

SENATE BILL NO. 366—SENATORS CEGAVSKE, GUSTAVSON,
ROBERSON, HALSETH, SETTELMAYER; HARDY,
KIECKHEFER AND MCGINNESS

MARCH 21, 2011

Referred to Committee on Education

SUMMARY—Enacts provisions relating to school choice.
(BDR 34-20)

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



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

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

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

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

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

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

1. Determine the apportionment of all ~~state school~~ money *for the system of public education* to schools of the State as prescribed by law.

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

(a) School district; and

(b) School within a school district.



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1 ➤ Upon approval of the State Board, the system is mandatory for all
2 public schools in this State and must be enforced as provided in
3 subsection 2 of NRS 385.315.

4 3. Carry on a continuing study of school finance in the State,
5 particularly the method by which schools are financed on the state
6 level, and make such recommendations to the Superintendent of
7 Public Instruction for submission to the State Board as he or she
8 deems advisable.

9 4. Recommend to the Superintendent of Public Instruction for
10 submission to the State Board such changes in budgetary and
11 financial procedures as the studies may show to be advisable.

12 5. Perform such other statistical and financial duties pertaining
13 to the administration and finances of the schools of the State as may
14 be required by the Superintendent of Public Instruction.

15 6. Prepare for the Superintendent of Public Instruction the
16 biennial budgets of the Department for consideration by the State
17 Board and submission to the Governor.

18 **Sec. 2.** Chapter 386 of NRS is hereby amended by adding
19 thereto the provisions set forth as sections 3, 4 and 5 of this act.

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

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

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

40 ***(c) Implement school choice by:***

41 ***(1) Providing vouchers on behalf of a pupil who would***
42 ***otherwise enroll in the school to attend a private school pursuant***
43 ***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:

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

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

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

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

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

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

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

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

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

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

(a) Seventy-five percent of the average of the total amount of money that was expended per year by the public school in which the pupil would otherwise enroll for which school choice has been



1 implemented pursuant to section 3 of this act in the immediately
2 preceding 3 years, including, without limitation, operational and
3 facility costs;

4 (b) Seventy-five percent of the average of the basic support
5 guarantee per pupil established by law for the school district
6 pursuant to NRS 387.122 and local funds available in the
7 immediately preceding 3 years; or

8 (c) The total amount charged by the private school for tuition,
9 fees and textbooks,

10 ↳ whichever is less.

11 4. The parent or legal guardian of the pupil shall restrictively
12 endorse the voucher for payment to the private school that the
13 pupil attends and submit the voucher to the private school.

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

21 6. If a pupil is enrolled in a private school pursuant to this
22 section:

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

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

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

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

35 (a) Attains 21 years of age; or

36 (b) Graduates from high school,

37 ↳ whichever occurs first.

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

40 Sec. 5. 1. The parent or legal guardian of a pupil in any
41 grade in grades 1 through 12 who would otherwise enroll in a
42 public school for which school choice has been implemented
43 pursuant to section 3 of this act may submit to the board of
44 trustees of the school district an application, on a form prescribed
45 by the board of trustees, to attend a public school within the school



1 district but outside the zone of attendance that the pupil is
2 otherwise required to attend. The application must be approved if
3 space for the pupil is available at the school.

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

6 (a) The parent or legal guardian of the pupil;

7 (b) The public school that the pupil would otherwise be
8 required to attend; and

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

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

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

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

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

25 **Sec. 6.** NRS 386.415 is hereby amended to read as follows:

26 386.415 1. The board of trustees of any school district may
27 enter into an agreement with any individual, firm, partnership,
28 corporation, association or public agency which has been approved
29 for such purpose by the Aging and Disability Services Division of
30 the Department of Health and Human Services, whereby the school
31 district agrees to prepare hot lunches for persons 60 years of age or
32 older and their spouses or any group of such persons by utilizing the
33 systems and procedures already developed for use in the school
34 lunch program of such district.

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

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

43 (b) Provide for payment to the school district of any amount in
44 excess of the estimated actual cost of food, personnel, equipment,
45 facilities and other necessary expenditures involved in the



1 performance of the agreement. The estimated actual cost shall be
2 negotiated by the board of trustees and the Aging and Disability
3 Services Division of the Department of Health and Human Services.

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

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

8 386.505 The Legislature declares that by authorizing the
9 formation of charter schools it is not authorizing:

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

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

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

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

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

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

28 386.506 The provisions of NRS 386.500 to 386.610, inclusive,
29 do not authorize an existing public school, homeschool or other
30 program of home study to convert to a charter school. *The*
31 *provisions of this section do not apply to a public school that*
32 *closes and reopens as a charter school under a restart model set*
33 *forth in a petition pursuant to section 3 of this act.*

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

35 386.520 1. A committee to form a charter school must
36 consist of at least three teachers, as defined in subsection 4. In
37 addition to the teachers who serve, the committee may consist of:

38 (a) Members of the general public;

39 (b) Representatives of nonprofit organizations and businesses;
40 or

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

43 ➤ A majority of the persons described in paragraphs (a), (b) and (c)
44 who serve on the committee must be residents of this State at the



1 time that the application to form the charter school is submitted to
2 the Department.

3 2. Before a committee to form a charter school may submit an
4 application to the board of trustees of a school district, the
5 Subcommittee on Charter Schools, the State Board or a college or
6 university within the Nevada System of Higher Education, it must
7 submit the application to the Department. The application must
8 include all information prescribed by the Department by regulation
9 and:

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

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

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

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

17 (3) Providing an accurate measurement of the educational
18 achievement of pupils;

19 (4) Establishing accountability of public schools;

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

22 (6) Creating new professional opportunities for teachers.

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

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

25 (e) The proposed system of governance for the charter school,
26 including, without limitation, the number of persons who will
27 govern, the method of selecting the persons who will govern and the
28 term of office for each person.

29 (f) The method by which disputes will be resolved between the
30 governing body of the charter school and the sponsor of the charter
31 school.

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

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

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

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

44 (k) A financial plan for the operation of the charter school. The
45 plan must include, without limitation, procedures for the audit of the



1 programs and finances of the charter school and guidelines for
2 determining the financial liability if the charter school is
3 unsuccessful.

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

13 (m) The procedure for the evaluation of teachers of the charter
14 school, if different from the procedure prescribed in NRS 391.3125.
15 If the procedure is different from the procedure prescribed in NRS
16 391.3125, the procedure for the evaluation of teachers of the charter
17 school must provide the same level of protection and otherwise
18 comply with the standards for evaluation set forth in NRS 391.3125.

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

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

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

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

44 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.

➔ The term does not include a person who is employed as a substitute teacher.

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

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

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

3. Upon completion of each school quarter, the sponsor of a charter school may request reimbursement from the governing body of the charter school for the administrative costs associated with sponsorship for that school quarter if the sponsor provided administrative services during that school quarter. The request must include an itemized list of those costs. Unless a delay is granted pursuant to subsection 9, upon receipt of such a request, the governing body shall pay the reimbursement to the board of trustees of the school district if the board of trustees sponsors the charter school, to the Department if the State Board sponsors the charter school or to the college or university within the Nevada System of Higher Education if that institution sponsors the charter school. If a governing body fails to pay the reimbursement pursuant to this subsection or pursuant to a plan approved by the Superintendent of Public Instruction in accordance with subsection 9, the charter school shall be deemed to have violated its written charter and the sponsor may take such action to revoke the written charter pursuant



1 to NRS 386.535 as it deems necessary. If the board of trustees of a
2 school district is the sponsor of a charter school, the amount of
3 money that may be paid to the sponsor pursuant to this subsection
4 for administrative expenses in 1 school year must not exceed:

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

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

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

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

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

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

44 6. If a charter school ceases to operate as a charter school
45 during a school year, the remaining apportionments that would have



1 been made to the charter school pursuant to NRS 387.124 for that
2 year must be paid on a proportionate basis to the school districts
3 where the pupils who were enrolled in the charter school reside.

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

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

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

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

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

33 1. The State Permanent School Fund.

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

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

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

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



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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 ~~that~~;

(b) *Are enrolled in a* charter school ~~that~~;

(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 ~~all~~ :

6 (a) All the funds attributable to pupils who reside in the county
7 but attend a charter school ~~and~~ ;

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 all~~ ;

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~~ ; 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~~ 3. Except as otherwise provided in subsection ~~3.3~~ 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 ~~3.3~~ 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.



1 ~~[4-]~~ 5. In addition to the apportionments made pursuant to this
2 section, an apportionment must be made to a school district or
3 charter school that provides a program of distance education for
4 each pupil who is enrolled part-time in the program. The amount of
5 the apportionment must be equal to the percentage of the total time
6 services are provided to the pupil through the program of distance
7 education per school day in proportion to the total time services are
8 provided during a school day to **public school** pupils who are
9 counted pursuant to subparagraph (2) of paragraph (a) of subsection
10 1 of NRS 387.1233 for the school district in which the pupil resides.

11 ~~[5-]~~ 6. The governing body of a charter school may submit a
12 written request to the Superintendent of Public Instruction to
13 receive, in the first year of operation of the charter school, an
14 apportionment 30 days before the apportionment is required to be
15 made pursuant to subsection 1. Upon receipt of such a request, the
16 Superintendent of Public Instruction may make the apportionment
17 30 days before the apportionment is required to be made. A charter
18 school may receive all four apportionments in advance in its first
19 year of operation.

20 ~~[6-]~~ 7. The apportionment to a university school for
21 profoundly gifted pupils, computed on a yearly basis, is equal to the
22 sum of the basic support per pupil in the county in which the
23 university school is located plus the amount of local funds available
24 per pupil pursuant to NRS 387.1235 and all other funds available for
25 **the system of** public ~~[schools]~~ **education** in the county in which the
26 university school is located. If the apportionment per pupil to a
27 university school for profoundly gifted pupils is more than
28 the amount to be apportioned to the school district in which the
29 university school is located, the school district shall pay the
30 difference directly to the university school. The governing body of a
31 university school for profoundly gifted pupils may submit a written
32 request to the Superintendent of Public Instruction to receive, in the
33 first year of operation of the university school, an apportionment 30
34 days before the apportionment is required to be made pursuant to
35 subsection 1. Upon receipt of such a request, the Superintendent of
36 Public Instruction may make the apportionment 30 days before the
37 apportionment is required to be made. A university school for
38 profoundly gifted pupils may receive all four apportionments in
39 advance in its first year of operation.

40 ~~[7-]~~ 8. The Superintendent of Public Instruction shall
41 apportion, on or before August 1 of each year, the money designated
42 as the "Nutrition State Match" pursuant to NRS 387.105 to those
43 school districts that participate in the National School Lunch
44 Program, 42 U.S.C. §§ 1751 et seq. The apportionment to a school
45 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 ~~18.1~~ 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 ~~15~~ 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
7 State 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;



(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; ~~to~~

(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 ~~to~~; 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 ~~to~~, *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;



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(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



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

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

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

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

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

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

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

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

1. “Action” means:

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

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

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

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

2. “Meeting”:

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

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



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

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

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

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

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

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

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



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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.

