

SENATE BILL NO. 400—SENATORS CEGAVSKE,
BEERS, HARDY AND WASHINGTON

MARCH 19, 2007

Referred to Committee on Human Resources and Education

SUMMARY—Establishes the Scholarship Program for Children in Foster Care. (BDR 34-875)

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 Scholarship Program for Children in Foster Care to be administered by the Department of Education; authorizing the legal guardians or custodians of certain pupils who are in foster care 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:

1 Existing law establishes the system of public education in this State. (Title 34
2 of NRS) **Sections 2-20** of this bill establish the Scholarship Program for Children in
3 Foster Care for certain pupils who are in foster care, to be administered by the
4 Department of Education. A public school or licensed private school may submit an
5 application to the Department to become certified as an eligible school under the
6 Scholarship Program. The legal guardian or custodian of a pupil who is in foster
7 care may apply to participate in the Scholarship Program and enroll in an eligible
8 school. A pupil who participates in the Scholarship Program and is enrolled in an
9 eligible school is included in the count of pupils in the school district in which the
10 child attends school for purposes of apportionments and allowances from the State
11 Distributive School Account.



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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 20, 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 8, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Custodian” has the meaning ascribed to it in NRS 432B.060.*

Sec. 4. *“Eligible school” means a public school or private school that is certified by the Department pursuant to section 11 of this act.*

Sec. 5. *“Foster home” has the meaning ascribed to it in NRS 424.014.*

Sec. 6. *“Individualized education program” has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).*

Sec. 7. *“Private school” has the meaning ascribed to it in NRS 394.103.*

Sec. 8. *“Scholarship Program” means the Scholarship Program for Children in Foster Care established pursuant to section 9 of this act.*

Sec. 9. 1. *There is hereby established the Scholarship Program for Children in Foster Care, 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 legal guardian or custodian of a child, as applicable, to participate in the Scholarship Program;

(c) Prescribing the method for determining the proportionate cost of providing a special education to a child, if applicable, 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.



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

Sec. 10. 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;

(b) Proof that the private school is financially viable, as determined by the Department in accordance with the regulations adopted by the State Board pursuant to section 9 of this act;

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

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

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

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

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

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

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

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

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

(a) The Department revokes the certification pursuant to section 12 of this act; or

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

Sec. 12. 1. The Department shall revoke the certification of a private school as an eligible school if the:



1 (a) Private school fails to comply with the provisions of this
2 chapter or the regulations adopted by the State Board pursuant to
3 section 9 of this act;

4 (b) License of the private school is revoked pursuant to chapter
5 394 of NRS; or

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

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

10 (a) Fails to comply with the provisions of this chapter or the
11 regulations adopted by the State Board pursuant to section 9 of
12 this act; or

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

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

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

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

27 **Sec. 13. 1. An eligible school shall:**

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

30 (b) If the eligible school is a private school, provide, upon the
31 request of the Department, proof of financial viability in
32 accordance with the regulations adopted by the State Board
33 pursuant to section 9 of this act;

34 (c) Provide to the parent, legal guardian or custodian of each
35 child, as applicable, who participates in the Scholarship Program
36 a regular report on the academic progress of the child; and

37 (d) Comply with the provisions of this chapter and the
38 regulations adopted by the State Board pursuant to section 9 of
39 this act.

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

43 **Sec. 14. 1. Except as otherwise provided in this subsection,**
44 **the legal guardian or custodian of a child may submit to the**



1 *Department an application to participate in the Scholarship*
2 *Program if:*

3 *(a) The child has been placed in a foster home;*

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

7 *(c) An eligible school has accepted the child for admission.*

8 *↪ A child may enroll in an eligible school that is a public school*
9 *only if the public school is located outside the school district in*
10 *which the child resides.*

11 *2. A legal guardian or custodian of a child, as applicable,*
12 *may include in the application a statement describing the reason*
13 *for requesting that the child participate in the Scholarship*
14 *Program.*

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

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

24 *5. Upon approval of an application, the Department shall*
25 *provide a written statement of approval to the legal guardian or*
26 *custodian of the child, as applicable, and the eligible school in*
27 *which the child will be enrolled. Upon denial of an application,*
28 *the Department shall provide a written statement of denial to the*
29 *legal guardian or custodian of the child indicating the reason for*
30 *the denial.*

31 *6. A child participating in the Scholarship Program who is a*
32 *pupil with a disability and who is enrolled in a private school that*
33 *is an eligible school shall be deemed enrolled in the private school*
34 *by his legal guardian or custodian, as applicable, pursuant to the*
35 *Individuals with Disabilities Education Act, 20 U.S.C. § 1412,*
36 *rather than placed or referred for placement in the private school*
37 *by the State or a local school district.*

38 *7. Neither the board of trustees of the school district in which*
39 *the child resides nor the board of trustees in which the child*
40 *attends school is required to provide transportation for the child to*
41 *attend the eligible school.*

42 *8. The participation of a child who is a pupil with a disability*
43 *in the Scholarship Program does not imply that the public school*
44 *or school district in which the child was previously enrolled failed*
45 *to provide a free appropriate public education for the child in*



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1 *accordance with the Individuals with Disabilities Education Act,*
2 *20 U.S.C. §§ 1400 et seq.*

3 **Sec. 15.** 1. *A child may continue to participate in the*
4 *Scholarship Program, even if the child is no longer placed in a*
5 *foster home, if the child is enrolled in good standing in an eligible*
6 *school and until the child:*

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

8 (b) *Graduates from high school,*

9 *↪ whichever occurs first.*

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

18 3. *The parent, legal guardian or custodian of a child, as*
19 *applicable, who participates in the Scholarship Program may:*

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

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

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

27 **Sec. 16.** *If more children who participate in the Scholarship*
28 *Program apply for enrollment in an eligible school than the*
29 *number of spaces which are available at that school, the eligible*
30 *school shall:*

31 1. *Determine which applicants to enroll at random on the*
32 *basis of a lottery system; and*

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

35 *↪ If the Department determines that the eligible school did not*
36 *comply with the lottery system required by this section, the*
37 *Department may withdraw the certification of the eligible school.*

38 **Sec. 17.** *A private school that is certified as an eligible school*
39 *shall not require a child who participates in the Scholarship*
40 *Program to participate in any religious activity.*

41 **Sec. 18.** 1. *If a child participates in the Scholarship*
42 *Program and is enrolled in an eligible school, the child must be*
43 *included in the count of pupils in the school district in which the*
44 *child attends school for the purposes of apportionments and*
45 *allowances from the State Distributive School Account pursuant to*



1 *NRS 387.121 to 387.126, inclusive. In addition to the basic support*
2 *per pupil, the eligible school must receive the proportionate cost of*
3 *providing a special education to the child, if applicable, as*
4 *determined in accordance with the regulations adopted pursuant*
5 *to section 9 of this act. The Department is not required to issue a*
6 *scholarship to a child who is enrolled in a public school that is*
7 *certified as an eligible school but shall ensure that the child is*
8 *included in the count of pupils in the school district in which he*
9 *attends school and that the eligible school receives the*
10 *proportionate cost of providing a special education to the child.*

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

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

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

39 (b) *Proportionate cost of providing a special education to the*
40 *child, if applicable, as determined in accordance with the*
41 *regulations adopted pursuant to section 9 of this act.*

42 **Sec. 19.** *Upon request of a parent, legal guardian or*
43 *custodian of a child, as applicable, who is participating in the*
44 *Scholarship Program and enrolled in a private school that is*
45 *certified as an eligible school, the board of trustees of the school*



1 *district in which the child attends school shall provide to the*
2 *parent, legal guardian or custodian of the child, as applicable, a*
3 *list of times and locations at which the child may take an*
4 *examination that is administered pursuant to NRS 389.550 and*
5 *the high school proficiency examination that is administered*
6 *pursuant to NRS 389.015.*

7 **Sec. 20.** 1. *The Department may enter into a contract with*
8 *one or more qualified, independent consultants to conduct an*
9 *evaluation of the Scholarship Program established pursuant to*
10 *this chapter.*

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

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

15 (b) *The level of satisfaction reported by the parents, legal*
16 *guardians or custodians of the children who participate in the*
17 *Scholarship Program;*

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

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

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

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

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

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

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

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

39 **Sec. 21.** NRS 385.310 is hereby amended to read as follows:

40 385.310 The Deputy Superintendent for Administrative and
41 Fiscal Services, under the direction of the Superintendent of Public
42 Instruction, shall:

43 1. Determine the apportionment of all ~~[state-school]~~ money *for*
44 *the system of public education* to schools of the State as prescribed
45 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. 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~~



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

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

6 **Sec. 23.** NRS 386.570 is hereby amended to read as follows:

7 386.570 1. Each pupil who is enrolled in a charter school,
8 including, without limitation, a pupil who is enrolled in a program
9 of special education in a charter school, must be included in the
10 count of pupils in the school district for the purposes of
11 apportionments and allowances from the State Distributive School
12 Account pursuant to NRS 387.121 to 387.126, inclusive, unless the
13 pupil is exempt from compulsory attendance pursuant to NRS
14 392.070. A charter school is entitled to receive its proportionate
15 share of any other money available from federal, state or local
16 sources that the school or the pupils who are enrolled in the school
17 are eligible to receive. If a charter school receives special education
18 program units directly from this State, the amount of money for
19 special education that the school district pays to the charter school
20 may be reduced proportionately by the amount of money the charter
21 school received from this State for that purpose.

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

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



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

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

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

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

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

17 5. To determine the amount of money for distribution to a
18 charter school in its first year of operation, the count of pupils who
19 are enrolled in the charter school must initially be determined 30
20 days before the beginning of the school year of the school district,
21 based on the number of pupils whose applications for enrollment
22 have been approved by the charter school. The count of pupils who
23 are enrolled in the charter school must be revised on the last day of
24 the first school month of the school district in which the charter
25 school is located for the school year, based on the actual number of
26 pupils who are enrolled in the charter school. Pursuant to subsection
27 ~~5~~ 7 of NRS 387.124, the governing body of a charter school may
28 request that the apportionments made to the charter school in its first
29 year of operation be paid to the charter school 30 days before the
30 apportionments are otherwise required to be made.

31 6. If a charter school ceases to operate as a charter school
32 during a school year, the remaining apportionments that would have
33 been made to the charter school pursuant to NRS 387.124 for that
34 year must be paid on a proportionate basis to the school districts
35 where the pupils who were enrolled in the charter school reside.

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



1 Government or this State for the provision of educational programs
2 and services to such pupils.

3 8. If a charter school uses money received from this State to
4 purchase real property, buildings, equipment or facilities, the
5 governing body of the charter school shall assign a security interest
6 in the property, buildings, equipment and facilities to the State of
7 Nevada.

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

9 387.040 1. Except as otherwise provided in subsection 2 and
10 NRS 387.528, the State Treasurer shall pay over all *money for the*
11 *system of* public ~~{school-money}~~ *education* received by him for the
12 support of school districts only on warrants of the State Controller
13 issued upon the orders of the Superintendent of Public Instruction in
14 favor of county treasurers. When endorsed, the orders are valid
15 vouchers in the hands of the State Controller for the disbursement of
16 *money for the system of* public ~~{school-money-}~~ *education.*

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

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

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

30 387.045 1. ~~{No}~~ *Except as otherwise provided in section 18*
31 *of this act, no* portion of the *money for the system of* public ~~{school~~
32 ~~{funds}~~ *education* or of the money specially appropriated for the
33 purpose of *the system of* public ~~{schools-shall}~~ *education may* be
34 devoted to any other object or purpose.

35 2. No portion of the *money for the system of* public ~~{school~~
36 ~~{funds-shall}~~ *education may* in any way be segregated, divided or set
37 apart for the *direct* use or benefit of any sectarian or secular society
38 or association.

39 **Sec. 26.** NRS 387.121 is hereby amended to read as follows:

40 387.121 The Legislature declares that the proper objective of
41 state financial aid to *the system of* public education is to ensure each
42 Nevada child a reasonably equal educational opportunity.
43 Recognizing wide local variations in wealth and costs per pupil, this
44 State should supplement local financial ability to whatever extent
45 necessary in each school district to provide programs of instruction



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1 in both compulsory and elective subjects that offer full opportunity
2 for every Nevada child to receive the benefit of the purposes for
3 which *the system of public ~~[schools are]~~ education is* maintained.
4 Therefore the quintessence of the State's financial obligation for
5 such programs can be expressed in a formula partially on a per pupil
6 basis and partially on a per program basis as: State financial aid to
7 school districts equals the difference between school district basic
8 support guarantee and local available funds produced by mandatory
9 taxes minus all the local funds attributable to pupils who reside in
10 the county but attend a charter school ~~[]~~ *or who receive a*
11 *scholarship pursuant to sections 2 to 20, inclusive, of this act and*
12 *enroll in a private school that is certified as an eligible school*
13 *pursuant to section 11 of this act.* This formula is designated the
14 Nevada Plan.

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

16 387.1211 As used in NRS 387.121 to 387.126, inclusive:

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

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

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

24 (b) *Receive a scholarship pursuant to sections 2 to 20,*
25 *inclusive, of this act;* or

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

27 *↪* at a specified time during the school year.

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

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

35 387.1233 1. Except as otherwise provided in subsection 2,
36 basic support of each school district must be computed by:

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

39 (1) Six-tenths the count of pupils enrolled in the kindergarten
40 department on the last day of the first school month of the school
41 district for the school year, including, without limitation, the count
42 of pupils who reside in the county and are enrolled in any charter
43 school *and any pupils who attend kindergarten in an eligible*
44 *school in the school district and receive a scholarship pursuant to*



1 *sections 2 to 20, inclusive, of this act* on the last day of the first
2 school month of the school district for the school year.

3 (2) The count of pupils enrolled in grades 1 to 12, inclusive,
4 on the last day of the first school month of the school district for the
5 school year, including, without limitation, the count of pupils who
6 reside in the county and are enrolled in any charter school *and any*
7 *pupils who attend an eligible school in the school district and*
8 *receive a scholarship pursuant to sections 2 to 20, inclusive, of this*
9 *act* on the last day of the first school month of the school district for
10 the school year.

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

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

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

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

33 (5) The count of pupils not included under subparagraph (1),
34 (2), (3) or (4), who are receiving special education pursuant to the
35 provisions of NRS 388.440 to 388.520, inclusive, *and the count of*
36 *pupils who are receiving special education pursuant to sections 2*
37 *to 20, inclusive, of this act* on the last day of the first school month
38 of the school district for the school year, excluding the count of
39 pupils who have not attained the age of 5 years and who are
40 receiving special education pursuant to subsection 1 of NRS
41 388.490 on that day.

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



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

(8) The count of pupils who are enrolled in classes for at least one semester pursuant to subsection 4 of NRS 386.560, subsection 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. 29. 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



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1 apportionments less any amount set aside as a reserve. The
2 apportionment to a school district, computed on a yearly basis,
3 equals the difference between the basic support and the local funds
4 available pursuant to NRS 387.1235, minus all the funds attributable
5 to pupils who ~~[reside]~~ :

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

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

11 (c) *Reside in the county and are enrolled in a private school*
12 *that is certified as an eligible school pursuant to sections 2 to 20,*
13 *inclusive, of this act.*

14 2. No apportionment may be made to a school district if the
15 amount of the local funds exceeds the amount of basic support. If an
16 agreement is not filed for a pupil who is enrolled in a program of
17 distance education as required by NRS 388.854, the Superintendent
18 of Public Instruction shall not apportion money for that pupil to the
19 board of trustees of the school district in which the pupil resides, or
20 the board of trustees or governing body that provides the program of
21 distance education.

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

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



~~[4-]~~ 5. *The apportionment to a private school that is certified as an eligible school pursuant to sections 2 to 20, inclusive, of this act, computed on a yearly basis, is equal to the:*

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

(b) *Proportionate cost of providing a special education to a child, if applicable, as determined in accordance with the regulations adopted pursuant to section 9 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



1 action is needed, the State Controller shall submit a report to the
2 Department of Administration and the Fiscal Analysis Division of
3 the Legislative Counsel Bureau documenting reasons for the action.

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

5 387.185 1. Except as otherwise provided in subsection 2 and
6 NRS 387.528, all ~~[school]~~ money *for the system of public*
7 *education* due each county school district must be paid over by the
8 State Treasurer to the county treasurer on August 1, November 1,
9 February 1 and May 1 of each year or as soon thereafter as the
10 county treasurer may apply for it, upon the warrant of the State
11 Controller drawn in conformity with the apportionment of the
12 Superintendent of Public Instruction as provided in NRS 387.124.

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

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

27 4. Except as otherwise provided in this subsection, all ~~[school]~~
28 money *for the system of public education* due each charter school
29 must be paid over by the State Treasurer to the governing body of
30 the charter school on August 1, November 1, February 1 and May 1
31 of each year or as soon thereafter as the governing body may apply
32 for it, upon the warrant of the State Controller drawn in conformity
33 with the apportionment of the Superintendent of Public Instruction
34 as provided in NRS 387.124. If the Superintendent of Public
35 Instruction has approved, pursuant to subsection ~~[5]~~ 7 of NRS
36 387.124, a request for payment of an apportionment 30 days before
37 the apportionment is otherwise required to be made, the money due
38 ~~[to]~~ the charter school must be paid by the State Treasurer to the
39 governing body of the charter school on July 1, October 1, January 1
40 or April 1, as applicable.

41 **Sec. 31.** NRS 387.195 is hereby amended to read as follows:

42 387.195 1. Each board of county commissioners shall levy a
43 tax of 75 cents on each \$100 of assessed valuation of taxable
44 property within the county for the support of the *system of* public
45 ~~[schools]~~ *education* within the county school district.



2. The tax collected pursuant to subsection 1 on any assessed valuation attributable to the net proceeds of minerals must not be considered as available to pay liabilities of the fiscal year in which the tax is collected but must be deferred for use in the subsequent fiscal year. The annual budget for the school district must only consider as an available source the tax on the net proceeds of 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 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 *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 388.150 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. 35. 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 ~~[]~~, *including, without limitation, evidence that the child participates in the Scholarship Program for Children in Foster Care pursuant to sections 2 to 20, inclusive, of this act and is enrolled in a private school that is an eligible school.*

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

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

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

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

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

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



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

➡ If the board of trustees of a school district authorizes a child to participate in a class or extracurricular activity, excluding sports, pursuant to this subsection, the board of trustees is not required to provide transportation for the child to attend the class or activity. A homeschooled child must be allowed to participate in interscholastic activities and events governed by an association pursuant to NRS 386.420 to 386.470, inclusive, and interscholastic activities and events, including sports, pursuant to subsection 5.

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

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

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

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



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

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

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

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

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

Sec. 36. NRS 394.130 is hereby amended to read as follows:

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

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

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

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

(b) ~~To~~ *Except as otherwise provided in section 18 of this act,* to give such private schools any right to share in the *money for the system of* public ~~school funds~~ *education* apportioned for the support of the *system of* public ~~schools~~ *education* of this State.

Sec. 37. NRS 41.0305 is hereby amended to read as follows:

41.0305 As used in NRS 41.0305 to 41.039, inclusive, the term "political subdivision" includes an organization that was officially designated as a community action agency pursuant to 42 U.S.C. § 2790 before that section was repealed and is included in the



1 definition of an “eligible entity” pursuant to 42 U.S.C. § 9902, the
2 Nevada Rural Housing Authority, an airport authority created by
3 special act of the Legislature, a regional transportation commission
4 and a fire protection district, irrigation district, school district,
5 governing body of a charter school, any other special district that
6 performs a governmental function, even though it does not exercise
7 general governmental powers, and the governing body of a
8 university school for profoundly gifted pupils. *The term does not*
9 *include a private school that is certified as an eligible school*
10 *pursuant to sections 2 to 20, inclusive, of this act.*

11 **Sec. 38.** NRS 241.015 is hereby amended to read as follows:

12 241.015 As used in this chapter, unless the context otherwise
13 requires:

14 1. “Action” means:

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

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

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

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

25 2. “Meeting”:

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

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

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

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

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

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

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

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



(2) To receive information from the attorney employed or retained by the public body regarding potential or existing litigation involving a matter over which the public body has supervision, control, jurisdiction or advisory power and to deliberate toward a decision on the matter, or both.

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

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

(b) *A private school that is certified as an eligible school pursuant to sections 2 to 20, inclusive, of this act.*

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

Sec. 39. 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 must be paid into the funds of the respective taxing agencies as taxes by or for the taxing agencies on all other property are paid.

(b) Except as otherwise provided in this section, the portion of the taxes levied each year in excess of the amount determined pursuant to paragraph (a) must be allocated to, and when collected must be paid into, the tax increment account pertaining to the undertaking to pay the bond requirements of loans, money advanced to, or indebtedness, whether funded, refunded, assumed or otherwise, incurred by the municipality to finance or refinance, in whole or in part, the undertaking. Unless the total assessed valuation of the taxable property in the tax increment area exceeds the total assessed value of the taxable property in the area as shown by the



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1 last equalized assessment roll referred to in this subsection, all of the
2 taxes levied and collected upon the taxable property in the area must
3 be paid into the funds of the respective taxing agencies. When the
4 loans, advances and indebtedness, if any, and interest thereon, have
5 been paid, all money thereafter received from taxes upon the taxable
6 property in the tax increment area must be paid into the funds of the
7 respective taxing agencies as taxes on all other property are paid.

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

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

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

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

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

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

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

40 (a) To produce revenue in an amount sufficient to make annual
41 repayments of the principal of, and the interest on, any bonded
42 indebtedness that was approved by a majority of the registered
43 voters within the area of the taxing agency voting upon the question,
44 must be allocated to, and when collected must be paid into, the debt
45 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.

(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. 40. 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 20, inclusive, of this act.*

Sec. 41. On or before January 1, 2008, the State Board of Education shall adopt the regulations required by section 9 of this act. The State Board shall ensure that the regulations carry out the Scholarship Program for Children in Foster Care in accordance with sections 2 to 20, inclusive, of this act beginning with the 2008-2009 school year.

Sec. 42. A public school or private school certified as an eligible school by the Department of Education pursuant to section



1 11 of this act may commence operation under the Scholarship
2 Program for Children in Foster Care beginning with the 2008-2009
3 school year.

4 **Sec. 43.** 1. This section and sections 1, 9, 41 and 42 of this
5 act become effective on July 1, 2007.

6 2. Sections 2 to 8, inclusive, and 10 to 40, inclusive, of this act
7 become effective on July 1, 2008.

