

SENATE BILL NO. 71—COMMITTEE ON FINANCE

(ON BEHALF OF THE GOVERNOR)

PREFILED DECEMBER 15, 2010

Referred to Committee on Finance

SUMMARY—Establishes the Encouraging Parental Involvement Through Choice in Education Program. (BDR 34-413)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to education; establishing the Encouraging Parental Involvement Through Choice in Education Program; authorizing certain private schools to apply for certification as schools eligible to participate in the Program; authorizing the parents and legal guardians of certain children to apply for participation in the Program; revising provisions governing the apportionment of money from the State Distributive School Account to provide for the payment of scholarships on behalf of children who participate in the Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 **Sections 2-18** of this bill establish the Encouraging Parental Involvement
2 Through Choice in Education Program to be administered by the Department of
3 Education. **Sections 8 and 9** prescribe the process for a licensed private school to
4 submit an application to the Department for certification as a school eligible to
5 participate in the Program. A private school may not apply for certification as an
6 eligible school if the private school is operated by a church, religious organization
7 or faith-based ministry. **Section 12** authorizes the parent or legal guardian of a child
8 to apply for participation in the Program and enroll his or her child in an eligible
9 school. **Section 26** requires that a child who participates in the Program and is
10 enrolled in an eligible school be included in the count of pupils for purposes of
11 apportionments and allowances from the State Distributive School Account.
12 **Section 15** requires the Department to issue a scholarship on behalf of each child
13 who participates in the Program and is enrolled in an eligible private school in an



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amount equal to 75 percent of the basic support guarantee per pupil of the school district in which the pupil resides or equal to the total amount charged by the eligible school for tuition, fees and textbooks, whichever is less. **Section 16** provides that if a child was enrolled in a public school, other than a charter school, and the child participates in the Program and enrolls in an eligible school, the Department is required to pay to the school district in which the child resides 25 percent of the basic support guarantee per pupil established for that school district. The remaining sections of this bill make changes to the current system of public education to include the Program 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. Title 34 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 18, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Eligible school” means a private school that is certified by the Department pursuant to section 9 of this act.*

Sec. 4. *“Financial viability” means having financial resources, including, without limitation, scholarships provided pursuant to the Program, that are sufficient to enable an eligible school to provide a curriculum that meets the minimum requirements for private schools set forth in chapter 394 of NRS.*

Sec. 5. *“Private school” has the meaning ascribed to it in NRS 394.103.*

Sec. 6. *“Program” means the Encouraging Parental Involvement Through Choice in Education Program established by section 7 of this act.*

Sec. 7. 1. *There is hereby established the Encouraging Parental Involvement Through Choice in Education Program to be administered by the Department.*

2. *The Department shall adopt regulations:*

(a) Prescribing the process for the submission of an application by a private school to become certified as an eligible school and the contents of the application, including, without limitation, the type of proof of financial viability required by a private school;

(b) Prescribing the process for the submission of an application by the parent or legal guardian of a child to participate in the Program and the contents of the application; and

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



1 3. The regulations adopted pursuant to subsection 2 must be
2 reasonable to carry out the requirements of this chapter and must
3 not be unduly burdensome on the applicants.

4 4. The Department shall:

5 (a) Provide information to the general public concerning the
6 Program; and

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

9 **Sec. 8.** 1. Except as otherwise provided in subsection 2, a
10 private school may submit to the Department an application to
11 become certified as an eligible school. The application must
12 include, without limitation:

13 (a) Proof that the private school is licensed pursuant to
14 chapter 394 of NRS;

15 (b) Proof that the private school is financially viable and
16 will maintain financial viability for each school year that it will
17 operate as an eligible school;

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

20 (d) A written statement that the private school will comply with
21 the provisions of NRS 388.150 for the time during which it is
22 certified as an eligible school; and

23 (e) The number of children who participate in the Program
24 that the private school is able to accommodate.

25 2. A private school is not eligible to apply for certification as
26 an eligible school if the private school is operated by a church,
27 religious organization or faith-based ministry.

28 **Sec. 9.** 1. Upon receipt of an application pursuant to
29 section 8 of this act, the Department shall approve the application
30 if it is complete and complies with the provisions of this chapter
31 and the regulations adopted pursuant thereto. The Department
32 shall provide written notice to the applicant of its approval or
33 denial of the application. If an application is denied, the written
34 notice must indicate the reason for the denial.

35 2. If an application is approved, the Department and the
36 private school shall enter into a written agreement which certifies
37 the private school as an eligible school.

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

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

44 (a) The Department revokes the certification pursuant to
45 section 10 of this act; or



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

Sec. 10. 1. *The Department may revoke the certification of a private school as an eligible school if the:*

(a) *Private school fails to comply with the provisions of this chapter and any other applicable statutes and regulations;*

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

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

2. *As soon as practicable after revoking the certification of a private school pursuant to this section, the Department shall provide written notice of the revocation to the parent or legal guardian of each child who participates in the Program and is enrolled in that private school. Upon revocation, each child must be allowed to:*

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

(b) *Enroll in the public school that the child is otherwise zoned to attend.*

Sec. 11. 1. *An eligible school shall:*

(a) *Comply with all applicable statutes and regulations;*

(b) *Provide, upon request of the Department, proof of financial viability in accordance with the regulations adopted pursuant to section 7 of this act; and*

(c) *Provide to the parent or legal guardian of each child who attends the eligible school and participates in the Program a regular report concerning the academic progress of the child.*

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

Sec. 12. 1. *The parent or legal guardian of a child may submit to the Department an application for the child to participate in the Program if:*

(a) *The child is otherwise eligible for enrollment in public school in any grade from 1st grade through 12th grade;*

(b) *An eligible school has accepted the child for enrollment; and*

(c) *The parent or legal guardian of the child is a resident of this State.*

2. *The Department shall approve an application if the application satisfies the requirements of subsection 1.*

3. *Upon approval of an application, the Department shall provide a written statement of approval to the parent or legal guardian of the child. Upon denial of an application, the*



1 *Department shall provide a written statement of denial to the*
2 *parent or legal guardian of the child indicating the reason for*
3 *the denial. The Department shall deny an application if the child*
4 *will attain the age of 21 years during the school year for which the*
5 *child will be enrolled.*

6 *4. Neither the board of trustees of the school district in which*
7 *the child attends school nor the board of trustees of the school*
8 *district in which the child resides is required to provide*
9 *transportation for the child to attend the eligible school.*

10 *5. The participation of a child with a disability in the*
11 *Program does not imply that the public school in which the child*
12 *was previously enrolled, if any, or the school district in which the*
13 *child resides failed to provide a free appropriate public education*
14 *for the child in accordance with the Individuals with Disabilities*
15 *Education Act, 20 U.S.C. §§ 1400 et seq.*

16 *6. The parent or legal guardian of a child who participates in*
17 *the Program must submit the name of the eligible school into*
18 *which the child has been accepted for admission before the*
19 *Department will issue a scholarship pursuant to section 15 of this*
20 *act.*

21 **Sec. 13.** *Upon approval of an application for a child to*
22 *participate in the Program, the parent or legal guardian of the*
23 *child shall sign a form provided by the Department stating that the*
24 *parent or legal guardian understands that:*

25 *1. An eligible school may not provide the same level of*
26 *services that are provided by public schools in this State;*

27 *2. The eligible school selected by the parent or legal guardian*
28 *has provided adequate disclosure concerning the:*

29 *(a) Educational credentials of the teachers employed at the*
30 *school; and*

31 *(b) Accreditation status of the school, if any;*

32 *3. The parent or legal guardian assumes full responsibility*
33 *for any financial costs incurred for the child's enrollment in the*
34 *eligible school that are not covered by the scholarship for the*
35 *period during which the child participates in the Program; and*

36 *4. Upon approval of the Department, the parent or legal*
37 *guardian may withdraw the child from one eligible school and*
38 *reenroll the child in another eligible school.*

39 **Sec. 14.** *1. A child may continue to participate in the*
40 *Program if the child is enrolled in good standing in an eligible*
41 *school and until the child:*

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

43 *(b) Graduates from high school; or*

44 *(c) Withdraws from the Program pursuant to this section,*

45 *↪ whichever occurs first.*



2. Before renewing a scholarship to a child for any subsequent school year, the Department may require the eligible school or the parent or legal guardian of the child to provide documentation as deemed necessary by the Department to demonstrate that the child continues to remain eligible to participate in the Program. A scholarship may be forfeited if an eligible school or the parent or legal guardian fails to comply with a request to provide such documentation.

3. The parent or legal guardian of a child who participates in the Program may:

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

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

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

Sec. 15. 1. An eligible school shall submit to the Department a list of the names of the children who participate in the Program and are enrolled in the eligible school. Upon receipt of such a list, the Department shall verify that each child identified on the list has been approved for participation in the Program.

2. The parent or legal guardian of a child who participates in the Program is entitled to a scholarship equal to:

(a) Seventy-five percent of the basic support guarantee per pupil established for the school district in which the child resides; or

(b) The total amount charged by the eligible school for tuition, fees and textbooks,
↳ whichever is less.

3. The parent or legal guardian shall restrictively endorse the scholarship for use by the eligible school that the child attends and submit the scholarship to that school.

4. An eligible school may submit to the Department all scholarships that it receives which are endorsed for payment. The parent or legal guardian may not submit a scholarship directly to the Department for payment.

5. The Department shall establish a schedule of disbursements for the payment of scholarships that it receives pursuant to subsection 4. The schedule must provide for an initial payment to each eligible school in an amount equal to at least 25 percent of the scholarship within 30 days after the:

(a) Beginning of the school year for the eligible school; or



(b) Date on which the eligible school submits the endorsed scholarship to the Department,
↳ whichever is later.

Sec. 16. In addition to a school district's apportionment pursuant to NRS 387.124, a child who was enrolled in a public school in this State, other than a charter school, participates in the Program and enrolls in an eligible school, the Department shall pay to the school district in which the child resides 25 percent of the basic support guarantee per pupil established for that school district for each school year the pupil is enrolled in an eligible school.

Sec. 17. Upon request of the parent or legal guardian of a child who is participating in the Program and enrolled in an eligible school, the board of trustees of the school district in which the child resides shall provide to the parent or legal guardian a list of the times and locations that the child may take the examinations administered pursuant to NRS 389.550 and the high school proficiency examination administered pursuant to NRS 389.015. The results of any such examination for a child who participates in the Program must not be included in the determination of whether the school district has made adequate yearly progress pursuant to NRS 385.377.

Sec. 18. 1. The Department may contract with one or more qualified independent consultants to conduct an evaluation of the Program.

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

(a) The level of satisfaction reported by the parents and legal guardians of the children who participate in the Program;

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

(c) The effectiveness of the Program, including, without limitation, a determination of the overall academic achievement of children who participate in the Program, the extent to which the academic achievement of such children has improved, if at all, and a comparison of such academic achievement to similarly situated pupils enrolled in public schools;

(d) A comparison of the number of children who participate in the Program who exhibited behavioral problems and the types of problems exhibited to the number and types of behavioral problems those children exhibited before enrollment in an eligible school;

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



(f) The fiscal impact of the Program on this State and the school districts in this State.

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

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

(b) May receive and accept gifts and grants from any source to pay the costs associated with the evaluation, except that no person providing gifts or grants may influence the conduct of the evaluation or the selection of the consultant with whom the Department contracts to conduct the evaluation.

Sec. 19. 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.

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

3. Carry on a continuing study of school finance in the State, particularly the method by which schools are financed on the state level, and make such recommendations to the Superintendent of Public Instruction for submission to the State Board as he 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. 20. NRS 386.415 is hereby amended to read as follows:

386.415 1. The board of trustees of any school district may enter into an agreement with any ~~[individual,]~~ *person*, firm, partnership, corporation, association or public agency which has



1 been approved for such purpose by the Aging and Disability
2 Services Division of the Department of Health and Human Services,
3 whereby the school district agrees to prepare hot lunches for persons
4 60 years of age or older and their spouses or any group of such
5 persons by utilizing the systems and procedures already developed
6 for use in the school lunch program of ~~such~~ the district.

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

9 (a) Involve the expenditure by the school district of any school
10 lunch money or other *money for the system of* public ~~school~~
11 ~~money~~ *education* or the use of any school lunch commodities or
12 public school personnel, equipment or facilities unless the
13 agreement includes a provision requiring full reimbursement
14 therefor.

15 (b) Provide for payment to the school district of any amount in
16 excess of the estimated actual cost of food, personnel, equipment,
17 facilities and other necessary expenditures involved in the
18 performance of the agreement. The estimated actual cost shall be
19 negotiated by the board of trustees and the Aging and Disability
20 Services Division of the Department of Health and Human Services.

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

24 **Sec. 21.** NRS 386.570 is hereby amended to read as follows:

25 386.570 1. Each pupil who is enrolled in a charter school,
26 including, without limitation, a pupil who is enrolled in a program
27 of special education in a charter school, must be included in the
28 count of pupils in the school district for the purposes of
29 apportionments and allowances from the State Distributive School
30 Account pursuant to NRS 387.121 to 387.126, inclusive, unless the
31 pupil is exempt from compulsory attendance pursuant to NRS
32 392.070. A charter school is entitled to receive its proportionate
33 share of any other money available from federal, state or local
34 sources that the school or the pupils who are enrolled in the school
35 are eligible to receive. If a charter school receives special education
36 program units directly from this State, the amount of money for
37 special education that the school district pays to the charter school
38 may be reduced proportionately by the amount of money the charter
39 school received from this State for that purpose.

40 2. All money received by the charter school from this State or
41 from the board of trustees of a school district must be deposited in
42 an account with a bank, credit union or other financial institution in
43 this State. The governing body of a charter school may negotiate
44 with the board of trustees of the school district and the State Board



1 for additional money to pay for services which the governing body
2 wishes to offer.

3 3. Upon completion of each school quarter, the sponsor of a
4 charter school may request reimbursement from the governing body
5 of the charter school for the administrative costs associated with
6 sponsorship for that school quarter if the sponsor provided
7 administrative services during that school quarter. The request must
8 include an itemized list of those costs. Unless a delay is granted
9 pursuant to subsection 9, upon receipt of such a request, the
10 governing body shall pay the reimbursement to the board of trustees
11 of the school district if the board of trustees sponsors the charter
12 school, to the Department if the State Board sponsors the charter
13 school or to the college or university within the Nevada System of
14 Higher Education if that institution sponsors the charter school. If a
15 governing body fails to pay the reimbursement pursuant to this
16 subsection or pursuant to a plan approved by the Superintendent of
17 Public Instruction in accordance with subsection 9, the charter
18 school shall be deemed to have violated its written charter and the
19 sponsor may take such action to revoke the written charter pursuant
20 to NRS 386.535 as it deems necessary. If the board of trustees of a
21 school district is the sponsor of a charter school, the amount of
22 money that may be paid to the sponsor pursuant to this subsection
23 for administrative expenses in 1 school year must not exceed:

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

29 (b) For any year after the first year of operation of the charter
30 school, 1 percent of the total amount of money apportioned to the
31 charter school during the year pursuant to NRS 387.124, as adjusted
32 by the final computation of apportionment pursuant to subsection 4
33 of NRS 387.1243.

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

39 (a) For the first year of operation of the charter school, 2 percent
40 of the total amount of money apportioned to the charter school
41 during the year pursuant to NRS 387.124, as adjusted by the final
42 computation of apportionment pursuant to subsection 4 of
43 NRS 387.1243.

44 (b) For any year after the first year of operation of the charter
45 school, 1.5 percent of the total amount of money apportioned to the



1 charter school during the year pursuant to NRS 387.124, as adjusted
2 by the final computation of apportionment pursuant to subsection 4
3 of NRS 387.1243.

4 5. To determine the amount of money for distribution to a
5 charter school in its first year of operation, the count of pupils who
6 are enrolled in the charter school must initially be determined 30
7 days before the beginning of the school year of the school district,
8 based on the number of pupils whose applications for enrollment
9 have been approved by the charter school. The count of pupils who
10 are enrolled in the charter school must be revised on the last day of
11 the first school month of the school district in which the charter
12 school is located for the school year, based on the actual number of
13 pupils who are enrolled in the charter school. Pursuant to subsection
14 ~~5~~ 6 of NRS 387.124, the governing body of a charter school may
15 request that the apportionments made to the charter school in its first
16 year of operation be paid to the charter school 30 days before the
17 apportionments are otherwise required to be made.

18 6. If a charter school ceases to operate as a charter school
19 during a school year, the remaining apportionments that would have
20 been made to the charter school pursuant to NRS 387.124 for that
21 year must be paid on a proportionate basis to the school districts
22 where the pupils who were enrolled in the charter school reside.

23 7. The governing body of a charter school may solicit and
24 accept donations, money, grants, property, loans, personal services
25 or other assistance for purposes relating to education from members
26 of the general public, corporations or agencies. The governing body
27 may comply with applicable federal laws and regulations governing
28 the provision of federal grants for charter schools. The State Board
29 may assist a charter school that operates exclusively for the
30 enrollment of pupils who receive special education in identifying
31 sources of money that may be available from the Federal
32 Government or this State for the provision of educational programs
33 and services to such pupils.

34 8. If a charter school uses money received from this State to
35 purchase real property, buildings, equipment or facilities, the
36 governing body of the charter school shall assign a security interest
37 in the property, buildings, equipment and facilities to the State of
38 Nevada.

39 9. The governing body of a charter school may submit to the
40 Superintendent of Public Instruction a written request to delay a
41 quarterly payment of a reimbursement for the administrative costs
42 that a charter school owes pursuant to this section. The written
43 request must be in the form prescribed by the Superintendent and
44 must include, without limitation, documentation that a financial
45 hardship exists for the charter school and a plan for the payment of



1 the reimbursement. The Superintendent may approve or deny the
2 request and shall notify the governing body and the sponsor of the
3 charter school of the approval or denial of the request.

4 **Sec. 22.** NRS 387.035 is hereby amended to read as follows:

5 387.035 The State Controller shall keep a separate and distinct
6 account of:

7 1. The State Permanent School Fund.

8 2. The interest and income of the State Permanent School
9 Fund.

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

12 **Sec. 23.** NRS 387.040 is hereby amended to read as follows:

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

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

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

35 **Sec. 24.** NRS 387.045 is hereby amended to read as follows:

36 387.045 1. No portion of the *money for the system of* public
37 ~~[school-funds]~~ *education* or of the money specially appropriated for
38 the purpose of *the system of* public ~~[schools]~~ *education* shall be
39 devoted to any other object or purpose.

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



1 **Sec. 25.** NRS 387.121 is hereby amended to read as follows:

2 387.121 The Legislature declares that the proper objective of
3 state financial aid to *the system of* public education is to ensure each
4 Nevada child a reasonably equal educational opportunity.
5 Recognizing wide local variations in wealth and costs per pupil, this
6 State should supplement local financial ability to whatever extent
7 necessary in each school district to provide programs of instruction
8 in both compulsory and elective subjects that offer full opportunity
9 for every Nevada child to receive the benefit of the purposes for
10 which *the system of* public ~~[schools are]~~ *education is* maintained.
11 Therefore, the quintessence of the State's financial obligation for
12 such programs can be expressed in a formula partially on a per pupil
13 basis and partially on a per program basis as: State financial aid to
14 school districts equals the difference between school district basic
15 support guarantee and local available funds produced by mandatory
16 taxes minus all the local funds attributable to pupils who reside in
17 the county but attend a charter school or a university school for
18 profoundly gifted pupils ~~[+]~~ *and minus the amount of the*
19 *scholarships paid on behalf of persons who reside in the school*
20 *district and who participate in the Encouraging Parental*
21 *Involvement Through Choice in Education Program and attend*
22 *an eligible school pursuant to sections 2 to 18, inclusive, of this*
23 *act.* This formula is designated the Nevada Plan.

24 **Sec. 26.** NRS 387.1211 is hereby amended to read as follows:

25 387.1211 As used in NRS 387.121 to 387.126, inclusive:

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

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

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

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

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

36 (d) *Are enrolled in an eligible school pursuant to sections 2 to*
37 *18, inclusive, of this act and who participate in the Encouraging*
38 *Parental Involvement Through Choice in Education Program,*

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

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



Sec. 27. 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 an eligible school located in the county and receive a scholarship for participation in the Encouraging Parental Involvement Through Choice in Education Program pursuant to sections 2 to 18, inclusive, 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



1 in proportion to the total time services are provided during a school
2 day to **public school** pupils who are counted pursuant to
3 subparagraph (2).

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

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

15 (7) The count of children detained in facilities for the
16 detention of children, alternative programs and juvenile forestry
17 camps receiving instruction pursuant to the provisions of NRS
18 388.550, 388.560 and 388.570 on the last day of the first school
19 month of the school district for the school year.

20 (8) The count of pupils who are enrolled in classes for at
21 least one semester pursuant to subsection 4 of NRS 386.560,
22 subsection 5 of NRS 386.580 or subsection 3 of NRS 392.070,
23 expressed as a percentage of the total time services are provided to
24 those pupils per school day in proportion to the total time services
25 are provided during a school day to **public school** pupils who are
26 counted pursuant to subparagraph (2).

27 (b) Multiplying the number of special education program units
28 maintained and operated by the amount per program established for
29 that school year.

30 (c) Adding the amounts computed in paragraphs (a) and (b).

31 2. If the enrollment of pupils in a school district or a charter
32 school that is located within the school district on the last day of the
33 first school month of the school district for the school year is less
34 than or equal to 95 percent of the enrollment of pupils in the same
35 school district or charter school on the last day of the first school
36 month of the school district for the immediately preceding school
37 year, the largest number from among the immediately preceding 2
38 school years must be used for purposes of apportioning money from
39 the State Distributive School Account to that school district or
40 charter school pursuant to NRS 387.124.

41 3. If the enrollment of pupils in a school district or a charter
42 school that is located within the school district on the last day of the
43 first school month of the school district for the school year is more
44 than 95 percent of the enrollment of pupils in the same school
45 district or charter school on the last day of the first school month of



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

6 4. Pupils who are excused from attendance at examinations or
7 have completed their work in accordance with the rules of the board
8 of trustees must be credited with attendance during that period.

9 5. Pupils who are incarcerated in a facility or institution
10 operated by the Department of Corrections must not be counted for
11 the purpose of computing basic support pursuant to this section. The
12 average daily attendance for such pupils must be reported to the
13 Department of Education.

14 6. Pupils who are enrolled in courses which are approved by
15 the Department as meeting the requirements for an adult to earn a
16 high school diploma must not be counted for the purpose of
17 computing basic support pursuant to this section.

18 **Sec. 28.** NRS 387.124 is hereby amended to read as follows:

19 387.124 Except as otherwise provided in this section and
20 NRS 387.528:

21 1. On or before August 1, November 1, February 1 and May 1
22 of each year, the Superintendent of Public Instruction shall
23 apportion the State Distributive School Account in the State General
24 Fund among the several county school districts, charter schools and
25 university schools for profoundly gifted pupils in amounts
26 approximating one-fourth of their respective yearly apportionments
27 less any amount set aside as a reserve.

28 2. The apportionment to a school district, computed on a yearly
29 basis, equals the difference between the basic support and the local
30 funds available pursuant to NRS 387.1235, minus ~~that~~:

31 (a) *All* the funds attributable to pupils who reside in the county
32 but attend a charter school ~~that~~;

33 (b) *All* the funds attributable to pupils who reside in the county
34 and are enrolled full-time or part-time in a program of distance
35 education provided by another school district or a charter school
36 ~~and that~~;

37 (c) *All* the funds attributable to pupils who are enrolled in a
38 university school for profoundly gifted pupils located in the county
39 ~~that~~; and

40 (d) *The amount of the scholarships paid on behalf of persons*
41 *who reside in the school district and who participate in the*
42 *Encouraging Parental Involvement Through Choice in Education*
43 *Program and attend an eligible school pursuant to sections 2 to*
44 *18, inclusive, of this act.*



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

3 ~~[2-]~~ 3. Except as otherwise provided in subsection ~~[3-]~~ 4, the
4 apportionment to a charter school, computed on a yearly basis, is
5 equal to the sum of the basic support per pupil in the county in
6 which the pupil resides plus the amount of local funds available per
7 pupil pursuant to NRS 387.1235 and all other funds available for *the*
8 *system of* public ~~[schools]~~ *education* in the county in which the
9 pupil resides minus all the funds attributable to pupils who are
10 enrolled in the charter school but are concurrently enrolled part-time
11 in a program of distance education provided by a school district or
12 another charter school. If the apportionment per pupil to a charter
13 school is more than the amount to be apportioned to the school
14 district in which a pupil who is enrolled in the charter school
15 resides, the school district in which the pupil resides shall pay the
16 difference directly to the charter school.

17 ~~[3-]~~ 4. The apportionment to a charter school that is sponsored
18 by the State Board or by a college or university within the Nevada
19 System of Higher Education, computed on a yearly basis, is equal to
20 the sum of the basic support per pupil in the county in which the
21 pupil resides plus the amount of local funds available per pupil
22 pursuant to NRS 387.1235 and all other funds available for *the*
23 *system of* public ~~[schools]~~ *education* in the county in which the
24 pupil resides, minus all funds attributable to pupils who are enrolled
25 in the charter school but are concurrently enrolled part-time in a
26 program of distance education provided by a school district or
27 another charter school.

28 ~~[4-]~~ 5. In addition to the apportionments made pursuant to this
29 section, an apportionment must be made to a school district or
30 charter school that provides a program of distance education for
31 each pupil who is enrolled part-time in the program. The amount of
32 the apportionment must be equal to the percentage of the total time
33 services are provided to the pupil through the program of distance
34 education per school day in proportion to the total time services are
35 provided during a school day to *public school* pupils who are
36 counted pursuant to subparagraph (2) of paragraph (a) of subsection
37 1 of NRS 387.1233 for the school district in which the pupil resides.

38 ~~[5-]~~ 6. The governing body of a charter school may submit a
39 written request to the Superintendent of Public Instruction to
40 receive, in the first year of operation of the charter school, an
41 apportionment 30 days before the apportionment is required to be
42 made pursuant to subsection 1. Upon receipt of such a request, the
43 Superintendent of Public Instruction may make the apportionment
44 30 days before the apportionment is required to be made. A charter



1 school may receive all four apportionments in advance in its first
2 year of operation.

3 ~~[6-]~~ 7. The apportionment to a university school for
4 profoundly gifted pupils, computed on a yearly basis, is equal to the
5 sum of the basic support per pupil in the county in which
6 the university school is located plus the amount of local funds
7 available per pupil pursuant to NRS 387.1235 and all other funds
8 available for *the system of public* ~~[schools]~~ *education* in the county
9 in which the university school is located. If the apportionment per
10 pupil to a university school for profoundly gifted pupils is more than
11 the amount to be apportioned to the school district in which the
12 university school is located, the school district shall pay
13 the difference directly to the university school. The governing body
14 of a university school for profoundly gifted pupils may submit a
15 written request to the Superintendent of Public Instruction to
16 receive, in the first year of operation of the university school, an
17 apportionment 30 days before the apportionment is required to be
18 made pursuant to subsection 1. Upon receipt of such a request, the
19 Superintendent of Public Instruction may make the apportionment
20 30 days before the apportionment is required to be made. A
21 university school for profoundly gifted pupils may receive all four
22 apportionments in advance in its first year of operation.

23 ~~[7-]~~ 8. The Superintendent of Public Instruction shall
24 apportion, on or before August 1 of each year, the money designated
25 as the "Nutrition State Match" pursuant to NRS 387.105 to those
26 school districts that participate in the National School Lunch
27 Program, 42 U.S.C. §§ 1751 et seq. The apportionment to a school
28 district must be directly related to the district's reimbursements for
29 the Program as compared with the total amount of reimbursements
30 for all school districts in this State that participate in the Program.

31 ~~[8-]~~ 9. If the State Controller finds that such an action is
32 needed to maintain the balance in the State General Fund at a level
33 sufficient to pay the other appropriations from it, the State
34 Controller may pay out the apportionments monthly, each
35 approximately one-twelfth of the yearly apportionment less any
36 amount set aside as a reserve. If such action is needed, the State
37 Controller shall submit a report to the Department of Administration
38 and the Fiscal Analysis Division of the Legislative Counsel Bureau
39 documenting reasons for the action.

40 **Sec. 29.** NRS 387.185 is hereby amended to read as follows:

41 387.185 1. Except as otherwise provided in subsection 2 and
42 NRS 387.528, all ~~[school]~~ money *for the system of public*
43 *education* due each county school district must be paid over by the
44 State Treasurer to the county treasurer on August 1, November 1,
45 February 1 and May 1 of each year or as soon thereafter as the



1 county treasurer may apply for it, upon the warrant of the State
2 Controller drawn in conformity with the apportionment of the
3 Superintendent of Public Instruction as provided in NRS 387.124.

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

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

18 4. Except as otherwise provided in this subsection, all ~~[school]~~
19 money *for the system of public education* due each charter school
20 must be paid over by the State Treasurer to the governing body of
21 the charter school on August 1, November 1, February 1 and May 1
22 of each year or as soon thereafter as the governing body may apply
23 for it, upon the warrant of the State Controller drawn in conformity
24 with the apportionment of the Superintendent of Public Instruction
25 as provided in NRS 387.124. If the Superintendent of Public
26 Instruction has approved, pursuant to subsection ~~[5]~~ 6 of NRS
27 387.124, a request for payment of an apportionment 30 days before
28 the apportionment is otherwise required to be made, the money due
29 ~~[to]~~ the charter school must be paid by the State Treasurer to the
30 governing body of the charter school on July 1, October 1, January 1
31 or April 1, as applicable.

32 5. Except as otherwise provided in this subsection, all ~~[school]~~
33 money *for the system of public education* due each university
34 school for profoundly gifted pupils must be paid over by the State
35 Treasurer to the governing body of the university school on
36 August 1, November 1, February 1 and May 1 of each year or as
37 soon thereafter as the governing body may apply for it, upon the
38 warrant of the State Controller drawn in conformity with the
39 apportionment of the Superintendent of Public Instruction as
40 provided in NRS 387.124. If the Superintendent of Public
41 Instruction has approved, pursuant to subsection ~~[6]~~ 7 of NRS
42 387.124, a request for payment of an apportionment 30 days before
43 the apportionment is otherwise required to be made, the money due
44 ~~[to]~~ the university school must be paid by the State Treasurer to the



governing body of the university school on July 1, October 1, January 1 or April 1, as applicable.

Sec. 30. NRS 387.195 is hereby amended to read as follows:

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

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

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

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

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

Sec. 31. NRS 387.210 is hereby amended to read as follows:

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

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

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

Sec. 32. NRS 387.225 is hereby amended to read as follows:

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



Sec. 33. NRS 387.315 is hereby amended to read as follows:

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

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

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

Sec. 34. NRS 388.150 is hereby amended to read as follows:

388.150 1. No books, tracts or papers of a sectarian or denominational character may be used or introduced in any public school established pursuant to the provisions of this title, ~~of NRS,~~ nor may any sectarian or denominational doctrines be taught in any public school.

2. Any school district or charter school whose officers knowingly allow any public schools to be taught in violation of this section forfeits all right to any *money for the system of public school funds.* *education.*

3. ~~[Nothing in this section prohibits]~~ *This section does not prohibit* a school district or charter school from complying with applicable federal laws, such as the Equal Access Act, 20 U.S.C. §§ 4071 et seq.

Sec. 35. NRS 392.070 is hereby amended to read as follows:

392.070 1. Attendance 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 ~~[]~~, *including, without limitation, a private school that is certified as an eligible school pursuant to sections 2 to 18, inclusive, 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



1 comply with applicable statutes, or applicable rules and regulations
2 of the board of trustees. If the board of trustees revokes its approval,
3 neither the board of trustees nor the public school is liable for any
4 damages relating to the denial of services to the pupil.

5 5. In addition to those interscholastic activities and events
6 governed by the Nevada Interscholastic Activities Association
7 pursuant to NRS 386.420 to 386.470, inclusive, a homeschooled
8 child must be allowed to participate in interscholastic activities and
9 events, including sports, if a notice of intent of a homeschooled
10 child to participate in programs and activities is filed for the child
11 with the school district for the current school year pursuant to NRS
12 392.705. A homeschooled child who participates in interscholastic
13 activities and events at a public school pursuant to this subsection
14 must participate within the school district of the child's residence
15 through the public school which the child is otherwise zoned to
16 attend. Any rules or regulations that apply to pupils enrolled in
17 public schools who participate in interscholastic activities and
18 events, including sports, apply in the same manner to homeschooled
19 children who participate in interscholastic activities and events,
20 including, without limitation, provisions governing:

- 21 (a) Eligibility and qualifications for participation;
- 22 (b) Fees for participation;
- 23 (c) Insurance;
- 24 (d) Transportation;
- 25 (e) Requirements of physical examination;
- 26 (f) Responsibilities of participants;
- 27 (g) Schedules of events;
- 28 (h) Safety and welfare of participants;
- 29 (i) Eligibility for awards, trophies and medals;
- 30 (j) Conduct of behavior and performance of participants; and
- 31 (k) Disciplinary procedures.

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

34 (a) No challenge may be brought by the *Nevada Interscholastic*
35 *Activities* Association, a school district, a public school or a private
36 school, a parent or guardian of a pupil enrolled in a public school or
37 a private school, a pupil enrolled in a public school or a private
38 school, or any other entity or person claiming that an interscholastic
39 activity or event is invalid because the homeschooled child is
40 allowed to participate.

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



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

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

5 (a) May, before providing programs of special education and
6 related services to a homeschooled child pursuant to subsection 2,
7 require proof of the identity of the child, including, without
8 limitation, the birth certificate of the child or other documentation
9 sufficient to establish the identity of the child.

10 (b) May, before authorizing a homeschooled child to participate
11 in a class or extracurricular activity, excluding sports, pursuant to
12 subsection 3, 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 (c) Shall, before allowing a homeschooled child to participate in
16 interscholastic activities and events governed by the Nevada
17 Interscholastic Activities Association pursuant to NRS 386.420 to
18 386.470, inclusive, and interscholastic activities and events pursuant
19 to subsection 5, require proof of the identity of the child, including,
20 without limitation, the birth certificate of the child or other
21 documentation sufficient to establish the identity of the child.

22 9. The Department shall adopt such regulations as are
23 necessary for the boards of trustees of school districts to provide the
24 programs of special education and related services required by
25 subsection 2.

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

28 **Sec. 36.** NRS 392A.083 is hereby amended to read as follows:

29 392A.083 1. Each pupil who is enrolled in a university
30 school for profoundly gifted pupils, including, without limitation, a
31 pupil who is enrolled in a program of special education in a
32 university school for profoundly gifted pupils, must be included in
33 the count of pupils in the school district in which the school is
34 located for the purposes of apportionments and allowances from the
35 State Distributive School Account pursuant to NRS 387.121 to
36 387.126, inclusive, unless the pupil is exempt from compulsory
37 school attendance pursuant to NRS 392.070.

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

42 3. If a university school for profoundly gifted pupils receives
43 money for special education program units directly from this State,
44 the amount of money for special education that the school district
45 pays to the university school for profoundly gifted pupils may be



1 reduced proportionately by the amount of money the university
2 school received from this State for that purpose.

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

7 5. The governing body of a university school for profoundly
8 gifted pupils may negotiate with the board of trustees of the school
9 district in which the school is located or the State Board for
10 additional money to pay for services that the governing body wishes
11 to offer.

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

25 7. Pursuant to subsection ~~6~~ 7 of NRS 387.124, the governing
26 body of a university school for profoundly gifted pupils may request
27 that the apportionments made to the university school in its first year
28 of operation be paid to the university school 30 days before the
29 apportionments are otherwise required to be made.

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

36 9. If the governing body of a university school for profoundly
37 gifted pupils uses money received from this State to purchase real
38 property, buildings, equipment or facilities, the governing body of
39 the university school shall assign a security interest in the property,
40 buildings, equipment and facilities to the State of Nevada.

41 **Sec. 37.** NRS 394.130 is hereby amended to read as follows:

42 394.130 1. In order to secure uniform and standard work for
43 pupils in private schools in this State, instruction in the subjects
44 required by law for pupils in the public schools shall be required of
45 pupils receiving instruction in such private schools, either under the



1 regular state courses of study prescribed by the State Board ~~[of~~
2 ~~Education]~~ or under courses of study prepared by such private
3 schools and approved by the State Board . ~~[of Education.]~~

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

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

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

12 (b) ~~[To]~~ *Except as otherwise provided in sections 2 to 18,*
13 *inclusive, of this act, to* give such private schools any right to share
14 in the *money for the system of* public ~~[school funds]~~ *education*
15 *apportioned for the support of the public schools of this State.*

16 **Sec. 38.** NRS 41.0305 is hereby amended to read as follows:

17 41.0305 As used in NRS 41.0305 to 41.039, inclusive, the term
18 “political subdivision” includes an organization that was officially
19 designated as a community action agency pursuant to 42 U.S.C. §
20 2790 before that section was repealed and is included in the
21 definition of an “eligible entity” pursuant to 42 U.S.C. § 9902, the
22 Nevada Rural Housing Authority, an airport authority created by
23 special act of the Legislature, a regional transportation commission
24 and a fire protection district, irrigation district, school district,
25 governing body of a charter school, any other special district that
26 performs a governmental function, even though it does not exercise
27 general governmental powers, and the governing body of a
28 university school for profoundly gifted pupils. *The term does not*
29 *include a private school that is certified as an eligible school*
30 *pursuant to sections 2 to 18, inclusive, of this act.*

31 **Sec. 39.** NRS 241.015 is hereby amended to read as follows:

32 241.015 As used in this chapter, unless the context otherwise
33 requires:

34 1. “Action” means:

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

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

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

42 (d) If all the members of a public body must be elected officials,
43 an affirmative vote taken by a majority of all the members of the
44 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 ~~or~~ *or a private school that is certified as an eligible school pursuant to sections 2 to 18, inclusive, of this act.*



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

4 **Sec. 40.** NRS 278C.250 is hereby amended to read as follows:

5 278C.250 1. After the effective date of the ordinance adopted
6 pursuant to NRS 278C.220, any taxes levied upon taxable property
7 in the tax increment area each year by or for the benefit of the State,
8 the municipality and any public body must be divided as follows:

9 (a) That portion of the taxes that would be produced by the rate
10 upon which the tax is levied each year by or for each of those taxing
11 agencies upon the total sum of the assessed value of the taxable
12 property in the tax increment area as shown upon the last equalized
13 assessment roll used in connection with the taxation of the property
14 by the taxing agency, must be allocated to and when collected must
15 be paid into the funds of the respective taxing agencies as taxes by
16 or for the taxing agencies on all other property are paid.

17 (b) Except as otherwise provided in this section, the portion of
18 the taxes levied each year in excess of the amount determined
19 pursuant to paragraph (a) must be allocated to, and when collected
20 must be paid into, the tax increment account pertaining to the
21 undertaking to pay the bond requirements of loans, money advanced
22 to, or indebtedness, whether funded, refunded, assumed or
23 otherwise, incurred by the municipality to finance or refinance, in
24 whole or in part, the undertaking. Unless the total assessed valuation
25 of the taxable property in the tax increment area exceeds the total
26 assessed value of the taxable property in the area as shown by the
27 last equalized assessment roll referred to in this subsection, all of the
28 taxes levied and collected upon the taxable property in the area must
29 be paid into the funds of the respective taxing agencies. When the
30 loans, advances and indebtedness, if any, and interest thereon, have
31 been paid, all money thereafter received from taxes upon the taxable
32 property in the tax increment area must be paid into the funds of the
33 respective taxing agencies as taxes on all other property are paid.

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

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

44 2. Except as otherwise provided in this subsection, in any fiscal
45 year, the total revenue paid to a tax increment area in combination



1 with the total revenue paid to any other tax increment areas and any
2 redevelopment agencies of a municipality must not exceed:

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

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

11 ➤ Notwithstanding the provisions of this subsection, if a
12 municipality has a population of less than 100,000 at the time the
13 municipality issues securities for a tax increment area pursuant to
14 NRS 278C.280, the revenue limitation set forth in paragraph (b)
15 must remain the revenue limitation for the tax increment area until
16 such time as the securities issued for that tax increment area
17 pursuant to NRS 278C.280 have been paid in full, including any
18 securities issued to refund those securities, regardless of whether the
19 population of the municipality reaches or exceeds 100,000 after the
20 issuance of those securities.

21 3. If the revenue paid to a tax increment area must be limited
22 pursuant to paragraph (a) or (b) of subsection 2 and the municipality
23 has more than one redevelopment agency or tax increment area, or
24 one of each, the municipality shall determine the allocation to each
25 agency and area. Any revenue that would be allocated to a tax
26 increment area but for the provisions of this section must be paid
27 into the funds of the respective taxing agencies.

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

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

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

43 (c) Pursuant to NRS 387.3285 or 387.3287, if that rate was
44 approved by a majority of the registered voters within the area of the
45 taxing agency voting upon the question, must be allocated to, and



when collected must be paid into, the appropriate fund of that taxing agency.

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

5. The provisions of paragraph (a) of subsection 4 include, without limitation, a tax rate approved for bonds of a county school district issued pursuant to NRS 350.020, including, without limitation, amounts necessary for a reserve account in the debt service fund.

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

Sec. 41. On or before January 1, 2013, the Department of Education shall adopt the regulations required by section 7 of this act. The Department shall ensure that the regulations carry out the Encouraging Parental Involvement Through Choice in Education Program in accordance with sections 2 to 18, inclusive, of this act beginning with the 2013-2014 school year.

Sec. 42. A private school that is certified as an eligible school by the Department of Education pursuant to section 9 of this act may commence operation under the Encouraging Parental Involvement Through Choice in Education Program beginning with the 2013-2014 school year.

Sec. 43. 1. This section and sections 1, 7 and 41 of this act become effective on July 1, 2012.

2. Sections 2 to 6, inclusive, 8 to 40, inclusive, and 42 of this act become effective on January 1, 2013.

