

Senate Bill No. 400—Senators Cegavske,  
Beers, Hardy and Washington

CHAPTER.....

AN ACT relating to education; establishing the Program of School Choice for Children in Foster Care to be administered by the Department of Education; authorizing the legal guardians or custodians of certain children who are in foster care to apply to the Department to participate in the Program; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law establishes the system of public education in this State. (Title 34 of NRS) **Sections 2-20** of this bill establish the Program of School Choice for Children in Foster Care for certain pupils who are in foster care, to be administered by the Department of Education. The legal guardian or custodian of a child who is in foster care may apply to participate in the Program and enroll in a public school other than the public school which the child is zoned to attend. A child who participates in the Program is included in the count of pupils in the school district in which the child attends school for purposes of apportionments and allowances from the State Distributive School Account.

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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.** (Deleted by amendment.)

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

**Sec. 6.** (Deleted by amendment.)

**Sec. 7.** (Deleted by amendment.)

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

**Sec. 9. 1.** *There is hereby established the Program of School Choice 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 legal guardian or custodian of a child, as applicable, to participate in the Program; and*

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

*3. The Department shall provide information to the general public concerning the Program.*

*Sec. 10. (Deleted by amendment.)*

*Sec. 11. (Deleted by amendment.)*

*Sec. 12. (Deleted by amendment.)*

*Sec. 13. (Deleted by amendment.)*

*Sec. 14. 1. The legal guardian or custodian of a child may submit to the Department an application to participate in the Program if:*

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

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

*2. A legal guardian or custodian of a child, as applicable:*

*(a) Must include in the application the name of the public school in which the child is enrolled, if applicable, and the name of the school in which the legal guardian or custodian of the child wishes to enroll the child. The public school in which the child wishes to enroll does not have to be located in the school district in which the child resides.*

*(b) May include in the application a statement describing the reason for requesting that the child participate in the Program.*

*3. Upon receipt of an application pursuant to subsection 1, the Department shall notify the school district in which the child resides and the school district in which the child wishes to enroll, if applicable, that an application to participate in the Program has been submitted on behalf of the child.*

*4. The Department shall approve an application if the application satisfies the requirements of subsections 1 and 2.*

*5. Upon approval of an application, the Department shall provide a written statement of approval to the legal guardian or custodian of the child, as applicable, and the public school in which the child will be enrolled. Upon denial of an application, the Department shall provide a written statement of denial to the legal guardian or custodian of the child indicating the reason for the denial.*

*6. In determining whether to accept or deny an application submitted pursuant to subsection 1, the Department, in coordination with the board of trustees of the school district in*



*which the child resides and the board of trustees of the school district in which the child wishes to attend school, if applicable, shall consider the best interests of the child in continuing the child's education in the public school in which the child was enrolled before he was placed in a foster home or in transferring to another public school within this State. Every effort must be made to enroll the child in the public school requested by the legal guardian or custodian of the child pursuant to subsection 2.*

*7. Neither the board of trustees of the school district in which the child resides nor the board of trustees in which the child attends school, if applicable, is required to provide transportation for the child to attend a public school which the child is not zoned to attend.*

**Sec. 15.** *1. A child may continue to participate in the Program, even if the child is no longer placed in a foster home, if the child is enrolled in good standing in the public school in which the child is enrolled pursuant to the Program and until the child:*

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

*(b) Graduates from high school,*

*↪ whichever occurs first.*

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

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

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

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

**Sec. 16.** *If more children who participate in the Program apply for enrollment in a public school than the number of spaces which are available at that school, the Department shall determine which applicants to enroll at random on the basis of a lottery system.*

**Sec. 17.** (Deleted by amendment.)

**Sec. 18.** *If a child participates in the Program, the child must be included in the count of pupils in the school district in which the child attends school for the purposes of apportionments and allowances from the State Distributive School Account pursuant to NRS 387.121 to 387.126, inclusive.*

**Sec. 19.** (Deleted by amendment.)

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



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

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

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

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

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

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

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

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

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 29. (Deleted by amendment.)

Sec. 30. (Deleted by amendment.)

Sec. 31. (Deleted by amendment.)

Sec. 32. (Deleted by amendment.)

Sec. 33. (Deleted by amendment.)

Sec. 33.5. 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; ~~for~~

(c) *Public school outside the zone of attendance that the pupil is otherwise required to attend if the pupil is enrolled in the*



***Program of School Choice for Children in Foster Care established pursuant to section 9 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. 34.** (Deleted by amendment.)

**Sec. 34.5.** 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 section 14 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. 35.** (Deleted by amendment.)



**Sec. 36.** (Deleted by amendment.)

**Sec. 37.** (Deleted by amendment.)

**Sec. 38.** (Deleted by amendment.)

**Sec. 39.** (Deleted by amendment.)

**Sec. 40.** (Deleted by amendment.)

**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 Program of School Choice 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.** (Deleted by amendment.)

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

2. Sections 2 to 8, inclusive, 10 to 40, inclusive, and 42 of this act become effective on July 1, 2008.

