

## ASSEMBLY BILL NO. 367—ASSEMBLYMAN HANSEN

MARCH 21, 2011

Referred to Committee on Education

SUMMARY—Enacts provisions relating to school choice.  
(BDR 34-1047)

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; authorizing certain parents and legal guardians to submit a petition to the board of trustees of a school district to implement intervention actions at a public school that is designated as demonstrating need for improvement; requiring the board of trustees of a school district that receives a petition signed by a certain percentage of parents and legal guardians to implement the intervention actions within a prescribed time; revising provisions governing the apportionment of money from the State Distributive School Account and the count of pupils for the purposes of basic support to provide for the payment of vouchers for certain pupils to attend certain private schools; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires each public school to be designated annually based upon the achievement of pupils enrolled in the school as: (1) demonstrating exemplary achievement; (2) demonstrating high achievement; (3) demonstrating adequate achievement; or (4) demonstrating need for improvement. (NRS 385.3623) **Section 3** of this bill authorizes the parents and legal guardians of pupils enrolled in a public school that is designated as demonstrating need for improvement, or a combination of the parents and legal guardians of pupils who will matriculate into the school, to submit a petition signed by not less than 51 percent of those parents and legal guardians to the board of trustees of the school district to take one or more of the following intervention actions for the school: (1) implementing a restart model for the school by closing the school and reopening as a charter school; (2) closing the school and transferring the pupils to another school located in the school district; or (3) implementing a program of school choice, including providing vouchers on



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14 behalf of a pupil who would otherwise enroll in the school to attend a private  
15 school and authorizing a pupil to attend another public school within the school  
16 district. **Section 3** also prescribes the duties of the board of trustees of a school  
17 district that receives such a petition.

18 **Section 4** of this bill authorizes the parent or legal guardian of a pupil who  
19 would otherwise enroll in a public school for which school choice has been  
20 implemented pursuant to **section 3** to submit an application to the board of trustees  
21 of the school district for the pupil to receive a voucher to attend a private school.  
22 Such a private school must not be operated by a church, religious organization or  
23 faith-based ministry. **Section 4** also provides that for each year a pupil is enrolled in  
24 a private school, the parent or legal guardian of the pupil is entitled to a voucher in  
25 an amount equal to: (1) Seventy-five percent of the average of the total amount of  
26 money that was expended per year by the public school for which school choice is  
27 implemented pursuant to **section 3** in the immediately preceding 3 years; (2)  
28 Seventy-five percent of the average of the basic support guarantee per pupil of the  
29 school district and local funds available in the immediately preceding 3 years; or  
30 (3) the total amount charged by the private school for tuition, fees and textbooks,  
31 whichever is less.

32 **Section 5** of this bill authorizes the parent or legal guardian of a pupil who  
33 would otherwise enroll in a public school for which school choice has been  
34 implemented pursuant to **section 3** to submit an application to the board of trustees  
35 of the school district for the pupil to attend a public school within the school district  
36 but outside the pupil's required zone of attendance.

37 **Sections 14-17** of this bill require that a pupil who receives a voucher to attend  
38 a private school pursuant to the provisions of **section 4** be included in the count of  
39 pupils for purposes of apportionments and allowances from the State Distributive  
40 School Account. The remaining sections of this bill make changes to the current  
41 system of public education to include the program to provide vouchers to pupils  
42 and to indicate that the money available for education and public schools is for the  
43 support of the system of public education.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 385.310 is hereby amended to read as follows:  
2 385.310 The Deputy Superintendent for Administrative and  
3 Fiscal Services, under the direction of the Superintendent of Public  
4 Instruction, shall:

5 1. Determine the apportionment of all ~~[state-school]~~ money *for*  
6 *the system of public education* to schools of the State as prescribed  
7 by law.

8 2. Develop for public schools of the State a uniform system of  
9 budgeting and accounting. The system must provide for the separate  
10 reporting of expenditures for each:

11 (a) School district; and

12 (b) School within a school district.

13 ➔ Upon approval of the State Board, the system is mandatory for all  
14 public schools in this State and must be enforced as provided in  
15 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 or she deems advisable.

4. Recommend to the Superintendent of Public Instruction for submission to the State Board such changes in budgetary and financial procedures as the 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. 2.** Chapter 386 of NRS is hereby amended by adding thereto the provisions set forth as sections 3, 4 and 5 of this act.

**Sec. 3. 1.** *The parent or legal guardian of a pupil enrolled in a public school that is designated as demonstrating need for improvement pursuant to NRS 385.3623 may, upon written petition signed by not less than 51 percent of the parents and legal guardians of pupils enrolled in the school, or a combination of the parents and legal guardians enrolled in the school and the parents and legal guardians of pupils who will matriculate into the school, submit the petition to the board of trustees of the school district to take one or more of the following intervention actions for the school:*

*(a) Implement a restart model by closing the school and pursuant to the provisions of NRS 386.500 to 386.610, inclusive, entering into a contract with an educational management organization with a demonstrated record of effectiveness to operate the school as a charter school;*

*(b) Close the school and transfer the pupils enrolled in the school to other public schools within the school district which are higher achieving than the school that will be closed, including, without limitation, a charter school, and which are in close proximity to the school that will be closed; or*

*(c) Implement school choice by:*

*(1) Providing vouchers on behalf of a pupil who would otherwise enroll in the school to attend a private school pursuant to section 4 of this act; and*

*(2) Authorizing a pupil who would otherwise enroll in the school to attend another public school within the school district, if space for the pupil is available at the other school.*

**2.** Upon receipt of a petition submitted pursuant to subsection 1, the board of trustees of the school district shall:



1 (a) Act upon the petition at a public meeting of the board of  
2 trustees;

3 (b) Notify the Superintendent of Public Instruction and the  
4 State Board of the petition and the intervention actions that will be  
5 implemented for the public school; and

6 (c) Subject to the requirement of subsection 3, implement the  
7 intervention actions approved in the petition not later than 180  
8 days after receipt of the petition.

9 3. If corrective action or restructuring for a Title I school is  
10 required pursuant to 20 U.S.C. § 6316(b)(7) or 20 U.S.C. §  
11 6316(b)(8), the intervention actions approved for that school must  
12 be consistent with the requirements of the federal law.

13 4. As used in this section, "educational management  
14 organization" means a corporation, business, organization or  
15 other entity, whether or not conducted for profit, which enters into  
16 a contract to assist with the operation, management or provision  
17 and implementation of educational services and programs of a  
18 charter school. The term includes a corporation, business,  
19 organization or other entity that directly employs and provides  
20 personnel to a charter school.

21 **Sec. 4.** 1. The parent or legal guardian of a pupil in any  
22 grade in grades 1 through 12 who would otherwise enroll in a  
23 public school for which school choice has been implemented  
24 pursuant to section 3 of this act may submit to the board of  
25 trustees of the school district an application, on a form prescribed  
26 by the board of trustees, for the payment of vouchers for the pupil  
27 to attend a private school if the private school is not operated by a  
28 church, religious organization or faith-based ministry.

29 2. The board of trustees of a school district shall deny an  
30 application submitted pursuant to subsection 1 if:

31 (a) The pupil will attain the age of 21 years during the  
32 academic year for which the pupil will be enrolled; or

33 (b) The private school in which the pupil will enroll is operated  
34 by a church, religious organization or faith-based ministry.

35 3. For each year that a pupil is enrolled in a private school  
36 pursuant to this section, the parent or legal guardian of the pupil  
37 is entitled to receive from the school district a voucher equal to:

38 (a) Seventy-five percent of the average of the total amount of  
39 money that was expended per year by the public school in which  
40 the pupil would otherwise enroll for which school choice has been  
41 implemented pursuant to section 3 of this act in the immediately  
42 preceding 3 years, including, without limitation, operational and  
43 facility costs;

44 (b) Seventy-five percent of the average of the basic support  
45 guarantee per pupil established by law for the school district



1 pursuant to NRS 387.122 and local funds available in the  
2 immediately preceding 3 years; or

3 (c) The total amount charged by the private school for tuition,  
4 fees and textbooks,  
5 ↪ whichever is less.

6 4. The parent or legal guardian of the pupil shall restrictively  
7 endorse the voucher for payment to the private school that the  
8 pupil attends and submit the voucher to the private school.

9 5. On or before the date prescribed by the board of trustees of  
10 the school district, a private school shall submit to the board of  
11 trustees all vouchers that it receives which are endorsed for  
12 payment. The clerk of the board of trustees shall pay the full  
13 amount of all lawfully issued and endorsed vouchers to the private  
14 school. The parent or legal guardian may not submit a voucher  
15 directly to the board of trustees of a school district for payment.

16 6. If a pupil is enrolled in a private school pursuant to this  
17 section:

18 (a) The parent or legal guardian of the pupil assumes full  
19 responsibility for any financial costs incurred for the pupil's  
20 enrollment in the private school that are not covered by the  
21 voucher.

22 (b) The parent or legal guardian of the pupil is not required to  
23 reapply each year pursuant to subsection 1 but must provide  
24 annual verification to the board of trustees of the pupil's  
25 enrollment in the private school.

26 (c) The board of trustees of the school district is not required  
27 to provide transportation for the pupil to attend the private school.

28 7. The parent or legal guardian of a pupil may continue to  
29 receive vouchers pursuant to this section until the pupil:

30 (a) Attains 21 years of age; or

31 (b) Graduates from high school,

32 ↪ whichever occurs first.

33 8. As used in this section, "local funds available" means the  
34 local funds available pursuant to NRS 387.1235.

35 **Sec. 5.** 1. The parent or legal guardian of a pupil in any  
36 grade in grades 1 through 12 who would otherwise enroll in a  
37 public school for which school choice has been implemented  
38 pursuant to section 3 of this act may submit to the board of  
39 trustees of the school district an application, on a form prescribed  
40 by the board of trustees, to attend a public school within the school  
41 district but outside the zone of attendance that the pupil is  
42 otherwise required to attend. The application must be approved if  
43 space for the pupil is available at the school.

44 2. Upon approval of an application, the board of trustees of  
45 the school district shall provide a written statement of approval to:



(a) *The parent or legal guardian of the pupil;*  
(b) *The public school that the pupil would otherwise be required to attend; and*

(c) *The public school that the pupil will attend.*

3. *A pupil may remain in the public school for succeeding school years if space for the pupil is available. If space for the pupil is not available in that public school, the pupil may return to the public school that he or she is otherwise zoned to attend or submit an application pursuant to subsection 1 to attend another public school.*

4. *If a pupil attends another public school within the school district pursuant to this section:*

(a) *The pupil may return to the public school that he or she is otherwise zoned to attend if the parents or legal guardian of the pupil provides written notice of that desire to the board of trustees of the school district.*

(b) *The board of trustees of the school district is not required to provide transportation for the pupil to attend the other public school.*

**Sec. 6.** 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, firm, partnership, corporation, association or public agency which has been approved for such purpose by the Aging and Disability 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 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 be negotiated by the board of trustees and the Aging and Disability Services Division of the Department of Health and Human Services.



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

**Sec. 7.** NRS 386.505 is hereby amended to read as follows:

386.505 The Legislature declares that by authorizing the formation of charter schools it is not authorizing:

1. The conversion of an existing public school, homeschool or other program of home study to a charter school. *The provisions of this subsection do not apply to a public school that closes and reopens as a charter school under a restart model set forth in a petition pursuant to section 3 of this act.*

2. A means for providing financial assistance for private schools or programs of home study. The provisions of this subsection do not preclude:

(a) A private school from ceasing to operate as a private school and reopening as a charter school in compliance with the provisions of NRS 386.500 to 386.610, inclusive.

(b) The payment of money to a charter school for the enrollment of children in classes at the charter school pursuant to subsection 5 of NRS 386.580 who are enrolled in a public school of a school district or a private school or who are homeschooled.

3. The formation of charter schools on the basis of a single race, religion or ethnicity.

**Sec. 8.** NRS 386.506 is hereby amended to read as follows:

386.506 The provisions of NRS 386.500 to 386.610, inclusive, do not authorize an existing public school, homeschool or other program of home study to convert to a charter school. *The provisions of this section do not apply to a public school that closes and reopens as a charter school under a restart model set forth in a petition pursuant to section 3 of this act.*

**Sec. 9.** NRS 386.520 is hereby amended to read as follows:

386.520 1. A committee to form a charter school must consist of at least three teachers, as defined in subsection 4. In addition to the teachers who serve, the committee may consist of:

(a) Members of the general public;

(b) Representatives of nonprofit organizations and businesses;

or

(c) Representatives of a college or university within the Nevada System of Higher Education.

➔ A majority of the persons described in paragraphs (a), (b) and (c) who serve on the committee must be residents of this State at the time that the application to form the charter school is submitted to the Department.

2. Before a committee to form a charter school may submit an application to the board of trustees of a school district, the



1 Subcommittee on Charter Schools, the State Board or a college or  
2 university within the Nevada System of Higher Education, it must  
3 submit the application to the Department. The application must  
4 include all information prescribed by the Department by regulation  
5 and:

6 (a) A written description of how the charter school will carry out  
7 the provisions of NRS 386.500 to 386.610, inclusive.

8 (b) A written description of the mission and goals for the charter  
9 school. A charter school must have as its stated purpose at least one  
10 of the following goals:

11 (1) Improving the opportunities for pupils to learn;

12 (2) Encouraging the use of effective methods of teaching;

13 (3) Providing an accurate measurement of the educational  
14 achievement of pupils;

15 (4) Establishing accountability of public schools;

16 (5) Providing a method for public schools to measure  
17 achievement based upon the performance of the schools; or

18 (6) Creating new professional opportunities for teachers.

19 (c) The projected enrollment of pupils in the charter school.

20 (d) The proposed dates of enrollment for the charter school.

21 (e) The proposed system of governance for the charter school,  
22 including, without limitation, the number of persons who will  
23 govern, the method of selecting the persons who will govern and the  
24 term of office for each person.

25 (f) The method by which disputes will be resolved between the  
26 governing body of the charter school and the sponsor of the charter  
27 school.

28 (g) The proposed curriculum for the charter school and, if  
29 applicable to the grade level of pupils who are enrolled in the  
30 charter school, the requirements for the pupils to receive a high  
31 school diploma, including, without limitation, whether those pupils  
32 will satisfy the requirements of the school district in which the  
33 charter school is located for receipt of a high school diploma.

34 (h) The textbooks that will be used at the charter school.

35 (i) The qualifications of the persons who will provide instruction  
36 at the charter school.

37 (j) Except as otherwise required by NRS 386.595, the process by  
38 which the governing body of the charter school will negotiate  
39 employment contracts with the employees of the charter school.

40 (k) A financial plan for the operation of the charter school. The  
41 plan must include, without limitation, procedures for the audit of the  
42 programs and finances of the charter school and guidelines for  
43 determining the financial liability if the charter school is  
44 unsuccessful.





(l) A statement of whether the charter school will provide for the transportation of pupils to and from the charter school. If the charter school will provide transportation, the application must include the proposed plan for the transportation of pupils. If the charter school will not provide transportation, the application must include a statement that the charter school will work with the parents and guardians of pupils enrolled in the charter school to develop a plan for transportation to ensure that pupils have access to transportation to and from the charter school.

(m) The procedure for the evaluation of teachers of the charter school, if different from the procedure prescribed in NRS 391.3125. If the procedure is different from the procedure prescribed in NRS 391.3125, the procedure for the evaluation of teachers of the charter school must provide the same level of protection and otherwise comply with the standards for evaluation set forth in NRS 391.3125.

(n) The time by which certain academic or educational results will be achieved.

(o) The kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020, for which the charter school intends to operate.

(p) A statement of whether the charter school will enroll pupils who are in a particular category of at-risk pupils before enrolling other children who are eligible to attend the charter school pursuant to NRS 386.580 and the method for determining eligibility for enrollment in each such category of at-risk pupils served by the charter school.

3. The Department shall review an application to form a charter school to determine whether it is complete. If an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the Department shall deny the application **H**, *unless the application proposes to close a public school and reopen as a charter school under a restart model set forth in a petition pursuant to section 3 of this act.* The Department shall provide written notice to the applicant of its approval or denial of the application. If the Department denies an application, the Department shall include in the written notice the reason for the denial and the deficiencies in the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

4. As used in subsection 1, "teacher" means a person who:

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS; and

(b) Has at least 2 years of experience as an employed teacher.



1   ↪ The term does not include a person who is employed as a  
2 substitute teacher.

3   **Sec. 10.** NRS 386.570 is hereby amended to read as follows:

4   386.570 1. Each pupil who is enrolled in a charter school,  
5 including, without limitation, a pupil who is enrolled in a program  
6 of special education in a charter school, must be included in the  
7 count of pupils in the school district for the purposes of  
8 apportionments and allowances from the State Distributive School  
9 Account pursuant to NRS 387.121 to 387.126, inclusive, unless the  
10 pupil is exempt from compulsory attendance pursuant to NRS  
11 392.070. A charter school is entitled to receive its proportionate  
12 share of any other money available from federal, state or local  
13 sources that the school or the pupils who are enrolled in the school  
14 are eligible to receive. If a charter school receives special education  
15 program units directly from this State, the amount of money for  
16 special education that the school district pays to the charter school  
17 may be reduced proportionately by the amount of money the charter  
18 school received from this State for that purpose.

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

26   3. Upon completion of each school quarter, the sponsor of a  
27 charter school may request reimbursement from the governing body  
28 of the charter school for the administrative costs associated with  
29 sponsorship for that school quarter if the sponsor provided  
30 administrative services during that school quarter. The request must  
31 include an itemized list of those costs. Unless a delay is granted  
32 pursuant to subsection 9, upon receipt of such a request, the  
33 governing body shall pay the reimbursement to the board of trustees  
34 of the school district if the board of trustees sponsors the charter  
35 school, to the Department if the State Board sponsors the charter  
36 school or to the college or university within the Nevada System of  
37 Higher Education if that institution sponsors the charter school. If a  
38 governing body fails to pay the reimbursement pursuant to this  
39 subsection or pursuant to a plan approved by the Superintendent of  
40 Public Instruction in accordance with subsection 9, the charter  
41 school shall be deemed to have violated its written charter and the  
42 sponsor may take such action to revoke the written charter pursuant  
43 to NRS 386.535 as it deems necessary. If the board of trustees of a  
44 school district is the sponsor of a charter school, the amount of



1 money that may be paid to the sponsor pursuant to this subsection  
2 for administrative expenses in 1 school year must not exceed:

3 (a) For the first year of operation of the charter school, 2 percent  
4 of the total amount of money apportioned to the charter school  
5 during the year pursuant to NRS 387.124, as adjusted by the final  
6 computation of apportionment pursuant to subsection 4 of  
7 NRS 387.1243.

8 (b) For any year after the first year of operation of the charter  
9 school, 1 percent of the total amount of money apportioned to the  
10 charter school during the year pursuant to NRS 387.124, as adjusted  
11 by the final computation of apportionment pursuant to subsection 4  
12 of NRS 387.1243.

13 4. If the State Board or a college or university within the  
14 Nevada System of Higher Education is the sponsor of a charter  
15 school, the amount of money that may be paid to the Department or  
16 to the institution, as applicable, pursuant to subsection 3 for  
17 administrative expenses in 1 school year must not exceed:

18 (a) For the first year of operation of the charter school, 2 percent  
19 of the total amount of money apportioned to the charter school  
20 during the year pursuant to NRS 387.124, as adjusted by the final  
21 computation of apportionment pursuant to subsection 4 of  
22 NRS 387.1243.

23 (b) For any year after the first year of operation of the charter  
24 school, 1.5 percent of the total amount of money apportioned to the  
25 charter school during the year pursuant to NRS 387.124, as adjusted  
26 by the final computation of apportionment pursuant to subsection 4  
27 of NRS 387.1243.

28 5. To determine the amount of money for distribution to a  
29 charter school in its first year of operation, the count of pupils who  
30 are enrolled in the charter school must initially be determined 30  
31 days before the beginning of the school year of the school district,  
32 based on the number of pupils whose applications for enrollment  
33 have been approved by the charter school. The count of pupils who  
34 are enrolled in the charter school must be revised on the last day of  
35 the first school month of the school district in which the charter  
36 school is located for the school year, based on the actual number of  
37 pupils who are enrolled in the charter school. Pursuant to subsection  
38 ~~5~~ 6 of NRS 387.124, the governing body of a charter school may  
39 request that the apportionments made to the charter school in its first  
40 year of operation be paid to the charter school 30 days before the  
41 apportionments are otherwise required to be made.

42 6. If a charter school ceases to operate as a charter school  
43 during a school year, the remaining apportionments that would have  
44 been made to the charter school pursuant to NRS 387.124 for that



1 year must be paid on a proportionate basis to the school districts  
2 where the pupils who were enrolled in the charter school reside.

3 7. The governing body of a charter school may solicit and  
4 accept donations, money, grants, property, loans, personal services  
5 or other assistance for purposes relating to education from members  
6 of the general public, corporations or agencies. The governing body  
7 may comply with applicable federal laws and regulations governing  
8 the provision of federal grants for charter schools. The State Board  
9 may assist a charter school that operates exclusively for the  
10 enrollment of pupils who receive special education in identifying  
11 sources of money that may be available from the Federal  
12 Government or this State for the provision of educational programs  
13 and services to such pupils.

14 8. If a charter school uses money received from this State to  
15 purchase real property, buildings, equipment or facilities, the  
16 governing body of the charter school shall assign a security interest  
17 in the property, buildings, equipment and facilities to the State of  
18 Nevada.

19 9. The governing body of a charter school may submit to the  
20 Superintendent of Public Instruction a written request to delay a  
21 quarterly payment of a reimbursement for the administrative costs  
22 that a charter school owes pursuant to this section. The written  
23 request must be in the form prescribed by the Superintendent and  
24 must include, without limitation, documentation that a financial  
25 hardship exists for the charter school and a plan for the payment of  
26 the reimbursement. The Superintendent may approve or deny the  
27 request and shall notify the governing body and the sponsor of the  
28 charter school of the approval or denial of the request.

29 **Sec. 11.** NRS 387.035 is hereby amended to read as follows:

30 387.035 The State Controller shall keep a separate and distinct  
31 account of:

32 1. The State Permanent School Fund.

33 2. The interest and income of the State Permanent School  
34 Fund.

35 3. All moneys derived from special appropriations or otherwise  
36 for the support of *the system of* public ~~[schools.]~~ *education.*

37 **Sec. 12.** NRS 387.040 is hereby amended to read as follows:

38 387.040 1. Except as otherwise provided in subsection 2 and  
39 NRS 387.528, the State Treasurer shall pay over all *money for the*  
40 *system of* public ~~[school-money]~~ *education* received by the State  
41 Treasurer for the support of school districts only on warrants of the  
42 State Controller issued upon the orders of the Superintendent of  
43 Public Instruction in favor of county treasurers. When endorsed, the  
44 orders are valid vouchers in the hands of the State Controller for the



disbursement of *money for the system of* public ~~[school-money-]~~  
*education.*

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

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

**Sec. 13.** NRS 387.045 is hereby amended to read as follows:

387.045 1. No portion of the *money for the system of* public ~~[school-funds]~~ *education* or of the money specially appropriated for the purpose of *the system of* public ~~[schools]~~ *education* shall be devoted to any other object or purpose.

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

**Sec. 14.** NRS 387.121 is hereby amended to read as follows:

387.121 The Legislature declares that the proper objective of state financial aid to *the system of* public education is to ensure each Nevada child a reasonably equal educational opportunity. Recognizing wide local variations in wealth and costs per pupil, this State should supplement local financial ability to whatever extent necessary in each school district to provide programs of instruction in both compulsory and elective subjects that offer full opportunity for every Nevada child to receive the benefit of the purposes for which *the system of* public ~~[schools-are]~~ *education is* maintained. Therefore, the quintessence of the State's financial obligation for such programs can be expressed in a formula partially on a per pupil basis and partially on a per program basis as: State financial aid to school districts equals the difference between school district basic support guarantee and local available funds produced by mandatory taxes minus all the local funds attributable to pupils who reside in the county but attend a charter school or a university school for profoundly gifted pupils ~~[+]~~ *and minus the amount of the vouchers paid on behalf of pupils who reside in the school district, attend a private school and receive a voucher pursuant to section 4 of this act.* This formula is designated the Nevada Plan.



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

387.1211 As used in NRS 387.121 to 387.126, inclusive:

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

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

(a) *Are* enrolled in and scheduled to attend programs of instruction of a school district ~~[ ]~~;

(b) *Are enrolled in a* charter school ~~[or]~~;

(c) *Are enrolled in a* university school for profoundly gifted pupils ; or

(d) *Are enrolled in a private school and receive a voucher pursuant to section 4 of this act,*

↪ at a specified time during the school year.

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

**Sec. 16.** NRS 387.1233 is hereby amended to read as follows:

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

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

(1) Six-tenths the count of pupils enrolled in the kindergarten department on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year.

(2) The count of pupils enrolled in grades 1 to 12, inclusive, on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who ~~[reside]~~ :

(I) *Reside* in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year ;

(II) *Are enrolled in a private school located in the county and receive a voucher pursuant to section 4 of this act;* and ~~[the count of pupils who are]~~

(III) *Are* enrolled in a university school for profoundly gifted pupils located in the county.



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

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

(I) In a public school of the school district and are concurrently enrolled part-time in a program of distance education provided by another school district or a charter school on the last day of the first school month of the school district for the school year, 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 *public school* pupils who are counted pursuant to subparagraph (2).

(II) In a charter school and are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school on the last day of the first school month of the school district for the school year, 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).

(5) The count of pupils not included under subparagraph (1), (2), (3) or (4), who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive, on the last day of the first school month of the school district for the school year, excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.490 on that day.

(6) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.490 on the last day of the first school 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 *public school* 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 or equal to 95 percent of 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 the immediately preceding school year, the largest number from among the immediately preceding 2 school years must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

3. 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 more than 95 percent of 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 the immediately preceding school year, the larger enrollment number from the current year or the immediately preceding school year must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

4. 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.

5. 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.

6. 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. 17.** 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, charter schools and university schools for profoundly gifted pupils in amounts



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1 approximating one-fourth of their respective yearly apportionments  
2 less any amount set aside as a reserve.

3 2. The apportionment to a school district, computed on a yearly  
4 basis, equals the difference between the basic support and the local  
5 funds available pursuant to NRS 387.1235, minus ~~{aH}~~ :

6 (a) *All* the funds attributable to pupils who reside in the county  
7 but attend a charter school ~~{-aH}~~ ;

8 (b) *All* the funds attributable to pupils who reside in the county  
9 and are enrolled full-time or part-time in a program of distance  
10 education provided by another school district or a charter school  
11 ~~{and-aH}~~ ;

12 (c) *All* the funds attributable to pupils who are enrolled in a  
13 university school for profoundly gifted pupils located in the county  
14 ~~{-}~~ ; and

15 (d) *The amount of the vouchers paid on behalf of pupils who*  
16 *reside in the school district and who receive a voucher to attend a*  
17 *private school pursuant to section 4 of this act.*

18 ↪ No apportionment may be made to a school district if the amount  
19 of the local funds exceeds the amount of basic support.

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

34 ~~{3-}~~ 4. The apportionment to a charter school that is sponsored  
35 by the State Board or by a college or university within the Nevada  
36 System of Higher Education, computed on a yearly basis, is equal to  
37 the sum of the basic support per pupil in the county in which the  
38 pupil resides plus the amount of local funds available per pupil  
39 pursuant to NRS 387.1235 and all other funds available for *the*  
40 *system of* public ~~{schools}~~ *education* in the county in which the  
41 pupil resides, minus all funds attributable to pupils who are enrolled  
42 in the charter school but are concurrently enrolled part-time in a  
43 program of distance education provided by a school district or  
44 another charter school.



~~[4-]~~ 5. 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. 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 *public school* 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-]~~ 6. 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-]~~ 7. The apportionment to a university school for profoundly gifted pupils, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the university school is located plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for *the system of* public ~~[schools]~~ *education* in the county in which the university school is located. If the apportionment per pupil to a university school for profoundly gifted pupils is more than the amount to be apportioned to the school district in which the university school is located, the school district shall pay the difference directly to the university school. The governing body of a university school for profoundly gifted pupils may submit a written request to the Superintendent of Public Instruction to receive, in the first year of operation of the university 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 university school for profoundly gifted pupils may receive all four apportionments in advance in its first year of operation.

~~[7-]~~ 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



1 the Program as compared with the total amount of reimbursements  
2 for all school districts in this State that participate in the Program.

3 ~~[8-]~~ 9. If the State Controller finds that such an action is  
4 needed to maintain the balance in the State General Fund at a level  
5 sufficient to pay the other appropriations from it, the State  
6 Controller may pay out the apportionments monthly, each  
7 approximately one-twelfth of the yearly apportionment less any  
8 amount set aside as a reserve. If such action is needed, the State  
9 Controller shall submit a report to the Department of Administration  
10 and the Fiscal Analysis Division of the Legislative Counsel Bureau  
11 documenting reasons for the action.

12 **Sec. 18.** NRS 387.185 is hereby amended to read as follows:

13 387.185 1. Except as otherwise provided in subsection 2 and  
14 NRS 387.528, all ~~[school]~~ money *for the system of public*  
15 *education* due each county school district must be paid over by the  
16 State Treasurer to the county treasurer on August 1, November 1,  
17 February 1 and May 1 of each year or as soon thereafter as the  
18 county treasurer may apply for it, upon the warrant of the State  
19 Controller drawn in conformity with the apportionment of the  
20 Superintendent of Public Instruction as provided in NRS 387.124.

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

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

35 4. Except as otherwise provided in this subsection, all ~~[school]~~  
36 money *for the system of public education* due each charter school  
37 must be paid over by the State Treasurer to the governing body of  
38 the charter school on August 1, November 1, February 1 and May 1  
39 of each year or as soon thereafter as the governing body may apply  
40 for it, upon the warrant of the State Controller drawn in conformity  
41 with the apportionment of the Superintendent of Public Instruction  
42 as provided in NRS 387.124. If the Superintendent of Public  
43 Instruction has approved, pursuant to subsection ~~[5]~~ 6 of NRS  
44 387.124, a request for payment of an apportionment 30 days before  
45 the apportionment is otherwise required to be made, the money due



1 ~~to~~ the charter school must be paid by the State Treasurer to the  
2 governing body of the charter school on July 1, October 1, January 1  
3 or April 1, as applicable.

4 5. Except as otherwise provided in this subsection, all ~~school~~  
5 money *for the system of public education* due each university  
6 school for profoundly gifted pupils must be paid over by the State  
7 Treasurer to the governing body of the university school on  
8 August 1, November 1, February 1 and May 1 of each year or as  
9 soon thereafter as the governing body may apply for it, upon the  
10 warrant of the State Controller drawn in conformity with the  
11 apportionment of the Superintendent of Public Instruction as  
12 provided in NRS 387.124. If the Superintendent of Public  
13 Instruction has approved, pursuant to subsection ~~6~~ 7 of NRS  
14 387.124, a request for payment of an apportionment 30 days before  
15 the apportionment is otherwise required to be made, the money due  
16 ~~to~~ the university school must be paid by the State Treasurer to the  
17 governing body of the university school on July 1, October 1,  
18 January 1 or April 1, as applicable.

19 **Sec. 19.** NRS 387.195 is hereby amended to read as follows:

20 387.195 1. Each board of county commissioners shall levy a  
21 tax of 75 cents on each \$100 of assessed valuation of taxable  
22 property within the county for the support of the *system of* public  
23 ~~schools~~ *education* within the county school district.

24 2. The tax collected pursuant to subsection 1 on any assessed  
25 valuation attributable to the net proceeds of minerals must not be  
26 considered as available to pay liabilities of the fiscal year in which  
27 the tax is collected but must be deferred for use in the subsequent  
28 fiscal year. The annual budget for the school district must only  
29 consider as an available source the tax on the net proceeds of  
30 minerals which was collected in the prior year.

31 3. In addition to any tax levied in accordance with subsection  
32 1, each board of county commissioners shall levy a tax for the  
33 payment of interest and redemption of outstanding bonds of the  
34 county school district.

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

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

41 **Sec. 20.** NRS 387.210 is hereby amended to read as follows:

42 387.210 Except when the board of trustees of a county school  
43 district elects to establish a separate account under the provisions of  
44 NRS 354.603, each county treasurer shall:



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

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

13 **Sec. 21.** NRS 387.225 is hereby amended to read as follows:

14 387.225 No tax collector or county treasurer shall receive any  
15 fees or compensation whatever for collecting, receiving, keeping,  
16 transporting or disbursing any *money for the system of* public  
17 ~~[school moneys,]~~ *education*.

18 **Sec. 22.** NRS 387.315 is hereby amended to read as follows:

19 387.315 1. Every order drawn by the clerk of the board of  
20 trustees of a school district must be accompanied by an itemized  
21 statement of the purpose or purposes for which the order is issued,  
22 and a true copy of an itemized invoice drawn by the person,  
23 association, firm or corporation in whose favor the order is drawn.  
24 The statement and a true copy of the invoice must be filed in the  
25 office of the county auditor and is subject to inspection by the  
26 Superintendent of Public Instruction. Statements and invoices shall  
27 be kept on file until ordered destroyed by the Superintendent.

28 2. No order for the payment of money of any school district  
29 may be issued by the clerk of the board of trustees unless there is in  
30 the county treasury, to the credit of the school district, a sum of  
31 money equal to the full amount for which the order is issued, and  
32 available for the purpose of the order.

33 3. If the clerk of any board of trustees draws any order for the  
34 payment of ~~[school]~~ money *for the system of public education* in  
35 violation of law, the members of the board of trustees are jointly and  
36 severally liable for the amount of the order.

37 **Sec. 23.** NRS 388.040 is hereby amended to read as follows:

38 388.040 1. Except as otherwise provided in subsection 2, the  
39 board of trustees of a school district that includes more than one  
40 school which offers instruction in the same grade or grades may  
41 zone the school district and determine which pupils must attend  
42 each school.

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

45 (a) Charter school;



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(b) University school for profoundly gifted pupils;

(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 NRS 392B.100; ~~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 ~~or~~; *or*

*(e) Public school outside the zone of attendance that the pupil is otherwise required to attend if the board of trustees of a school district approves an application for the pupil to attend another public school pursuant to section 5 of this act.*

**Sec. 24.** 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~~ *education.*

3. Nothing in this section prohibits 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. 25.** NRS 392.070 is hereby amended to read as follows:

392.070 1. Attendance of a child required by the provisions of NRS 392.040 must be excused when:

(a) The child is enrolled in a private school pursuant to chapter 394 of NRS ~~or~~, *including, without limitation, a private school that receives a voucher pursuant to section 4 of this act;* or

(b) A parent of the child chooses to provide education to the child and files a notice of intent to homeschool the child with the superintendent of schools of the school district in which the child resides in accordance with NRS 392.700.

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 any classes and extracurricular activities, excluding sports, at a public school within the school district if:

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

(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; and

(c) If the child is a homeschooled child, a notice of intent of a homeschooled child to participate in programs and activities is filed for the child with the school district for the current school year pursuant to NRS 392.705.

➤ 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 the Nevada Interscholastic Activities 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 the Nevada Interscholastic Activities Association pursuant to NRS 386.420 to 386.470, inclusive, a homeschooled



1 child must be allowed to participate in interscholastic activities and  
2 events, including sports, if a notice of intent of a homeschooled  
3 child to participate in programs and activities is filed for the child  
4 with the school district for the current school year pursuant to NRS  
5 392.705. A homeschooled child who participates in interscholastic  
6 activities and events at a public school pursuant to this subsection  
7 must participate within the school district of the child's residence  
8 through the public school which the child is otherwise zoned to  
9 attend. Any rules or regulations that apply to pupils enrolled in  
10 public schools who participate in interscholastic activities and  
11 events, including sports, apply in the same manner to homeschooled  
12 children who participate in interscholastic activities and events,  
13 including, without limitation, provisions governing:

- 14 (a) Eligibility and qualifications for participation;
- 15 (b) Fees for participation;
- 16 (c) Insurance;
- 17 (d) Transportation;
- 18 (e) Requirements of physical examination;
- 19 (f) Responsibilities of participants;
- 20 (g) Schedules of events;
- 21 (h) Safety and welfare of participants;
- 22 (i) Eligibility for awards, trophies and medals;
- 23 (j) Conduct of behavior and performance of participants; and
- 24 (k) Disciplinary procedures.

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

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

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

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

41 8. The board of trustees of a school district:

42 (a) May, before providing programs of special education and  
43 related services to a homeschooled child pursuant to subsection 2,  
44 require proof of the identity of the child, including, without





1 limitation, the birth certificate of the child or other documentation  
2 sufficient to establish the identity of the child.

3 (b) May, before authorizing a homeschooled child to participate  
4 in a class or extracurricular activity, excluding sports, pursuant to  
5 subsection 3, require proof of the identity of the child, including,  
6 without limitation, the birth certificate of the child or other  
7 documentation sufficient to establish the identity of the child.

8 (c) Shall, before allowing a homeschooled child to participate in  
9 interscholastic activities and events governed by the Nevada  
10 Interscholastic Activities Association pursuant to NRS 386.420 to  
11 386.470, inclusive, and interscholastic activities and events pursuant  
12 to subsection 5, require proof of the identity of the child, including,  
13 without limitation, the birth certificate of the child or other  
14 documentation sufficient to establish the identity of the child.

15 9. The Department shall adopt such regulations as are  
16 necessary for the boards of trustees of school districts to provide the  
17 programs of special education and related services required by  
18 subsection 2.

19 10. As used in this section, "related services" has the meaning  
20 ascribed to it in 20 U.S.C. § 1401.

21 **Sec. 26.** NRS 392A.083 is hereby amended to read as follows:

22 392A.083 1. Each pupil who is enrolled in a university  
23 school for profoundly gifted pupils, including, without limitation, a  
24 pupil who is enrolled in a program of special education in a  
25 university school for profoundly gifted pupils, must be included in  
26 the count of pupils in the school district in which the school is  
27 located for the purposes of apportionments and allowances from the  
28 State Distributive School Account pursuant to NRS 387.121 to  
29 387.126, inclusive, unless the pupil is exempt from compulsory  
30 school attendance pursuant to NRS 392.070.

31 2. A university school for profoundly gifted pupils is entitled to  
32 receive its proportionate share of any other money available from  
33 federal, state or local sources that the school or the pupils who are  
34 enrolled in the school are eligible to receive.

35 3. If a university school for profoundly gifted pupils receives  
36 money for special education program units directly from this State,  
37 the amount of money for special education that the school district  
38 pays to the university school for profoundly gifted pupils may be  
39 reduced proportionately by the amount of money the university  
40 school received from this State for that purpose.

41 4. All money received by a university school for profoundly  
42 gifted pupils from this State or from the board of trustees of a school  
43 district must be deposited in an account with a bank, credit union or  
44 other financial institution in this State.



1        5. The governing body of a university school for profoundly  
2 gifted pupils may negotiate with the board of trustees of the school  
3 district in which the school is located or the State Board for  
4 additional money to pay for services that the governing body wishes  
5 to offer.

6        6. To determine the amount of money for distribution to a  
7 university school for profoundly gifted pupils in its first year of  
8 operation in which state funding is provided, the count of pupils  
9 who are enrolled in the university school must initially be  
10 determined 30 days before the beginning of the school year of the  
11 school district in which the university school is located, based upon  
12 the number of pupils whose applications for enrollment have been  
13 approved by the university school. The count of pupils who are  
14 enrolled in a university school for profoundly gifted pupils must be  
15 revised on the last day of the first school month of the school district  
16 in which the university school is located for the school year, based  
17 upon the actual number of pupils who are enrolled in the university  
18 school.

19        7. Pursuant to subsection ~~6~~ 7 of NRS 387.124, the governing  
20 body of a university school for profoundly gifted pupils may request  
21 that the apportionments made to the university school in its first year  
22 of operation be paid to the university school 30 days before the  
23 apportionments are otherwise required to be made.

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

30        9. If the governing body of a university school for profoundly  
31 gifted pupils uses money received from this State to purchase real  
32 property, buildings, equipment or facilities, the governing body of  
33 the university school shall assign a security interest in the property,  
34 buildings, equipment and facilities to the State of Nevada.

35        **Sec. 27.** NRS 394.130 is hereby amended to read as follows:

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

43        2. Such private schools shall be required to furnish from time  
44 to time such reports as the Superintendent of Public Instruction may



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

3 3. Nothing in this section shall be so construed as:

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

7 (b) ~~[(To)]~~ *Except as otherwise provided in section 4 of this act,*  
8 *to* give such private schools any right to share in the *money for the*  
9 *system of* public ~~[school-funds]~~ *education* apportioned for the  
10 support of the public schools of this State.

11 **Sec. 28.** NRS 41.0305 is hereby amended to read as follows:

12 41.0305 As used in NRS 41.0305 to 41.039, inclusive, the term  
13 “political subdivision” includes an organization that was officially  
14 designated as a community action agency pursuant to 42 U.S.C. §  
15 2790 before that section was repealed and is included in the  
16 definition of an “eligible entity” pursuant to 42 U.S.C. § 9902, the  
17 Nevada Rural Housing Authority, an airport authority created by  
18 special act of the Legislature, a regional transportation commission  
19 and a fire protection district, irrigation district, school district,  
20 governing body of a charter school, any other special district that  
21 performs a governmental function, even though it does not exercise  
22 general governmental powers, and the governing body of a  
23 university school for profoundly gifted pupils. *The term does not*  
24 *include a private school that receives a voucher pursuant to*  
25 *section 4 of this act.*

26 **Sec. 29.** NRS 241.015 is hereby amended to read as follows:

27 241.015 As used in this chapter, unless the context otherwise  
28 requires:

29 1. “Action” means:

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

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

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

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

40 2. “Meeting”:

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

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



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

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

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

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

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

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

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

3. Except as otherwise provided in this subsection, "public body" means:

(a) 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; and

(b) A limited-purpose association that is created for a rural agricultural residential common-interest community as defined in subsection 6 of NRS 116.1201.

➔ "Public body" does not include the Legislature of the State of Nevada ~~or~~ *or a private school that receives a voucher pursuant to section 4 of this act.*

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

**Sec. 30.** 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 last equalized assessment roll referred to in this subsection, all of the taxes levied and collected upon the taxable property in the area must be paid into the funds of the respective taxing agencies. When the loans, advances and indebtedness, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the tax increment area must be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

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

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

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

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

(b) In a municipality whose population is less than 100,000, an amount equal to the combined tax rates of the taxing agencies for



\* A B 3 6 7 \*

1 that fiscal year multiplied by 15 percent of the total assessed  
2 valuation of the municipality.

3 ➡ Notwithstanding the provisions of this subsection, if a  
4 municipality has a population of less than 100,000 at the time the  
5 municipality issues securities for a tax increment area pursuant to  
6 NRS 278C.280, the revenue limitation set forth in paragraph (b)  
7 must remain the revenue limitation for the tax increment area until  
8 such time as the securities issued for that tax increment area  
9 pursuant to NRS 278C.280 have been paid in full, including any  
10 securities issued to refund those securities, regardless of whether the  
11 population of the municipality reaches or exceeds 100,000 after the  
12 issuance of those securities.

13 3. If the revenue paid to a tax increment area must be limited  
14 pursuant to paragraph (a) or (b) of subsection 2 and the municipality  
15 has more than one redevelopment agency or tax increment area, or  
16 one of each, the municipality shall determine the allocation to each  
17 agency and area. Any revenue that would be allocated to a tax  
18 increment area but for the provisions of this section must be paid  
19 into the funds of the respective taxing agencies.

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

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

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

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

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

44 5. The provisions of paragraph (a) of subsection 4 include,  
45 without limitation, a tax rate approved for bonds of a county school



1 district issued pursuant to NRS 350.020, including, without  
2 limitation, amounts necessary for a reserve account in the debt  
3 service fund.

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

7 **Sec. 31.** This act becomes effective on July 1, 2011.

