

SENATE BILL NO. 305—SENATOR WASHINGTON

MARCH 19, 2007

Referred to Committee on Human Resources and Education

SUMMARY—Revises provisions governing education. (BDR 34-97)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to education; establishing the Program of Voucher Schools to be administered by the Department of Education; revising provisions governing the apportionments of money from the State Distributive School Account for payments to voucher schools; requiring that the appointment of the Superintendent of Public Instruction by the State Board of Education be confirmed or rejected by the Senate; authorizing the parents and guardians of certain pupils to choose which public schools the pupils will attend; authorizing certain local governments to veto matters passed by the boards of trustees of school districts within their jurisdiction; 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 8-17** of this bill establish a Program of Voucher Schools, to be administered by the Department of Education. A licensed private school may submit an application to the Department for certification as a voucher school. A child may apply to participate in the Program if he attends, or is scheduled to attend, a school that is designated as demonstrating need for improvement for 3 consecutive years or more under the school accountability laws or he is from a family of low income. Not more than 10 percent of the children who reside within each school district may be approved to participate in the Program. A pupil who participates in the Program and is enrolled in a voucher school must be included in the count of pupils for purposes of apportionments and allowances from the State Distributive School Account.

**Section 18** of this bill requires the appointment of the Superintendent of Public Instruction by the State Board of Education to be confirmed or rejected by the State



\* S B 3 0 5 \*

Senate. (NRS 385.150) Confirmation of the appointment requires a majority vote of the Senate.

Existing law authorizes certain school districts to establish zones of attendance that prescribe which children attend each school within the district. (NRS 388.040) **Section 36** of this bill authorizes a parent or guardian to apply for his child to attend a public school outside the zone of attendance or to attend a public school in another school district. A child is eligible if he is required to attend a public school that is designated as demonstrating need for improvement for 1 or more consecutive years under the school accountability laws or he is from a family of low income.

Existing law authorizes the boards of trustees of school districts to carry out the system of public education within their respective districts. (NRS 386.350) **Sections 43 and 44** of this bill authorize the board of county commissioners or the governing body of a city in the county to veto matters passed by the board of trustees. This veto power applies to the governing body of a city only with respect to matters pertaining to the public schools that are located in part or in whole within the city.

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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 17, inclusive, of this act.

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

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

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

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

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

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

**Sec. 8. 1.** *There is hereby established the Program of Voucher Schools, 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 a voucher school and the contents of the application;*



\* S B 3 0 5 \*

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

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

3. The Department shall:

(a) Provide information to the general public concerning the Program; and

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

**Sec. 9.** A private school may submit to the Department an application to become certified as a voucher school. Such an application must include:

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

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

3. A written statement that the private school will not charge tuition or fees to children from families of low income who participate in the Program; and

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

**Sec. 10.** 1. The Department shall approve an application submitted by a private school pursuant to section 9 of this act if it is complete and it complies with sections 2 to 17, inclusive, of this act and the regulations adopted by the State Board pursuant to section 8 of this act. The Department shall provide written notice to the applicant of its approval or denial of the application.

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

3. The Department shall not interfere with the operation or management of a voucher school except as authorized by sections 2 to 17, inclusive, of this act and the regulations adopted by the State Board pursuant to section 8 of this act.

4. The certification of a voucher school pursuant to this section remains valid until the Department revokes the certification pursuant to subsection 5 or pursuant to section 11 of this act.

5. A voucher school may request the Department to revoke the certification of the voucher school. If such a request is made during a school year, the voucher school shall continue to provide an education to pupils who participate in the Program and are



1 *enrolled in the voucher school for the remainder of that school*  
2 *year. Upon completion of the school year, the Department shall*  
3 *revoke the certification of the voucher school.*

4 **Sec. 11.** *The Department shall revoke the certification of a*  
5 *voucher school if the:*

6 *1. Voucher school fails to comply with the provisions of*  
7 *sections 2 to 17, inclusive, of this act and the regulations adopted*  
8 *by the State Board pursuant to section 8 of this act.*

9 *2. License of the voucher school is revoked pursuant to*  
10 *chapter 394 of NRS.*

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

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

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

17 *(c) Comply with the provisions of sections 2 to 17, inclusive, of*  
18 *this act and the regulations adopted by the State Board pursuant*  
19 *to section 8 of this act.*

20 *2. A voucher school shall not charge tuition or fees to a child*  
21 *from a family of low income who participates in the Program and*  
22 *attends the voucher school.*

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

25 **Sec. 13.** *1. The parent or legal guardian of a child may*  
26 *submit an application to the Department for the child to*  
27 *participate in the Program if:*

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

30 *(b) The child is:*

31 *(I) Enrolled in or otherwise scheduled to attend a public*  
32 *school that has carried a designation as demonstrating need for*  
33 *improvement pursuant to NRS 385.3623 for 3 consecutive years or*  
34 *more; or*

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

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

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

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

41 *2. For each school district, the Department shall approve the*  
42 *applications of not more than 10 percent of the children who*  
43 *reside within the school district to participate in the Program. If*  
44 *more eligible children apply for participation in the Program than*  
45 *the number of applications that may be approved for a particular*



1 *school district, the Department shall select applications at random*  
2 *by lottery for approval.*

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

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

20 *5. A parent or legal guardian may withdraw his child from*  
21 *participation in the Program at any time upon written notice to the*  
22 *Department. A child who is withdrawn from the Program must be*  
23 *allowed to enroll in the public school that the child is otherwise*  
24 *zoned to attend.*

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

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

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

36 *(b) Provide to the Department written evidence that the*  
37 *voucher school complied with the provisions of this subsection.*

38 *↪ If the Department determines that the voucher school did not*  
39 *comply with the lottery system required by this subsection, the*  
40 *Department may revoke the certification of the voucher school.*

41 *3. If a parent or legal guardian of a child who participates in*  
42 *the Program desires to continue his child's education in a voucher*  
43 *school, the parent or legal guardian must submit an application*  
44 *for enrollment in a voucher school for each such school year.*



1     **Sec. 15.** *A voucher school shall not require pupils who*  
2 *participate in the Program to participate in any religious activity.*

3     **Sec. 16.** *1. Pupils who participate in the Program and are*  
4 *enrolled in a voucher school, including, without limitation, pupils*  
5 *who are enrolled in programs of special education in a voucher*  
6 *school, must be included in the count of pupils in the school*  
7 *district for the purposes of apportionments and allowances from*  
8 *the State Distributive School Account pursuant to NRS 387.121 to*  
9 *387.126, inclusive.*

10    *2. A voucher school shall submit to the Department a list of*  
11 *names of the pupils who participate in the Program and are*  
12 *accepted for enrollment in the voucher school. Upon receipt of*  
13 *such a list, the Department shall verify that each pupil identified*  
14 *on the list has been approved for participation in the Program and*  
15 *resides within the school district in which the voucher school is*  
16 *located. After the Department verifies the list of names, the*  
17 *Department shall issue a voucher to each parent or legal guardian*  
18 *of a pupil who is approved for participation in the Program and*  
19 *accepted for enrollment in a voucher school. The parent or legal*  
20 *guardian shall restrictively endorse the voucher for use by the*  
21 *voucher school that his child will attend and submit the voucher to*  
22 *the voucher school.*

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

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

33    *(b) The per pupil annual tuition charged by the voucher*  
34 *school,*

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

38    *4. Upon completion of a school year, the Department may*  
39 *request reimbursement from a voucher school for the*  
40 *administrative costs associated with the voucher school's*  
41 *participation in the Program if the Department provided*  
42 *administrative services during that school year. Upon receipt of*  
43 *such a request, the voucher school shall pay the reimbursement to*  
44 *the Department. If a voucher school fails to pay the*  
45 *reimbursement, the Department may take action to revoke the*



1 *certification of the voucher school. The amount of reimbursement*  
2 *that a voucher school may be required to pay pursuant to this*  
3 *subsection must not exceed:*

4 (a) *For the first year the school operates as a voucher school,*  
5 *1 percent of the total amount of money apportioned to the voucher*  
6 *school during the year pursuant to this section.*

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

10 **Sec. 17.** *A child who participates in the Program and is*  
11 *enrolled in a voucher school shall be deemed enrolled in a private*  
12 *school by his parent in accordance with the Individuals with*  
13 *Disabilities Education Act, 20 U.S.C. § 1412, rather than placed in*  
14 *or referred to the private school by the State or a local school*  
15 *district.*

16 **Sec. 18.** NRS 385.150 is hereby amended to read as follows:

17 385.150 1. The State Board shall , *with the advice and*  
18 *consent of the Senate*, appoint the Superintendent of Public  
19 Instruction for a term of 3 years. *Confirmation of the appointment*  
20 *by the Senate requires a majority vote.*

21 2. *If the State Board appoints a person as the Superintendent*  
22 *of Public Instruction during a recess of the Legislature, the State*  
23 *Board shall, at the earliest day practicable, submit, in writing, to*  
24 *the Director of the Legislative Counsel Bureau for transmittal to*  
25 *the Legislature the name of the person who was appointed as the*  
26 *Superintendent of Public Instruction during the recess. Such an*  
27 *appointment must be confirmed or rejected by the Senate at the*  
28 *next regular session of the Legislature, unless the appointment*  
29 *expires before that time. Confirmation of such an appointment by*  
30 *the Senate requires a majority vote.*

31 3. *The person appointed as the Superintendent of Public*  
32 *Instruction by the State Board may perform and shall begin to*  
33 *discharge the duties of his office immediately upon appointment*  
34 *by the State Board, subject to confirmation or rejection by the*  
35 *Senate.*

36 4. *The Senate shall not confirm or reject an appointment*  
37 *made pursuant to this section until a recommendation concerning*  
38 *the appointment is received from a joint meeting of the standing*  
39 *committees of the Senate and Assembly having jurisdiction over*  
40 *education. The recommendation must be approved by a majority*  
41 *vote of each standing committee before it is forwarded to the*  
42 *Senate.*

43 5. *If the appointment of a person as the Superintendent of*  
44 *Public Instruction by the State Board is rejected by the Senate, the*  
45 *office becomes vacant immediately.*





6. *If the appointment of a person as the Superintendent of Public Instruction by the State Board is rejected by the Senate, the State Board may not appoint or propose for appointment that person to the Office of Superintendent of Public Instruction, or any other office or position before the beginning of the next regular session of the Legislature.*

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

~~8.~~ 8. A vacancy must be filled by the State Board for the remainder of the unexpired term ~~+~~  
~~—3—~~ *in accordance with this section.*

9. The Superintendent of Public Instruction is in the unclassified service of the State.

**Sec. 19.** 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. 20.** NRS 386.010 is hereby amended to read as follows:

386.010 1. County school districts, the boundaries of which are conterminous with the boundaries of the counties of the State, are hereby created. The Carson City School District shall be considered as a county school district.

2. Each county school district created by this chapter is hereby declared to be a political subdivision of the State of Nevada whose purpose is to administer the state system of public education ~~[ ]~~, *subject to the limitations set forth in sections 43 and 44 of this act.*

3. Each school district shall have the power to sue and may be sued.

**Sec. 21.** NRS 386.350 is hereby amended to read as follows:

386.350 ~~[Each]~~ *Subject to the limitations set forth in sections 43 and 44 of this act, each* board of trustees is hereby given such reasonable and necessary powers, not conflicting with the Constitution and the laws of the State of Nevada, as may be requisite to attain the ends for which the public schools, excluding charter schools and university schools for profoundly gifted pupils, are established and to promote the welfare of school children, including the establishment and operation of schools and classes deemed necessary and desirable.

**Sec. 22.** NRS 386.415 is hereby amended to read as follows:

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

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

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

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



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

**Sec. 23.** Chapter 387 of NRS is hereby amended by adding thereto a new section to read as follows:

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

**Sec. 24.** NRS 387.040 is hereby amended to read as follows:

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

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

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

**Sec. 25.** NRS 387.045 is hereby amended to read as follows:

387.045 1. ~~No~~ *Except as otherwise provided in section 16 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. 26.** NRS 387.121 is hereby amended to read as follows:

387.121 The Legislature declares that the proper objective of state financial aid to 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



1 each school district to provide programs of instruction in both  
2 compulsory and elective subjects, *whether in a public school or a*  
3 *voucher school*, that offer full opportunity for every Nevada child to  
4 receive the benefit of the purposes for which *the system of* public  
5 ~~[schools are]~~ *education is* maintained. Therefore, the quintessence  
6 of the State's financial obligation for such programs can be  
7 expressed in a formula partially on a per pupil basis and partially on  
8 a per program basis as: State financial aid to school districts equals  
9 the difference between school district basic support guarantee and  
10 local available funds produced by mandatory taxes minus all the  
11 local funds attributable to pupils who reside in the county but  
12 *participate in the Program of Voucher Schools pursuant to*  
13 *sections 2 to 17, inclusive, of this act and attend a voucher school*  
14 *and all the local funds attributable to pupils who reside in the*  
15 *county and* attend a charter school. This formula is designated the  
16 Nevada Plan.

17 **Sec. 27.** NRS 387.1211 is hereby amended to read as follows:

18 387.1211 As used in NRS 387.121 to 387.126, inclusive:

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

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

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

26 (b) *Participate in the Program of Voucher Schools pursuant to*  
27 *sections 2 to 17, inclusive, of this act and are enrolled in and*  
28 *scheduled to attend programs of instruction of a voucher school;*  
29 or

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

32 ➡ at a specified time during the school year.

33 3. "Special education program unit" means an organized unit  
34 of special education and related services which includes full-time  
35 services of persons licensed by the Superintendent of Public  
36 Instruction or other appropriate licensing body, providing a program  
37 of instruction in accordance with minimum standards prescribed by  
38 the State Board.

39 **Sec. 28.** NRS 387.1233 is hereby amended to read as follows:

40 387.1233 1. Except as otherwise provided in subsection 2,  
41 basic support of each school district must be computed by:

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

44 (1) Six-tenths the count of pupils enrolled in the kindergarten  
45 department on the last day of the first school month of the school



1 district for the school year, including, without limitation, the count  
2 of pupils who reside in the county and are enrolled in any charter  
3 school *and the count of pupils who reside in the county,*  
4 *participate in the Program of Voucher Schools pursuant to*  
5 *sections 2 to 17, inclusive, of this act and are enrolled in*  
6 *kindergarten in a voucher school* on the last day of the first school  
7 month of the school district for the school year.

8 (2) The count of pupils enrolled in grades 1 to 12, inclusive,  
9 on the last day of the first school month of the school district for the  
10 school year, including, without limitation, the count of pupils who  
11 reside in the county and are enrolled in any charter school *and the*  
12 *count of pupils who reside in the county, participate in the*  
13 *Program of Voucher Schools pursuant to sections 2 to 17,*  
14 *inclusive, of this act and are enrolled in grades 1 to 12, inclusive,*  
15 *in a voucher school* on the last day of the first school month of the  
16 school district for the school year.

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

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

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

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

39 (5) The count of pupils not included under subparagraph (1),  
40 (2), (3) or (4), who are receiving special education pursuant to the  
41 provisions of NRS 388.440 to 388.520, inclusive, on the last day of  
42 the first school month of the school district for the school year,  
43 *including, without limitation, the count of pupils who reside in the*  
44 *county, participate in the Program of Voucher Schools pursuant*  
45 *to sections 2 to 17, inclusive, of this act and are receiving special*



1 *education in a voucher school and* excluding the count of pupils  
2 who have not attained the age of 5 years and who are receiving  
3 special education pursuant to subsection 1 of NRS 388.490 on that  
4 day.

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

9 (7) The count of children detained in facilities for the  
10 detention of children, alternative programs and juvenile forestry  
11 camps receiving instruction pursuant to the provisions of NRS  
12 388.550, 388.560 and 388.570 on the last day of the first school  
13 month of the school district for the school year.

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

21 (b) Multiplying the number of special education program units  
22 maintained and operated by the amount per program established for  
23 that school year.

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

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

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

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

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



1     **Sec. 29.** NRS 387.124 is hereby amended to read as follows:

2     387.124 Except as otherwise provided in this section and  
3 NRS 387.528:

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

26     2. Except as otherwise provided in subsection 3, the  
27 apportionment to a charter school, computed on a yearly basis, is  
28 equal to the sum of the basic support per pupil in the county in  
29 which the pupil resides plus the amount of local funds available per  
30 pupil pursuant to NRS 387.1235 and all other funds available for  
31 public schools in the county in which the pupil resides minus all the  
32 funds attributable to pupils who are enrolled in the charter school  
33 but are concurrently enrolled part time in a program of distance  
34 education provided by a school district or another charter school. If  
35 the apportionment per pupil to a charter school is more than the  
36 amount to be apportioned to the school district in which a pupil who  
37 is enrolled in the charter school resides, the school district in which  
38 the pupil resides shall pay the difference directly to the charter  
39 school.

40     3. The apportionment to a charter school that is sponsored by  
41 the State Board, computed on a yearly basis, is equal to the sum of  
42 the basic support per pupil in the county in which the pupil resides  
43 plus the amount of local funds available per pupil pursuant to NRS  
44 387.1235 and all other funds available for public schools in the  
45 county in which the pupil resides, minus all funds attributable to



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1 pupils who are enrolled in the charter school but are concurrently  
2 enrolled part time in a program of distance education provided by a  
3 school district or another charter school.

4 4. In addition to the apportionments made pursuant to this  
5 section, an apportionment must be made to a school district or  
6 charter school that provides a program of distance education for  
7 each pupil who is enrolled part time in the program if an agreement  
8 is filed for that pupil pursuant to NRS 388.854 or 388.858, as  
9 applicable. The amount of the apportionment must be equal to the  
10 percentage of the total time services are provided to the pupil  
11 through the program of distance education per school day in  
12 proportion to the total time services are provided during a school  
13 day to pupils who are counted pursuant to subparagraph (2) of  
14 paragraph (a) of subsection 1 of NRS 387.1233 for the school  
15 district in which the pupil resides.

16 5. The governing body of a charter school may submit a  
17 written request to the Superintendent of Public Instruction to  
18 receive, in the first year of operation of the charter school, an  
19 apportionment 30 days before the apportionment is required to be  
20 made pursuant to subsection 1. Upon receipt of such a request, the  
21 Superintendent of Public Instruction may make the apportionment  
22 30 days before the apportionment is required to be made. A charter  
23 school may receive all four apportionments in advance in its first  
24 year of operation.

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

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

41 **Sec. 30.** NRS 387.185 is hereby amended to read as follows:

42 387.185 1. Except as otherwise provided in subsection 2 and  
43 NRS 387.528, all ~~school~~ money *for the system of public*  
44 *education* due each county school district must be paid over by the  
45 State Treasurer to the county treasurer on August 1, November 1,





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 of NRS 387.124,  
28 a request for payment of an apportionment 30 days before the  
29 apportionment is otherwise required to be made, the money due ~~[to]~~  
30 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. 31.** 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. 32.** 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]~~ *are* valid vouchers in the hands of the county auditors for warrants drawn upon such orders.

**Sec. 33.** NRS 387.225 is hereby amended to read as follows:

387.225 ~~[No]~~ A tax collector or county treasurer ~~[shall]~~ *may 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. 34.** NRS 388.040 is hereby amended to read as follows:

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

2. The establishment of zones pursuant to subsection 1 does not preclude a pupil from attending a:

(a) Charter school;

(b) University school for profoundly gifted pupils; ~~[or]~~

(c) *Public school outside the zone of attendance that the pupil is otherwise required to attend if the board of trustees of a school district approves an application for the pupil to attend another public school pursuant to section 36 of this act; or*



(d) Public school outside the zone of attendance that the pupil is otherwise required to attend if the pupil has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive, or the parent or legal guardian with whom the pupil resides has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive.

**Sec. 35.** 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. 36.** Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Except as otherwise provided in subsection 8, the parents or legal guardian of a pupil enrolled in a public school may submit an application for the pupil to attend another public school, including, without limitation, a magnet school, if the pupil is:*

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

*(b) From a family of low income.*

*2. An application submitted pursuant to subsection 1 may request that a pupil attend a public school, including, without limitation, a magnet school, that is located:*

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

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

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



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

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

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

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

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

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

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

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

40 7. If a pupil attends a public school pursuant to this section:

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



(b) *The pupil may return to the public school that he is otherwise required to attend if the parent or legal guardian of the pupil provides written notice of that desire to the board of trustees of the school district in which the pupil resides. If a pupil attends a public school outside the county in which the pupil resides and he returns to the public school that he is otherwise required to attend during the school year, appropriate adjustments must be made for that school year in the computation of apportionments and allowances from the State Distributive School Account for the two school districts.*

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

8. *The provisions of this section do not apply:*

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

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

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

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

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

9. *As used in this section:*

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

(b) *“Magnet school” means a school that offers courses of study and programs which:*

(1) *Are designed to serve the special talents and academic abilities of pupils; or*

(2) *Emphasize a particular area, field or topic of instruction.*

**Sec. 37.** NRS 392.010 is hereby amended to read as follows:

392.010 Except as to the attendance of a pupil pursuant to NRS 388.820 to 388.874, inclusive, or 392.015 ~~or~~ *or section 36 of this act*, or a pupil who is ineligible for attendance pursuant to NRS 392.4675 and except as otherwise provided in NRS 392.264 and 392.268:

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



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

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

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

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

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

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

**Sec. 38.** 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 **H**, *including, without limitation, the Program of Voucher Schools established pursuant to section 8 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 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 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





1 in interscholastic activities and events, including, without limitation,  
2 provisions governing:

- 3 (a) Eligibility and qualifications for participation;
- 4 (b) Fees for participation;
- 5 (c) Insurance;
- 6 (d) Transportation;
- 7 (e) Requirements of physical examination;
- 8 (f) Responsibilities of participants;
- 9 (g) Schedules of events;
- 10 (h) Safety and welfare of participants;
- 11 (i) Eligibility for awards, trophies and medals;
- 12 (j) Conduct of behavior and performance of participants; and
- 13 (k) Disciplinary procedures.

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

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

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

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

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

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

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

36 394.130 1. In order to secure uniform and standard work for  
37 pupils in private schools in this State, instruction in the subjects  
38 required by law for pupils in the public schools ~~shall~~ **must** be  
39 required of pupils receiving instruction in such private schools,  
40 either under the regular state courses of study prescribed by the  
41 State Board ~~of Education~~ or under courses of study prepared by  
42 such private schools and approved by the State Board . ~~of~~  
43 **Education.**

44 2. Such private schools ~~shall~~ **must** be required to furnish from  
45 time to time such reports as the Superintendent of Public Instruction



1 may find necessary as to enrollment, attendance and general  
2 progress within such schools.

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

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

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

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

13 41.0305 As used in NRS 41.0305 to 41.039, inclusive, the term  
14 "political subdivision" includes an organization that was officially  
15 designated as a community action agency pursuant to 42 U.S.C. §  
16 2790 before that section was repealed and is included in the  
17 definition of an "eligible entity" pursuant to 42 U.S.C. § 9902, the  
18 Nevada Rural Housing Authority, an airport authority created by  
19 special act of the Legislature, a regional transportation commission  
20 and a fire protection district, irrigation district, school district,  
21 governing body of a charter school, any other special district that  
22 performs a governmental function, even though it does not exercise  
23 general governmental powers, and the governing body of a  
24 university school for profoundly gifted pupils. *The term does not*  
25 *include a voucher school that is operating pursuant to sections 2*  
26 *to 17, inclusive, of this act.*

27 **Sec. 41.** NRS 217.464 is hereby amended to read as follows:

28 217.464 1. If the Secretary of State approves an application,  
29 he shall:

30 (a) Designate a fictitious address for the participant; and

31 (b) Forward mail that he receives for a participant to the  
32 participant.

33 2. The Secretary of State shall not make any records containing  
34 the name, confidential address or fictitious address of a participant  
35 available for inspection or copying, unless:

36 (a) The address is requested by a law enforcement agency, in  
37 which case the Secretary of State shall make the address available to  
38 the law enforcement agency; or

39 (b) He is directed to do so by lawful order of a court of  
40 competent jurisdiction, in which case the Secretary of State shall  
41 make the address available to the person identified in the order.

42 3. If a pupil is attending or wishes to attend a public school that  
43 is located outside the zone of attendance as authorized by paragraph  
44 ~~[(b)]~~ *(d)* of subsection 2 of NRS 388.040 or a public school that is  
45 located in a school district other than the school district in which the



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pupil resides as authorized by NRS 392.016, the Secretary of State shall, upon request of the public school that the pupil is attending or wishes to attend, inform the public school of whether the pupil is a participant and whether the parent or legal guardian with whom the pupil resides is a participant. The Secretary of State shall not provide any other information concerning the pupil or the parent or legal guardian of the pupil to the public school.

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

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

1. "Action" means:

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

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

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

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

2. "Meeting":

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

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

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

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

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

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

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

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

(2) To receive information from the attorney employed or retained by the public body regarding potential or existing litigation involving a matter over which the public body has supervision,



1 control, jurisdiction or advisory power and to deliberate toward a  
2 decision on the matter, or both.

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

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

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

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

20 **Sec. 43.** Chapter 244 of NRS is hereby amended by adding  
21 thereto a new section to read as follows:

22 1. *A board of county commissioners may exercise the right of*  
23 *veto upon all matters passed by the board of trustees of the school*  
24 *district that is located in the county. Such a veto:*

25 (a) *Must be exercised within 30 days after the matter is passed*  
26 *by the board of trustees; and*

27 (b) *Requires a resolution adopted by a majority vote of the*  
28 *members of the board of county commissioners.*

29 2. *If a board of county commissioners does not exercise its*  
30 *right of veto pursuant to subsection 1 within 30 days after the*  
31 *matter is passed by the board of trustees of the school district, the*  
32 *matter goes into effect unless the governing body of a city*  
33 *exercises its veto over the matter pursuant to section 44 of this act.*

34 3. *If a board of county commissioners exercises its right of*  
35 *veto pursuant to subsection 1, the board of county commissioners*  
36 *shall provide written notice to the board of trustees of the school*  
37 *district within 3 business days after vetoing the matter, including,*  
38 *without limitation, the reasons for the veto.*

39 4. *Not later than 30 days after the board of trustees of a*  
40 *school district receives written notice of a veto pursuant to*  
41 *subsection 3, the board of trustees may hold a meeting to consider*  
42 *the reasons for the veto and to revise the matter initially passed by*  
43 *the board of trustees. If the board of trustees revises the matter:*

44 (a) *The board of trustees shall submit the revisions to the*  
45 *board of county commissioners for its review.*



*(b) Not later than 30 days after submission of the revisions, the board of county commissioners shall vote whether to rescind its veto based upon the revisions.*

**Sec. 44.** Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. The governing body of a city may exercise the right of a veto upon all matters passed by the board of trustees of a school district pertaining to the public schools that are located in part or in whole within the jurisdiction of the city. Such a veto:*

*(a) Must be exercised within 30 days after the matter is passed by the board of trustees; and*

*(b) Requires a resolution adopted by a majority vote of the members of the governing body.*

*2. If a governing body does not exercise its right of veto pursuant to subsection 1 within 30 days after the matter is passed by the board of trustees of the school district, the matter goes into effect unless the board of county commissioners exercises its veto over the matter pursuant to section 43 of this act.*

*3. If a governing body exercises its right of veto pursuant to subsection 1, the governing body shall provide written notice to the board of trustees of the school district within 3 business days after vetoing the matter, including, without limitation, the reasons for the veto.*


*4. Not later than 30 days after the board of trustees of a school district receives written notice of a veto pursuant to subsection 3, the board of trustees may hold a meeting to consider the reasons for the veto and to revise the matter initially passed by the board of trustees. If the board of trustees revises the matter:*

*(a) The board of trustees shall submit the revisions to the governing body for its review.*

*(b) Not later than 30 days after submission of the revisions, the governing body shall vote whether to rescind its veto based upon the revisions.*

**Sec. 45.** NRS 278C.250 is hereby amended to read as follows:

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

(a) That portion of the taxes that would be produced by the rate upon which the tax is levied each year by or for each of those taxing agencies upon the total sum of the assessed value of the taxable property in the tax increment area as shown upon the last equalized assessment roll used in connection with the taxation of the property by the taxing agency  must be allocated to , and when collected



1 must be paid into , the funds of the respective taxing agencies as  
2 taxes by or for the taxing agencies on all other property are paid.

3 (b) Except as otherwise provided in this section, the portion of  
4 the taxes levied each year in excess of the amount determined  
5 pursuant to paragraph (a) must be allocated to, and when collected  
6 must be paid into, the tax increment account pertaining to the  
7 undertaking to pay the bond requirements of loans, money advanced  
8 to, or indebtedness, whether funded, refunded, assumed or  
9 otherwise, incurred by the municipality to finance or refinance, in  
10 whole or in part, the undertaking. Unless the total assessed valuation  
11 of the taxable property in the tax increment area exceeds the total  
12 assessed value of the taxable property in the area as shown by the  
13 last equalized assessment roll referred to in this subsection, all of the  
14 taxes levied and collected upon the taxable property in the area must  
15 be paid into the funds of the respective taxing agencies. When the  
16 loans, advances and indebtedness, if any, and interest thereon, have  
17 been paid, all money thereafter received from taxes upon the taxable  
18 property in the tax increment area must be paid into the funds of the  
19 respective taxing agencies as taxes on all other property are paid.

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

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

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

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

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

42 ➤ If the revenue paid to a tax increment area must be limited  
43 pursuant to paragraph (a) or (b) and the municipality has more than  
44 one redevelopment agency or tax increment area, or one of each, the  
45 municipality shall determine the allocation to each agency and area.



\* S B 3 0 5 \*

1 Any revenue that would be allocated to a tax increment area but for  
2 the provisions of this section must be paid into the funds of the  
3 respective taxing agencies.

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

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

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

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

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

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

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

36 **Sec. 46.** NRS 286.070 is hereby amended to read as follows:

37 286.070 1. "Public employer" means the State, one of its  
38 agencies or one of its political subdivisions, the System, irrigation  
39 districts created under the laws of the State of Nevada, a public or  
40 quasi-public organization or agency that is funded, at least in part,  
41 by public money, including a regional transportation commission, a  
42 governing body of a charter school and a council of governments  
43 created pursuant to the laws of the State of Nevada.

44 2. State agencies are those agencies subject to state control and  
45 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 voucher school that is operating pursuant to sections 2 to 17, inclusive, of this act.*

**Sec. 47.** On or before January 1, 2008, the State Board of Education shall adopt the regulations required by section 8 of this act. The State Board shall ensure that the regulations carry out the Program of Voucher Schools in accordance with sections 2 to 17, inclusive, of this act beginning with the 2008-2009 school year.

**Sec. 48.** A private school certified by the Department of Education pursuant to section 10 of this act may commence operation as a voucher school beginning with the 2008-2009 school year.

**Sec. 49.** 1. The Superintendent of Public Instruction who pursuant to NRS 385.150 was appointed or reappointed before July 1, 2007, to a term expiring in 2010 continues to serve for the remainder of the unexpired term. If a vacancy occurs before the expiration of that term, the State Board of Education shall appoint a Superintendent of Public Instruction in accordance with NRS 385.150, as amended by section 18 of this act, for the remainder of the unexpired term.

2. The State Board of Education shall appoint a Superintendent of Public Instruction in accordance with NRS 385.150, as amended by section 18 of this act, commencing with the term that begins in 2010.

**Sec. 50.** 1. This section and sections 1, 18, 20, 21, 34, 36, 37, 41, 43, 44, 47, 48 and 49 of this act become effective on July 1, 2007.

2. Section 8 of this act becomes effective on July 1, 2007, for the purpose of adopting regulations and on July 1, 2008, for all other purposes.

3. Sections 2 to 7, inclusive, 9 to 17, inclusive, 19, 22 to 33, inclusive, 35, 38, 39, 40, 42, 45 and 46 of this act become effective on July 1, 2008.

