instruction shall apportion, on or before August 1 of each year, the money designated as the "Nutrition State Match" pursuant to NRS 387.105 to those school districts that participate in the National School Lunch Program, 42 U.S.C. §§ 1751 et seq. The apportionment to a school district must be directly related to the district's reimbursements for the Program as compared with the total amount of reimbursements for all school districts in this State that participate in the Program.

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

**Sec. 28.** NRS 387.185 is hereby amended to read as follows:

387.185 1. Except as otherwise provided in subsection 2 and NRS 387.528, all ~~[school]~~ money *for the system of public education* due each county school district must be paid over by the State Treasurer to the county treasurer on August 1, November 1,



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1 February 1 and May 1 of each year or as soon thereafter as the  
2 county treasurer may apply for it, upon the warrant of the State  
3 Controller drawn in conformity with the apportionment of the  
4 Superintendent of Public Instruction as provided in NRS 387.124.

5 2. Except as otherwise provided in NRS 387.528, if the board  
6 of trustees of a school district establishes and administers a separate  
7 account pursuant to the provisions of NRS 354.603, all ~~[school]~~  
8 money *for the system of public education* due that school district  
9 must be paid over by the State Treasurer to the school district on  
10 August 1, November 1, February 1 and May 1 of each year or as  
11 soon thereafter as the school district may apply for it, upon the  
12 warrant of the State Controller drawn in conformity with the  
13 apportionment of the Superintendent of Public Instruction as  
14 provided in NRS 387.124.

15 3. No county school district may receive any portion of the  
16 *money for the system of public* ~~[school-money]~~ *education* unless  
17 that school district has complied with the provisions of this title and  
18 regulations adopted pursuant thereto.

19 4. Except as otherwise provided in this subsection, all ~~[school]~~  
20 money *for the system of public education* due each charter school  
21 must be paid over by the State Treasurer to the governing body of  
22 the charter school on August 1, November 1, February 1 and May 1  
23 of each year or as soon thereafter as the governing body may apply  
24 for it, upon the warrant of the State Controller drawn in conformity  
25 with the apportionment of the Superintendent of Public Instruction  
26 as provided in NRS 387.124. If the Superintendent of Public  
27 Instruction has approved, pursuant to subsection ~~[5]~~ 7 of NRS  
28 387.124, a request for payment of an apportionment 30 days before  
29 the apportionment is otherwise required to be made, the money due  
30 ~~[to]~~ the charter school must be paid by the State Treasurer to the  
31 governing body of the charter school on July 1, October 1, January 1  
32 or April 1, as applicable.

33 **Sec. 29.** NRS 387.195 is hereby amended to read as follows:

34 387.195 1. Each board of county commissioners shall levy a  
35 tax of 75 cents on each \$100 of assessed valuation of taxable  
36 property within the county for the support of the *system of public*  
37 ~~[schools]~~ *education* within the county school district.

38 2. The tax collected pursuant to subsection 1 on any assessed  
39 valuation attributable to the net proceeds of minerals must not be  
40 considered as available to pay liabilities of the fiscal year in which  
41 the tax is collected but must be deferred for use in the subsequent  
42 fiscal year. The annual budget for the school district must only  
43 consider as an available source the tax on the net proceeds of  
44 minerals which was collected in the prior year.



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

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

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

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

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

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

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

**Sec. 31.** NRS 387.225 is hereby amended to read as follows:

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

**Sec. 32.** NRS 388.150 is hereby amended to read as follows:

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

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

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

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



**Sec. 33.** 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 at home or in some other school equivalent instruction of the kind and amount approved by the State Board ~~of Education~~, *including, without limitation, evidence that the child participates in the Special Needs Scholarship Program pursuant to sections 2 to 18, inclusive, of this act.*

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



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1 NRS 386.420 to 386.470, inclusive, and interscholastic activities  
2 and events, including sports, pursuant to subsection 5.

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

11 5. In addition to those interscholastic activities and events  
12 governed by an association pursuant to NRS 386.420 to 386.470,  
13 inclusive, homeschooled children must be allowed to participate in  
14 interscholastic activities and events, including sports. A  
15 homeschooled child who participates in interscholastic activities and  
16 events at a public school pursuant to this subsection must participate  
17 within the school district of the child's residence through the public  
18 school which the child is otherwise zoned to attend. Any rules or  
19 regulations that apply to pupils enrolled in public schools who  
20 participate in interscholastic activities and events, including sports,  
21 apply in the same manner to homeschooled children who participate  
22 in interscholastic activities and events, including, without limitation,  
23 provisions governing:

- 24 (a) Eligibility and qualifications for participation;
- 25 (b) Fees for participation;
- 26 (c) Insurance;
- 27 (d) Transportation;
- 28 (e) Requirements of physical examination;
- 29 (f) Responsibilities of participants;
- 30 (g) Schedules of events;
- 31 (h) Safety and welfare of participants;
- 32 (i) Eligibility for awards, trophies and medals;
- 33 (j) Conduct of behavior and performance of participants; and
- 34 (k) Disciplinary procedures.

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

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

43 (b) Neither the school district nor a public school may prescribe  
44 any regulations, rules, policies, procedures or requirements  
45 governing the eligibility or participation of the homeschooled child



1 that are more restrictive than the provisions governing the eligibility  
2 and participation of pupils enrolled in public schools.

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

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

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

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

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

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

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

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

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

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

33 41.0305 As used in NRS 41.0305 to 41.039, inclusive, the term  
34 "political subdivision" includes an organization that was officially  
35 designated as a community action agency pursuant to 42 U.S.C. §  
36 2790 before that section was repealed and is included in the  
37 definition of an "eligible entity" pursuant to 42 U.S.C. § 9902, the  
38 Nevada Rural Housing Authority, an airport authority created by  
39 special act of the Legislature, a regional transportation commission  
40 and a fire protection district, irrigation district, school district,  
41 governing body of a charter school, any other special district that  
42 performs a governmental function, even though it does not exercise  
43 general governmental powers, and the governing body of a  
44 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 18, inclusive, of this act.*

**Sec. 36.** 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



1 or is supported in whole or in part by tax revenue or which advises  
2 or makes recommendations to any entity which expends or  
3 disburses or is supported in whole or in part by tax revenue,  
4 including, but not limited to, any board, commission, committee,  
5 subcommittee or other subsidiary thereof and includes an  
6 educational foundation as defined in subsection 3 of NRS 388.750  
7 and a university foundation as defined in subsection 3 of NRS  
8 396.405. "Public body" does not include ~~the~~ :

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

10 (b) *A private school that is certified as an eligible school*  
11 *pursuant to sections 2 to 18, inclusive, of this act.*

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

15 **Sec. 37.** NRS 278C.250 is hereby amended to read as follows:

16 278C.250 1. After the effective date of the ordinance adopted  
17 pursuant to NRS 278C.220, any taxes levied upon taxable property  
18 in the tax increment area each year by or for the benefit of the State,  
19 the municipality and any public body must be divided as follows:

20 (a) That portion of the taxes that would be produced by the rate  
21 upon which the tax is levied each year by or for each of those taxing  
22 agencies upon the total sum of the assessed value of the taxable  
23 property in the tax increment area as shown upon the last equalized  
24 assessment roll used in connection with the taxation of the property  
25 by the taxing agency, must be allocated to and when collected must  
26 be paid into the funds of the respective taxing agencies as taxes by  
27 or for the taxing agencies on all other property are paid.

28 (b) Except as otherwise provided in this section, the portion of  
29 the taxes levied each year in excess of the amount determined  
30 pursuant to paragraph (a) must be allocated to, and when collected  
31 must be paid into, the tax increment account pertaining to the  
32 undertaking to pay the bond requirements of loans, money advanced  
33 to, or indebtedness, whether funded, refunded, assumed or  
34 otherwise, incurred by the municipality to finance or refinance, in  
35 whole or in part, the undertaking. Unless the total assessed valuation  
36 of the taxable property in the tax increment area exceeds the total  
37 assessed value of the taxable property in the area as shown by the  
38 last equalized assessment roll referred to in this subsection, all of the  
39 taxes levied and collected upon the taxable property in the area must  
40 be paid into the funds of the respective taxing agencies. When the  
41 loans, advances and indebtedness, if any, and interest thereon, have  
42 been paid, all money thereafter received from taxes upon the taxable  
43 property in the tax increment area must be paid into the funds of the  
44 respective taxing agencies as taxes on all other property are paid.



(c) The amount of the taxes levied each year which are paid into the tax increment account pursuant to paragraph (b) must be limited by the governing body to an amount not to exceed the combined total amount required for annual debt service of the project or projects acquired, improved or equipped, or any combination thereof, as part of the undertaking.

(d) Any revenues generated within the tax increment district in excess of the amount referenced in paragraph (c), if any, will be paid into the funds of the respective taxing agencies in the same proportion as their base amount was distributed.

2. In any fiscal year, the total revenue paid to a tax increment area in combination with the total revenue paid to any other tax increment areas and any redevelopment agencies of a municipality must not exceed:

(a) In a municipality whose population is 100,000 or more, an amount equal to the combined tax rates of the taxing agencies for that fiscal year multiplied by 10 percent of the total assessed valuation of the municipality.

(b) In a municipality whose population is less than 100,000, an amount equal to the combined tax rates of the taxing agencies for that fiscal year multiplied by 15 percent of the total assessed valuation of the municipality.

➤ If the revenue paid to a tax increment area must be limited pursuant to paragraph (a) or (b) and the municipality has more than one redevelopment agency or tax increment area, or one of each, the municipality shall determine the allocation to each agency and area. Any revenue that would be allocated to a tax increment area but for the provisions of this section must be paid into the funds of the respective taxing agencies.

3. The portion of the taxes levied each year in excess of the amount determined pursuant to paragraph (a) of subsection 1 which is attributable to any tax rate levied by a taxing agency:

(a) To produce revenue in an amount sufficient to make annual repayments of the principal of, and the interest on, any bonded indebtedness that was approved by a majority of the registered voters within the area of the taxing agency voting upon the question, must be allocated to, and when collected must be paid into, the debt service fund of that taxing agency.

(b) In excess of any tax rate of that taxing agency applicable to the last taxation of the property before the effective date of the ordinance, if that additional rate was approved by a majority of the registered voters within the area of the taxing agency voting upon the question, must be allocated to, and when collected must be paid into, the appropriate fund of that taxing agency.



\* S B 1 5 8 \*

(c) Pursuant to NRS 387.3285 or 387.3287, if that rate was approved by a majority of the registered voters within the area of the taxing agency voting upon the question, must be allocated to, and when collected must be paid into, the appropriate fund of that taxing agency.

(d) For the support of the *system of* public ~~[schools]~~ *education* within a county school district pursuant to NRS 387.195, must be allocated to, and when collected must be paid into, the appropriate fund of that taxing agency.

4. The provisions of paragraph (a) of subsection 3 include, without limitation, a tax rate approved for bonds of a county school district issued pursuant to NRS 350.020, including, without limitation, amounts necessary for a reserve account in the debt service fund.

5. As used in this section, the term “last equalized assessment roll” means the assessment roll in existence on the 15th day of March immediately preceding the effective date of the ordinance.

**Sec. 38.** 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.

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. *The term does not include a private school that is certified as an eligible school pursuant to sections 2 to 18, inclusive, of this act.*

**Sec. 39.** On or before January 1, 2008, the State Board of Education shall adopt regulations required by section 7 of this act. The State Board shall ensure that the regulations carry out the Special Needs Scholarship Program in accordance with sections 2 to 18, inclusive, of this act beginning with the 2008-2009 school year.

**Sec. 40.** A public school or private school certified as an eligible school by the Department of Education pursuant to section 9 of this act may commence operation under the Special Needs Scholarship Program beginning with the 2008-2009 school year.

**Sec. 41.** 1. This section and sections 1, 7, 39 and 40 of this act become effective on July 1, 2007.



- 1        2. Sections 2 to 6, inclusive, and 8 to 38, inclusive, of this act  
2        become effective on July 1, 2008.

