

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

MARCH 19, 2007

Referred to Committee on Human Resources and Education

SUMMARY—Establishes the Program of School Choice 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 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:

- 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 Program of School Choice for
- 3 Children in Foster Care for certain pupils who are in foster care, to be administered
- 4 by the Department of Education. The legal guardian or custodian of a child who is
- 5 in foster care may apply to participate in the Program and enroll in a public school
- 6 other than the public school which the child is zoned to attend. A child who
- 7 participates in the Program is included in the count of pupils in the school district in
- 8 which the child attends school for purposes of apportionments and allowances from
- 9 the State Distributive School Account.



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



1 wishes to enroll does not have to be located in the school district in
2 which the child resides.

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

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

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

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

19 6. In determining whether to accept or deny an application
20 submitted pursuant to subsection 1, the Department, in
21 coordination with the board of trustees of the school district in
22 which the child resides and the board of trustees of the school
23 district in which the child wishes to attend school, if applicable,
24 shall consider the best interests of the child in continuing the
25 child's education in the public school in which the child was
26 enrolled before he was placed in a foster home or in transferring
27 to another public school within this State. Every effort must be
28 made to enroll the child in the public school requested by the legal
29 guardian or custodian of the child pursuant to subsection 2.

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

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

39 (a) Attains 21 years of age; or

40 (b) Graduates from high school,

41 ↪ whichever occurs first.

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

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



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

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

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

10 Sec. 17. (Deleted by amendment.)

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

16 Sec. 19. (Deleted by amendment.)

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

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

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

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

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

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

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

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

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

38 Sec. 21. (Deleted by amendment.)

39 Sec. 22. (Deleted by amendment.)

40 Sec. 23. (Deleted by amendment.)

41 Sec. 24. (Deleted by amendment.)

42 Sec. 25. (Deleted by amendment.)

43 Sec. 26. (Deleted by amendment.)

44 Sec. 27. (Deleted by amendment.)

45 Sec. 28. (Deleted by amendment.)



1 **Sec. 29.** (Deleted by amendment.)

2 **Sec. 30.** (Deleted by amendment.)

3 **Sec. 31.** (Deleted by amendment.)

4 **Sec. 32.** (Deleted by amendment.)

5 **Sec. 33.** (Deleted by amendment.)

6 **Sec. 33.5.** NRS 388.040 is hereby amended to read as follows:

7 388.040 1. Except as otherwise provided in subsection 2, the
8 board of trustees of a school district that includes more than one
9 school which offers instruction in the same grade or grades may
10 zone the school district and determine which pupils must attend
11 each school.

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

14 (a) Charter school;

15 (b) University school for profoundly gifted pupils; ~~for~~

16 (c) *Public school outside the zone of attendance that the pupil*
17 *is otherwise required to attend if the pupil is enrolled in the*
18 *Program of School Choice for Children in Foster Care established*
19 *pursuant to section 9 of this act; or*

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

26 **Sec. 34.** (Deleted by amendment.)

27 **Sec. 34.5.** NRS 392.010 is hereby amended to read as follows:

28 392.010 Except as to the attendance of a pupil pursuant to NRS
29 388.820 to 388.874, inclusive, or 392.015, *or section 14 of this act,*
30 or a pupil who is ineligible for attendance pursuant to NRS
31 392.4675 and except as otherwise provided in NRS 392.264 and
32 392.268:

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

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

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

43 2. With the approval of the Superintendent of Public
44 Instruction, the board of trustees of the school district in which the
45 pupil or pupils reside and the board of trustees of the school district



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1 in which the pupil or pupils attend school shall enter into an
2 agreement providing for the payment of such tuition as may be
3 agreed upon, but transportation costs must be paid by the board of
4 trustees of the school district in which the pupil or pupils reside:

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

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

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

15 **Sec. 35.** (Deleted by amendment.)

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

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

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

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

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

21 **Sec. 41.** On or before January 1, 2008, the State Board of
22 Education shall adopt the regulations required by section 9 of this
23 act. The State Board shall ensure that the regulations carry out the
24 Program of School Choice for Children in Foster Care in accordance
25 with sections 2 to 20, inclusive, of this act beginning with the
26 2008-2009 school year.

27 **Sec. 42.** (Deleted by amendment.)

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

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

